

MINUTES

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

**Tuesday, January 27, 2015
7:00 p.m.**

Pursuant to the foregoing notice, a Regular Meeting of the Wellington Council was held on Tuesday, January 27, 2015 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; 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** – Cub Scout Pack 125 led the Pledge of Allegiance.

Mr. Brad Stopwell, Committee Chair for Cub Scout Pack 125 in Wellington of St. Peter's United Methodist Church, introduced himself as well as the Cubmaster, Mr. Blake Levy. In keeping with their annual tradition, he invited Mayor Margolis, Battalion Chief Mike Arena, Captain Jay Hart (Lt. Eli Shaivitz was standing in for him); other members of the Village Council, Palm Beach Sheriff's Office, and Palm Beach Fire and Rescue to join them on February 28th for their annual Pinewood Derby at St. Peter's United Methodist Church. He indicated they had also invited Principal Michella Levy of Binks Forest Elementary School and the Pastor of St. Peter's United Methodist, Reverend Rainer Richter.

3. **INVOCATION** – Councilwoman Gerwig delivered the Invocation in place of Pastor Peter Bartuska, Wellington Presbyterian Church, who was unable to attend the meeting.

4. **APPROVAL OF AGENDA**

Mr. Schofield presented the agenda recommending approval noting the following change(s): 1) remove Regular Item 8B - Request for Payment of Legal Expenses Incurred by Mayor Bob Margolis Relating to Ethics Complaints; 2) move Regular Item 8C - Council Appointment of Councilmember to Fill the Vacancy Created by the Appointment of Councilman Coates to the Circuit Court to Regular Item 8A; 3) add presentation by Palm Beach Sheriff's Office (PBSO) on New Traffic Radar as item 5B.

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (4-0), approving the Agenda as amended.

5. **PRESENTATIONS AND PROCLAMATIONS**

A. 15-24 PROCLAMATION RECOGNIZING HOWARD K. COATES FOR HIS DEDICATED SERVICE AND CONTRIBUTION TO THE RESIDENTS OF THE VILLAGE OF WELLINGTON

Mr. Schofield introduced the item. Ms. Rodriguez read the proclamation recognizing Mr. Howard Coates for his dedicated service and contributions to the residents of the Village of Wellington.

Mr. Coates appreciated the send-off Council has given him and for giving him the opportunity to say goodbye to the residents of the community as a council member. He said it was a highlight of his life to serve as a representative for the citizens and residents of the Village of Wellington and serve on this Council. He stated he has always tried to serve in a manner befitting of Wellington, with dignity and professionalism, and make decisions that in his heart were in the best interest of Wellington. He thanked the residents for their support over the last six years. He also thanked Mayor Margolis and Council for their support and recognition at the meeting. Mr. Coates acknowledged his wife and thanked her for her continued support as well.

Council thanked Mr. Coates for his dedication and service to the Village and to the country. They wished him the best of luck as he begins serving as a Judge for Palm Beach County.

B. PRESENTATION BY THE PALM BEACH COUNTY SHERIFF’S OFFICE (PBSO) ON NEW RADAR SYSTEM

Mr. Schofield introduced the item.

Lt. Eli Shaivitz announced historically traffic, speeding and distractive driving were the top complaints received by the Sheriff’s Department. He showed one of their existing radar units that were eight to ten years old, cost \$3,000 - \$4,000, and was starting to fail. He also showed their new radar system which was much lighter and smaller, more accurate and worked much farther. He stressed to the community that it was not about writing tickets but about compliance and safety. He asked everyone to wear their seatbelts, slow down and observe the traffic laws, since traffic is a big concern. He personally thanked the Council, Mayor Margolis, Village Manager and staff for going above and beyond and purchasing equipment for PBSO.

6. CONSENT AGENDA

- A. 15-27 MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETING OF NOVEMBER 25, 2014**
- B. 14-851 AUTHORIZATION TO RENEW EXISTING DEBRIS MANAGEMENT CONTRACTS**
- C. 15-3 AUTHORIZATION TO UTILIZE MULTIPLE CONTRACTS, AS A BASIS FOR PRICING, FOR THE PURCHASE AND DELIVERY OF VEHICLES AND EQUIPMENT**
- D. 14-955 CERTIFICATES OF CORRECTION FOR NON-AD VALOREM ASSESSMENTS**
- E. 15-5 WELLINGTON HIGH SCHOOL AND PALM BEACH CENTRAL HIGH SCHOOL PROJECT GRADUATION SPONSORSHIP**

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

There were no public comments.

Councilman Willhite asked if Mr. Barnes was able to verify his question that he raised at the Agenda Review meeting regarding Wellington High School. Mr. Schofield believed they were good.

A motion was made by Councilwoman Gerwig, seconded by Councilman Willhite, and unanimously passed (4-0) approving the Consent Agenda as presented.

7. PUBLIC HEARINGS

Mayor Margolis asked if there were any comments at this time. Mr. Schofield clarified that they would be taking public comments on any non-agenda item. There were no comments from the public.

A. 15-33 ORDINANCE NO. 2015-03 (AMENDMENT TO CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED SPECIAL ASSESSMENT TO CREATE A NEW SECTION 3-9 ENTITLED “PREPAYMENT OF SPECIAL ASSESSMENTS”): AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL AMENDING CHAPTER 3 SPECIAL ASSESSMENT

OF THE CODE OF ORDINANCES TO CREATE A NEW SECTION 3-9 TITLED “PREPAYMENT OF SPECIAL ASSESSMENTS” TO PROVIDE THAT THE VILLAGE COUNCIL MAY, IN ITS DISCRETION, BY ENABLING RESOLUTION(S), PROVIDE FOR RESTRICTIONS OR LIMITATIONS ON, INCLUDING A PROHIBITION OF, THE PREPAYMENT OF SPECIAL ASSESSMENTS LEVIED BY THE VILLAGE; PROVIDING AUTHORITY TO CODIFY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Ms. Cohen explained this was an ordinance amending Chapter 3 to give Council the ability, but not require them, to dispense with the prepayment of special assessments. She further explained it would give them some flexibility and make their bonding capability more certain. She noted this provision was not being used for the Saddle Trail assessments, but if approved they would be assessed under Chapter 170 which is supplemental to the ordinance. She said this ordinance would give Council flexibility by resolution on a case-by-case basis to dispense with the prepayment ability.

Councilwoman Gerwig questioned the meaning of case-by-case basis. Ms. Cohen indicated it meant assessment-by-assessment.

Public Hearing

A motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously passed (4-0) to open public hearing.

1. Meryl Cannon, 2552 Appaloosa, Wellington. Ms. Cannon thought the ordinance was a bit confusing, as there is a state law and federal law prohibiting prepayment of any liens. She was curious how this ordinance would counteract that or circumvents state and federal law.

Ms. Cohen indicated the state and federal law did not affect the powers of the Village or Acme Improvement District to levy special assessments where improvements to properties benefit those

properties. She stated the law specifically allows the Village to do this and Chapter 3 codifies portions of the state law. Therefore, they believe it is enforceable and legitimate. She noted numerous cases have upheld the ability of municipalities to levy special assessments under these circumstances.

Ms. Cannon stated she was not questioning special assessments but asking about prohibiting prepayment of assessments.

Mr. Schofield explained there was a prohibition against penalties for prepayments of essentially consumer loans. However, these special assessments were levied for government improvements and were typically issued and paid as part of their tax bill. He said on occasion people wished to prepay the assessments and this neither required the Village to allow prepayment or exclude it. He indicated assessments were not a tax, but for all practical purposes they were essentially a prepayment of tax as opposed to a consumer loan. He said Ms. Quickel and Ms. Cohen could meet with Ms. Cannon if she required more detail.

Councilwoman Gerwig asked Ms. Quickel to provide an explanation. In response, Ms. Quickel stated this was an option to add to their options at this point. It would give them the option to determine on an issuance-by-issuance basis whether to allow prepayment or not allow prepayment, which would impact the marketability of the bonds being issued. She said it was not saying they will or will not, as Council would have the option on an issuance-by-issuance basis to make that determination.

Ms. Cannon did not think there was a difference in the wording of the statute and, on a case-by-case, Council would decide who would be chosen to prepay or not prepay or whether it was an option on each issuance. Ms. Cohen agreed.

Ms. Cannon asked if it was stated on record that this ordinance did not at all pertain to Saddle Trail. Ms. Cohen said that was correct. She indicated the Village was using Chapter 170 for Saddle Trail.

There being no further comments, a motion was made by Vice Mayor Greene, seconded by Councilwoman Gerwig, and unanimously passed (4-0) to close the Public Hearing.

A motion was made by Councilwoman Gerwig, seconded by Councilman Willhite, and unanimously passed (4-0) approving Ordinance No. 2015-03 on first reading.

8. REGULAR AGENDA

A. 15-39 COUNCIL APPOINTMENT OF COUNCILMEMBER TO FILL THE VACANCY CREATED BY THE APPOINTMENT OF COUNCILMAN COATES TO THE CIRCUIT COURT (Moved from item 8C.)

Mr. Schofield introduced the agenda item. Mayor Margolis stated Council was going to rank the applicants for the Council vacancy and Ms. Rodriguez would tabulate and present the scores.

Public Comments

1. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack hoped the person they picked was nonpartisan and would do their best for the Village. He hoped the person has a lot of guts, the ability to talk and patience for people like him.

Councilman Willhite asked Ms. Cohen if it was correct that there was no formal process. Ms. Cohen indicated there was no written formal process, as the Charter simply stated that Council must appoint

within thirty days. However, Council agreed on a process that involved advertising and accepting applications. She said Council would then rank their top five picks. She explained, once tallied, the scores would be converted to an ordinal number. The highest point getter would have the lowest ordinal score and that persons would become the presumptive nominee subject to a motion and a vote of a majority of the Council.

Councilman Willhite indicated that in previous discussions, he suggested they could make a motion appointing an individual, and it was then decided to use some type of a scoring system. He asked if Council had the leeway to choose that order, how many, and how many points. Ms. Cohen stated there was nothing in the Charter requiring Council to do it a certain way. She thought Council had discussed and had agreed upon selecting their top five, but said they certainly had the leeway to modify that if they chose to do so.

Mayor Margolis asked for some time so that Council could rate and rank the applicants, and announced Council would take a break while the tabulation of the applicants was taking place.

When Council re-convened, Mayor Margolis asked Ms. Rodriguez to announce the final scores. He also asked that each Council member's scores be read as well.

Ms. Rodriguez announced the following scores:

Mayor Margolis: Carol Coleman, 3 points; Ellie Halperin, 1 point; Matthew Kurit, 5 points; John McGovern, 2 points; Ernie Zimmerman, 4 points.

Vice Mayor Greene: John McGovern, 5 points;

Councilman Willhite: John McGovern, 5 points;

Councilwoman Gerwig: Michael Drahos, 5 points; Ellie Halperin, 1 point; Randall Laurich 4 points; John McGovern, 2 points; Michael Posner, 3 points.

Final ordinal ranking:

1. John McGovern
2. Michael Drahos
3. Matthew Kurit
4. Ernie Zimmerman
5. Michael Posner

Mayor Margolis explained that a motion was needed by Council in order to appoint the new member of Council.

A motion was made by Councilwoman Gerwig to appoint Michael Drahos. The motion died for lack of a second.

A motion was made by Vice Mayor Greene, seconded by Councilwoman Gerwig, and unanimously passed (4-0) to appoint John McGovern as a Councilmember of the Village of Wellington.

Mayor Margolis congratulated Mr. McGovern and indicated he would be sworn in at the next Council Meeting.

Mr. McGovern expressed his appreciation to Council on his appointment. He thought it was an interesting process for all who applied, as there were many excellent candidates and he was honored to be chosen. He stated he was proud to join the Council and hoped to make them proud. Mr. McGovern said he would work hard to earn the peoples' approval and to continue to make Wellington a great place.

**B. 15-21 ~~REQUEST FOR PAYMENT OF LEGAL EXPENSES INCURRED BY
MAYOR BOB MARGOLIS RELATING TO ETHICS COMPLAINTS~~**

This item was removed from the agenda.

**C. 15-31 ~~DIRECTION ON THE SALE AND DEVELOPMENT OF REAL
PROPERTY AT K-PARK (Moved from item 8A.)~~**

Mr. Schofield introduced the agenda item. He stated they will hear the presentations and then would take comments from the audience.

Councilwoman Gerwig informed everyone that she was advised by the Commission on Ethics that she was conflicted on this item and could not participate in this vote. She left the Council Chambers at this time.

Mayor Margolis announced each applicant would have fifteen minutes to make their presentation. In addition, each member of the public who submitted a comment card would be given three minutes to present their comments.

The following applicants/developers presented their proposals to Council. In doing so, they spoke to their vision of K-Park, reviewed their development experience and addressed their financial capability.

1. Wellington Garden Partners, Chuck Mineo and Randy Mineo, proposed 21 acres of green space, a central gathering place for the public, perimeter parking, a performing pavilion, an 18 acre botanical garden, outdoor dining, and a children's play area.
2. Stiles Corporation, Robert Breslau, proposed a small, higher-end lifestyle center, including restaurants and courtyards with a central promenade, a 30,000 square foot boutique theater, a 120 room hotel, a luxury senior living residence with 165 units and 130 single family homes.
3. Divosta/JKM, John Markey, proposed 26,000 square feet of destination dining, 40,000 square feet of boutique retail, structured parking garages, minimum 100 room boutique hotel, a 90 bed assisted living facility and an active adult, age restricted residential community with 220 units, and a passive park area.
4. Bainbridge Companies and BreFrank Inc., Thomas Keady, Chris Hite and Richard Schechter, proposed a mixed use community with 180 senior living apartments, 360 urban style apartments, 243 townhome style apartments, a 100 room hotel, 22,500 square feet of restaurants, retail and office space with a promenade that overlooks the 15 acres of central open space.
5. Reinvent America, Donaldson Hearing, proposed 304 units of multi-family apartments, 200 units of senior housing, 313,600 square feet of office, research and development, incubator space, a 200 room hotel, 102,000 square feet of retail and restaurant space, 78,000 square foot theater, an amphitheater and 33 acres of open space/public park.

6. Lennar, Bob Bentz, proposed 30,000 square feet of retail and restaurant space, a 130 room hotel, 40,000 square foot movie theater, 242 apartment homes and 124 townhomes with open space.

Mayor Margolis indicated Council would be taking a break at this moment and would return to hear public comments.

Public Comments

1. Rick Greene, 9584 Phipps Lane, Wellington. Mr. Greene stated he served as the Director of Development Services for the City of West Palm Beach. He spoke in support of the Wellington Gardens project.
2. Tom Wenham, 1309 Pine Valley Drive, Wellington. Mr. Wenham recommended Council place a restrictive covenant on the K-Park property and have the residents of the community vote to sell the land.
3. Tony Fransetta, 8429 St. Johns Court, Wellington. Mr. Fransetta thought the senior element of the proposals would only work if the people managing the elderly housing did it as a not-for-profit venture. He supported Mr. Wenham's message but did not believe the people should be voting on the developers because he felt it would turn into a PR contest.
4. Anne Marie VanCasteren, 10457 Trianon Place, Wellington. Ms. VanCasteren, as a young adult of Wellington, spoke in support of the Wellington Gardens project.
5. Bobby Munden, 14551 Halter Road, Wellington. Mr. Munden opposed all six proposals and thought they were all underpriced.
6. Satesh Raju, 4713 Siena Circle, Wellington. Mr. Raju spoke in support of the Wellington Gardens Project.
7. Adam Shmunes, 2720 Shaughnessy Lane, Wellington. Mr. Shmunes spoke in support of the Wellington Gardens project.
8. Clarence Odom, 3308 Florence Street, Wellington. Mr. Odom was opposed to the traffic, apartments and hotels.
9. Antoinette Starace Garza, 3044 Florence Street, Wellington. Ms. Starace Garza was opposed to the traffic and apartments.
10. Jim Grice, 3217 Siena Circle, Wellington. Mr. Grice was opposed to further development along 441 and any proposed apartments.
11. Karen Lobello, 3260 Florence Street, Wellington. Ms. Lobello was opposed to the traffic, apartments, garages and commercial buildings. She could support the Wellington Gardens project if some changes were made.
12. Sarah Shullman, 11924 Forest Hill Boulevard, Wellington. Ms. Shullman with the Young Professionals of Wellington provided feedback on a survey they conducted of Wellington residents.
13. Mark Veckman, 3763 Siena Circle, Wellington. Mr. Veckman thought the residents should vote on the use of K-Park and not vote on the potential developer. He opposed the amount of residential dwellings, increased traffic, and the noise from the amphitheater.
14. Neal Warshoff, 14897 Horseshoe Trace, Wellington. Dr. Warshoff spoke in support of the Wellington Gardens project.
15. Alejandro Real, 10660 Ivanhoe Lane, Wellington. Mr. Real spoke in support of the Wellington Gardens project.
16. Ronald Cole, 3445 Oakmont Estates Boulevard, Wellington. Dr. Cole spoke against any multifamily apartment project and thought a green area or park area should be the priority.
17. Greg Taylor, 3395 Vanderbilt Drive, Wellington. Mr. Taylor, President of the Board of Directors of the HOA of Oakmont Estates, spoke in support of the Wellington Gardens project.

18. Roy Pollack, 3212 Florence Street, Wellington. Mr. Pollack opposed the increased traffic and the noise from an amphitheater.
19. Bill Flack, 9580 Phipps Lane, Wellington. Mr. Flack identified himself as the President of the Board of Directors and the Master Homeowners Association of Olympia. He indicated he was authorized to be there on behalf of the residents of Olympia and the Board. He noted he opposed any projects for apartments and asked Council to listen to what the community wants.
20. Alan Lawson, 13785 Exotica Lane, Wellington. Mr. Lawson thought Council should consider what the community wants as well as current small businesses.
21. Sal VanCasteren, 10457 Trianon Place, Wellington. Mr. VanCasteren, President of the HOA at Versailles, spoke in support of the Wellington Gardens project and encouraged Council to listen to the people.
22. Moe Aktler, 10691 Versailles Boulevard, Wellington. Mr. Aktler spoke in support of the Wellington Gardens project and asked Council to listen to the residents.
23. Henry Schneidman, 3633 Siena Circle, Wellington. Mr. Schneidman opposed the apartments, concrete, and anything other than green space.
24. Michael Barker, 3191 Siena Circle, Wellington. Mr. Barker opposed the scoring system used to rate the developers and believed the community should be involved in the decision.
25. Bart Novack, 15670 Cedar Grove Lane, Wellington. Mr. Novack thought K-Park should be developed as a park and that Council should listen to the people.
26. Julie Mauck, 9829 Stover Way, Wellington. Ms. Mauck was concerned about the increased traffic, safety and other impacts if more multi-family dwellings were to be developed.
27. David Hexter, 4650 Siena Circle, Wellington. Mr. Hexter did not believe 800 apartments would be the best for the community and urged Council to vote for the Wellington Gardens project.
28. Hector Valdes, 3243 Siena Circle, Wellington. Mr. Valdes urged the Council to have a referendum amongst the residents.
29. Melinda Rockwell, 2425 Golf Brook Drive, Wellington. Ms. Rockwell urged the Council to preserve the prestige of Wellington and have a referendum for the residents.
30. Michael Nelson, 13650 Columbine Avenue, Wellington. Mr. Nelson stated he was representing the Wellington Chamber of Commerce and suggested Council strongly consider the Wellington Gardens project.
31. Albert Maggio, 10333 Medicis Place, Wellington. Mr. Maggio indicated if a referendum did not happen he could support the Wellington Gardens project.
32. Matthew Buealer, 10534 Ivanhoe Lane, Wellington. Mr. Buealer was opposed to the 800 apartment units, density and traffic flow.
33. Neal Dickerman, 520 Cypress Crossing, Wellington. Mr. Dickerman spoke in support of the Wellington Gardens project.
34. Judith Weinberger-Shiner, 10762 Versailles Boulevard, Wellington. Ms. Weinberger-Shiner shared her traffic and safety concerns and thought Wellington needed more restaurants and green areas.
35. Christina Pinto, 3066 Siena Circle, Wellington. Ms. Pinto spoke in support of developing K-Park into something the residents could utilize.
36. Lee Kleinman, 8561 Via Brilliante, Wellington. Mr. Kleinman, board member of Buena Vida, was opposed to the development of 780 apartments.
37. Ross Licata, 4526 Siena Circle, Wellington. Mr. Licata opposed the Bainbridge proposal and the 780 apartments due to the density being a conduit for crime and traffic problems.

At this point, a motion was made by Vice Mayor Greene, seconded by Mayor Margolis, and unanimously approved (3-0) to extend the meeting past 11:00 pm.

38. Alexander Domb, 10633 Versailles Boulevard, Wellington. Mr. Domb believed Wellington did not need another mixed use property with residential, luxurious apartments and retail strip stores and asked Council to consider the Wellington Gardens project.
39. Brett Leikan, 4698 Siena Circle, Wellington. Mr. Leikan was against the development of senior living residences/facilities and urged Council to listen to the residents of Wellington.
40. Staci Martin, 2176 Portland Court, Wellington. Ms. Martin thought Wellington needed a place where families could gather and enjoy their time together. She also felt Wellington needed to bring value back to the community.
41. Clarence Oliver, 3347 Siena Circle, Wellington. Mr. Oliver was opposed to the proposed 780 apartment units. For the record, he provided the Clerk with copies of 41 emails.
42. Frank Chantayan, 9836 Stover Way, Wellington. Mr. Chantayan was opposed to 780 apartments, hotels, parking garages and multi-level buildings being developed on the K-Park property.
43. Steve Smith, 10533 Willow Oak Court, Wellington. Mr. Smith questioned the reason for selling K-Park and suggested the Village create an RFP for what the people want.
44. Terry Forsythe, 850 Forest Glenn Lane, Wellington. Mr. Forsythe spoke in support of the Wellington Gardens project.
45. Behzad Jahan, 667 Squire Drive, Wellington. Mr. Jahan inquired as to the Council's position or decision.

Vice Mayor Greene read the following comment cards into the record.

46. Lorie Givens, 3562 Collonade Drive, Wellington. Ms. Givens opposed any apartment or hotel complex and wanted the land to be developed as a park.
47. Matt Kurit, 2696 Eleanor Way, Wellington. Mr. Kurit supported the Wellington Gardens project.
48. Ruth Soloway, 8134 Pine Cay Road, Wellington. Ms. Soloway thought traffic flow, school capacity and quality of life needed to be considered when evaluating the projects.
49. Chris Pinto, 3066 Siena Circle, Wellington. Mr. Pinto supported developing single story homes on the K-Park property.
50. Behzad Jahan, 677 Squire Drive, Wellington. Mr. Jahan indicated support.
51. Amer Elsidawi, 10588 Longleaf Lane, Wellington. Amer Elsidawi was concerned about having too many residents on the premises.
52. Jody Young, 1245 Mystic Way, Wellington. Ms. Young wanted the vote postponed and asked that Mr. McGovern be included in the vote.
53. Cari Suleienki, 15797 Bent Creek Road, Wellington. Ms. Suleienki suggested a public referendum.
54. Amy McNamara, 10895 Pisa Road, Wellington. Ms. McNamara supported entertainment, restaurants, and open green space.
55. Scott and Misty Caridi, 3518 Collonade Drive, Wellington. Mr. and Ms. Caridi supported the Wellington Gardens project as it would benefit the community.
56. Dean and Caroline Curdi, 10722 Willow Oak Court, Wellington. Mr. and Ms. Curdi supported the Wellington Gardens project.
57. James McNamara, 10895 Pisa Road, Wellington. Mr. McNamara thought the Wellington Gardens project was the best plan.
58. Louis Bellera, 3600 Collonade Drive, Wellington. Mr. Bellera supported the Wellington Gardens project as it would improve the quality of life and raise home values.
59. Jonathan Privat, 10609 Willow Oak Court, Wellington. Mr. Privat opposed the construction of apartments in K-Park.
60. Rina Gamarra, 10609 Willow Oak Court, Wellington. Ms. Gamarra opposed apartments in K-Park.

61. S. Palmer, 2605 Cooper Way, Wellington. S. Palmer supported a space for all to enjoy with more greenery and less traffic.
62. Kerry and Pinar O'Brien, 2567 Cooper Way, Wellington. Mr. and Ms. O'Brien did not want 800 apartments to crowd the area. They supported a restaurant and retail complex.
63. Neal Malfetti, 3409 Vanderbilt Drive, Wellington. Mr. Malfetti supported the Wellington Gardens project and asked Council to listen to the taxpayers.
64. Katina Karl, 11750 St. Andrews Place, Wellington. Ms. Karl supported the Wellington Gardens project.
65. Randy Capps, 10664 Pisa Road, Wellington. Mr. Capps opposed high density residential and commercial development.

The following individuals were not present when called upon for public comment:

66. Sam Cruz, 1300 Wood Dale Terrace, Wellington. Mr. Cruz was opposed to the proposed apartments.
67. David Gutierrez, 12441 Sawgrass Court, Wellington. Mr. Gutierrez supported the Wellington Gardens project.
68. Ellen Wheelen, 9662 Worswick Court, Wellington. Ms. Wheelen opposed all of the proposals.
69. Jayson Dickerman, 3362 Vanderbilt Drive, Wellington. Mr. Dickerman was opposed to the proposed apartments.
70. Deidra Newton, 12773 Forest Hill Boulevard, Wellington. Ms. Newton supported the Bainbridge project.
71. Myron Taylor, 3441 Florence Street, Wellington. Mr. Taylor was opposed to high density apartments.
72. Aaron Berman, 2711 Eleanor Way, Wellington. Mr. Berman did not indicate a position on the comment card.
73. Francisco Privot, 10609 Willow Oak Court, Wellington. Mr. Privot opposed any residential buildings in K-Park.

There being no further public comments, a motion was made by Vice Mayor Greene, seconded by Councilman Willhite, and unanimously approved (3-0) to close the Public Hearing.

Vice Mayor Greene thanked the public for their comments; however, he wanted to clarify some misconceptions about how the process has worked. He explained, from the inception, there was never an attempt to keep the public from the presentations or the process. He said they tried to protect the integrity of the process by allowing the applicants to present to the committee, and Council worked closely with staff to put that process together. He indicated this meeting was just another element to that process as it was the public's opportunity to weigh in on the K-Park property. He stated Wellington Gardens was his number one choice as he thought it fit best and had what was missing from the community. However, he thought it was wrong if 40% of the elected officials could not participate in the largest land development project facing the community, and he did not believe any three council members could represent that obligation. He suggested they get Mr. McGovern seated and up to speed so he could represent the community in this process. Regarding Councilwoman Gerwig, he suggested Council short list the applicants and afford her the opportunity to participate in this process as she represents part of the community as well. Vice Mayor Greene thought Council had a good sense of what the community wants, but the residents really want the opportunity to have their voices heard. He said that whether or not they move forward with a public workshop to really engage everyone to be a part of this process, he thought the residents should go back to their communities and talk to their neighbors, people at school, people at the coffee shops, and people at work. He told them to digest their comments and then they could have a debate. He was hoping to get the support to say tonight was not the night for Council to vote on this.

Councilman Willhite explained when he was elected seven years ago Palm Beach State College presented a proposal for the K-Park property. He said many in the audience did not know this because their developments were not built at the time. He stated the property, which had a \$40,000/month bond, was being negotiated for the state college to pay no ad valorem taxes and \$10.00/year as a lease. He said he fought hard against that and fortunately Council at the time saw it was not the best deal, so negotiations fell through. He indicated they went through a lot of deliberations and discussions about what the property was worth at that time. Then several years ago, this Council agreed to negotiate building a horse park there. He thought at that time the property was appraised at \$13 million. Councilman Willhite wondered what the residents thought of that proposal, because they could have had a 5,000 seat amphitheater, a veterinary school, horse rings, etc., in their backyard. He indicated there have been a myriad of ideas for this piece of property and not for the park space for which it was originally purchased. Since that time, he said Wellington has self-imposed open park space per 1,000 residents. He felt they had done a great job of following through on this, as they have opened many parks to meet that threshold. He believed many residents thought a park at K-Park was a great idea; however, he thought they would be concerned if the baseball or football fields have 60 foot pole lights and the games last until 9:00 or 10:00 at night. He stated traffic would be a concern as well if there were twenty baseball or soccer fields. He indicated they were never going to make everyone happy unless they left it as a farm, but they have had concerns and problems with that as well. Councilman Willhite believed every councilmember who voted to purchase K-Park agreed or understood the front parcel would have commercial on it, whether the remaining parcel was a park or not.

Councilman Willhite indicated the RFP was put out nationwide to let applicants bid on what they thought or the Village thought would be good for the area. He told them not to forget, when talking about 40% of the Council not being there to participate, 100% of the Council agreed on the scoring criteria for the RFP. He stated they did this on every other RFP as well.

Councilman Willhite believed the residents liked one applicant so much, but they consistently talked about how they did not like traffic or the elements of three and four story buildings. He noted one applicant had seven entrances into the facility and four story parking garages, so it was contradictory and he was trying to understand what the residents wanted. He thought there were good elements to all of the proposals. Councilman Willhite said the applicants went through a thorough process and had all shown their ability to work with the Village. He indicated the proposals talked about conceptual ideas, so their plans would probably change. He believed this would be a three month process of negotiating a deal and having at least five public hearings where each of them would be invited to talk about their proposals. He pointed out they would also have to go through site plans and zoning changes, and then come back to Council.

Councilman Willhite said every proposal that was presented had a housing development aspect to it, so traffic would be associated with any proposal the residents liked or disliked. He said they could put the decision off for several months or for a year, but he questioned whether that would be the best time to do something with this property. He noted the real estate values were coming back and Wellington was one of the highest real estate returns in Palm Beach County this last year.

Councilman Willhite stated it was said that the Village was not business friendly. He said if they wanted to be business friendly and create jobs, something would need to be developed on the K-Park property. He thought residents may not want to drive as far for dinner, but asked if they wanted to drive as far to work.

Regarding the botanical garden, Councilman Willhite said the applicant could not come to the table at this time and offer a separate deal than what they already offered. He explained when Council was given the proposals the botanical garden became a liability to Wellington, if it was expected to maintain the garden just like all the parks. He further explained when Council ranked and scored the proposal the first time, there was no separate deal of \$3 million as was now being mentioned. He indicated they discussed putting in the botanical garden, maintaining it for ten years, and then giving it to Wellington.

In response to the question if Council considered staff's opinion, Councilman Willhite indicated staff did an analysis of the proposals and broke them down by commercial, residential, open space, use, hotels. He stated Council received a lot of input from staff noting that he was given a vast amount of information to look through and study in order to come to the conclusion of the scoring and ranking system.

Councilman Willhite said he consistently hears the Village needs an additional hotel, although I someone said they did not want a hotel. He said the one hotel in Wellington fills up during the equestrian season. He said people also want to come here to have a wedding and bring their family. He noted there were two adjacent hotels in the western area, but the Village with 60,000 residents and the western communities could not be handled by three hotels.

Councilman Willhite stated it has been proven by every developer and staff analysis that there is still a market for rentals in the western community. He said people who live in rentals are citizens, too. He mentioned he knew a lot of people who at one time in their lives lived in a rental community.

Councilman Willhite said he was not looking at the short-sided aspect of the sale price in the proposals. He believed developing K-Park would create hundreds of millions of dollars in jobs in the future. He thought if they believed in one proposal, then they did not believe the others had the ability and they were not giving ample or due process to the other residents of Wellington. He said they were all going to create jobs, destinations and the ability for seniors to downsize. He felt many of these aspects would benefit the entire Village, but he did not hear a consensus in the room. Councilman Willhite indicated the residents did not like any of the proposals but liked one good enough, and questioned why they would settle for that. He thought if that was the case, they should be looking at all of the proposals. He was fine if Council wanted to have a Town Hall meeting to discuss this further, but he did not expect a 100% consensus. He was encouraged and happy the residents were in attendance; however, he wanted them to understand other residents of the Village were looking forward to the development of K-Park because they think it will benefit the Village.

Councilman Willhite appreciated the presence of the Young Professionals, but noted they had never presented in front of Council, requested a meeting or talked to any of them other than in passing. He stated his opinion or survey could count as well. He thought if they were going to have these dialogues, they should have them more openly and frequently as he was concerned about the disconnect between their organization or age group and this Council.

Regarding the price, Councilman Willhite indicated when Council discussed the sale prices of the K-Park property many were based on recent evaluations. He knew the last appraisal was \$13 million and every bidder was above that amount.

Councilman Willhite thought it was great that the residents were there to talk about a parcel of property, but pointed out that Council makes decisions every two weeks that affect each resident, their tax bills and the money Council spends; however, they have done so. He stated they have made \$20 and \$30 million expenditures and have done so with very little impact or input. He said there was

a proposal on the ballot several years ago called Amendment 4 that gave residents the ability to vote and decide on every parcel or project going forward. He thought it seemed like they were going to do that on this piece of property. He stated he would like to have their input on a regular basis, but he did not know if it was fair to all residents to have this parcel of property voted on under the auspice of what they were going to do with it in the future. Councilman Willhite thought they would have to put it on a ballot at a certain time, and believed it would have to be done for the underlying use in order to support the entire Village.

Councilman Willhite asked Vice Mayor Greene how he would short list the applicants to allow Councilwoman Gerwig to participate and make Council 100%, and make it fair to the applicants who had invested in the process. Vice Mayor Greene thought they would allow the public to provide more input on the proposals, and then the three of them would decide. He wanted the residents to talk to their neighbors, let it be a community discussion and let everyone digest it, even if they had to hold Town Hall meetings. He thought they had a clear idea of what the public likes or wants based on what had just been discussed. Vice Mayor Greene said he appreciated all the companies that had presented as they were all very passionate about their projects. He said Council answers to Main Street and they have to listen to what the people want. He indicated he was not advocating eliminating an applicant based on the fact Councilwoman Gerwig would not be able to participate. However, he did not hear anyone speak in support of that project. He stated he would not be making these comments if the residents advocated for the proposal that created a conflict for Councilwoman Gerwig. Therefore, he believed Councilwoman Gerwig and Mr. McGovern should be a part of this process.

Councilman Willhite asked Vice Mayor Greene if he was suggesting the Village throw out the RFP process and allow other applicants or people to come forward with their ideas. Vice Mayor Greene stated he was not suggesting that, but he did not see the sense of urgency. He thought if a proposal presented to the community resonated as strongly as Wellington Gardens, more residents might support it. He said it was not because it is the project he likes, but they needed to get the message out. He indicated even though the Village has met every legal requirement in terms of noticing, it is decisions like this that motivate and engage the residents to be a part of the process. Vice Mayor Greene thought that was an important part of the process and he did not want to take that right away from them. He stated the real estate values and market were moving in the right direction. He said the Village owns this land and if they create a high density project, they would go to their Land Development Regulations (LDR) where they are required to have so many acres of parks based on 2.4 residents per dwelling unit. He wondered if the Village would develop too much and create such density where they would suddenly find themselves in the position of not meeting their LDR requirements and have to purchase land to have the park space and civic open space. He thought if the five of them, who are elected to represent this community, could not come together to consider the most important land project, then maybe it was not the time to sell. Vice Mayor Greene reiterated there was no sense of urgency, he wanted the people to participate in this process, and he was not comfortable being one of three people to make that decision.

Mayor Margolis understood Vice Mayor Greene's point, but he thought he should have made his comments when Mr. Coates resigned before Council voted on K-Park. He believed Chuck Mineo did a great job of getting the community together but thought he did not tell the whole story. Mayor Margolis mentioned he would meet with any resident to discuss what Council had to do when looking at the different proposals.

Mayor Margolis recalled when he was on Council in 2003 they took a lot of heat for purchasing the K-Park property. He said the property was purchased with utility funds, so it did not come out of any other taxpayer funds. He indicated they have been pressured over the years as to what to do with the

property. He explained they had decided to sell five acres to an Assisted Living Facility at that time to help reimburse the utility funds, but that deal fell through. He said they were able to recoup some of the cost from the down payment.

Mayor Margolis stated he has heard everything that was said. He said just because they voted on this project that did not mean they were voting today to move forward. He indicated he voted a long time ago to keep K-Park as park space and he was adamant about it. He stated he has developed a reputation for being a tree hugger, but he moved his family here for the parks and recreation and the open space, and that is what he wants to keep.

Mayor Margolis stated the applicants did a phenomenal job. He said he ranked and rated them. He disagreed with the people who said they should not look at the financial stability of the applicants, because the best project in the world cannot be built if they do not have the funds.

Mayor Margolis believed K-Park would be a great opportunity for open park space. He hated to disappoint the residents who had their heart set on Wellington Gardens. He hoped there would be a park there before he left this place, and stated that he did not want to build anything there. He thought more proposals would be brought forward in the future. He said the people there tonight represented the areas surrounding K-Park, but Council represented the other 58,000 residents.

Mayor Margolis stated Mr. Coates was appointed to be a judge, which was great for him and they wished him luck. He indicated Councilwoman Gerwig sought an advisory opinion from the Commission on Ethics because she thought there might be a potential conflict, and the Commission on Ethics advised her to recuse herself. However, he did not want to wait for another person to vote on this. He said his vote was for it to remain a park. He indicated the Village did not have the money to build and maintain park space right now but hoped some day they would. He stated he was agreeable to a Town Hall meeting, but his solution was to keep it as a park and have this project be done with.

At this point, Mayor Margolis passed the gavel to Vice Mayor Greene.

A motion was made by Mayor Margolis, seconded by Councilman Willhite, to keep K-Park as a park.

Vice Mayor Greene indicated he wanted to keep the process, ideas and proposals open, so the people could talk to their neighbors and the community about their needs and vision. He agreed residents were spending their entertainment dollars outside of Wellington. He thought the missing component was not being able to attract people to or keep the residents in the community. He suggested before they decided not to do anything with this site in perpetuity, they move forward with a series of Town Hall meetings. He said they have created awareness and have engaged the people of this community to be a part of the process. He thought it would be a disservice to tell the applicants who have spent time and money to present to this community that the Village is going to keep K-Park as it is. He believed they had some good ideas, but he did not know if they were the best ideas. He appreciated what Mayor Margolis was trying to do, but he wanted this to be an ongoing conversation until they had a strong sense of what is right for the community.

Mayor Margolis stated they were going to agree to disagree, because as far as he was concerned K-Park should be a park in perpetuity. He thought if there was a place that would serve other opportunities, like City Place, they would come.

Vice Mayor Greene asked Ms. Cohen if they voted on Mayor Margolis's motion, if Councilwoman Gerwig could be a part of this. Ms. Cohen indicated she could re-join them if they eliminated the proposer who created the conflict, but advised against Councilwoman Gerwig participating, unless and until the applicants were shortlisted.

Mayor Margolis mentioned he spoke with Ms. Cohen today regarding Council's options to agree with the applicants or not sell at all. He said based on his conversation with her, he made a motion to keep it as a park, to keep it in perpetuity, and he believed there was a second.

Vice Mayor Greene thought they were eliminating 40% of the Councilmembers from this process and it was wrong. He believed Council was doing a huge disservice to the community.

Councilman Willhite believed it was decided at two meetings that they would issue an RFP and score and rank the proposals, but they never fully got to the idea of selling the property. He said they did not have to enter into an agreement with any of the six proposers, but they could still have Town Hall meetings with them to talk about their ideas. He stated the motion just meant they would be rejecting all six proposals and agreeing not to sell the property at this point or go forward with any negotiations.

Vice Mayor Greene did not believe that was the motion. Councilman Willhite indicated the motion was to not go forward with creating anything on this property. He said whether it is kept as a park could always be changed going forward, as they cannot predict what future Councils will do. He understood Mayor Margolis's motion was to not accept any of the proposals and for K-Park to remain a park for now. He said they could come back in a week or two, have some Town Hall meetings, let the new Councilmember get up to speed through the Town Hall meetings, and then they would have 80% of the Councilmembers. But he could not help the fact that they would not have 100% of the Councilmembers, because there was still a conflict there and he was not going to take one of the options or proposals away. He indicated he had seconded the motion.

Vice Mayor Greene asked Mayor Margolis to amend his motion to clarify rejecting the proposals that were submitted to Council.

Mayor Margolis explained he wanted K-Park to remain a park in perpetuity. He agreed they could hold Town Hall meetings in the future, as the residents wanted Council to listen to what they wanted. He stated they were there tonight because Wellington Gardens did a good job, but the residents did not hear the other proposals. He suggested the Village start from ground zero, keep it as a park, have Town Hall meetings, listen to what all the residents want, not just the people surrounding K-Park, and then issue another RFP in the future. He hated to say this to the applicants because they have spent time and money to go through this process, but a lot of people tonight asked them not to sell K-Park and for it to remain a park because these may not be the best proposals. At this point, Mayor Margolis called the question.

The motion was voted on and was passed (2-1) with Vice Mayor Greene dissenting.

9. PUBLIC FORUM

Mr. Schofield indicated no comment cards were received from the public.

10. ATTORNEY'S REPORT

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

- Ms. Cohen congratulated Mr. McGovern on his appointment as a Village of Wellington Councilmember.
- She reminded Council that there was a Charter Review Task Force Meeting on February 2nd at 4:00 pm. She stated they had previously scheduled one for January 28th, but it was cancelled. She said they had wanted to have more meetings between now and March, so they could get to the public forum portion of what they were trying to do.
- Ms. Cohen said unfortunately Ms. Rogers' husband had accepted a position that will require them to move and she is regrettably going to be leaving the Village. She stated she has been wonderful to work with, as she is very bright and she has a lot of confidence in her. Ms. Cohen stated she will be missed and will be hard to replace, but they will be advertising for a new Assistant Village Attorney.

11. MANAGER'S REPORT & UPDATES

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

- Mr. Schofield announced the next regular Council Meeting is scheduled for Tuesday, February 10th at 7:00 pm in the Chambers.
- He stated Representative Pafford will be holding a Town Hall meeting this Thursday, January 29th in the Council Chambers from 6:00 pm – 7:30 pm.
- Mr. Schofield said staff was seeking direction on whether Council wanted to reconsider the similar size provision in the RFP for Solid Waste Services. He stated the experience level in the RFP is now set at five years, and he asked for Council consensus regarding the timeframe of the RFP for the Waste Management contract.

Councilwoman Gerwig knew when Council limited this to five years they were setting a high standard. She thought they may want to change it if they want to become more competitive in the bid, but they would need to have that conversation.

Councilman Willhite indicated the zone being discussed has 74,000 contacts or residential pickups and the Village of Wellington only has 59,000 residents, so the corporation is already handling a larger municipality than the Village. He said when they talk about equal sized-municipalities or municipalities of 20,000 residents or more about half of the municipalities in the state of Florida could be eliminated. He thought the smallest municipality in Palm Beach County had about 800 residents.

Councilwoman Gerwig asked if they limited the RFP to the State of Florida. Councilman Willhite did not know if it was limited to Florida, but he was speaking of Florida because he was associating where their contractors or potential bidders would come from. He thought perhaps the size of the municipalities could be the number of contacts available. He said it would still give them the similar size as Wellington, but it would not specifically denote that they needed to have two municipalities of 20,000.

Councilwoman Gerwig asked Mr. Barnes what parameters were being questioned as to whether or not they are effective. Mr. Barnes indicated the proposed RFP as drafted had two components dealing with the issues they were now discussing. He said Item 2.2a states the proposer must have at least five years of current experience collecting garbage at curbside pursuant to qualifying residential contracts, which is the five-year component they have discussed. In addition, the proposer must currently be providing collecting service under at least three qualifying residential contracts. So it is five years and three contracts, which mirrors the provision they had in the previous RFP that they are currently operating under.

Councilwoman Gerwig asked if they would want to revise it to three years and two contracts.

Councilman Willhite indicated two municipalities of 20,000 was part of the requirement. Mr. Barnes explained there was a further requirement in each of the qualifying residential contracts, as the proposer must collect garbage for at least 20,000 dwelling units. He said that was the similar size provision because they were looking at the Village as being a 20,000 unit service area.

Councilman Willhite asked if a service provider area was a geographical area or if a zone would be equal. Mr. Barnes indicated a zone would qualify as well, but it is not specifically a municipality.

Councilman Willhite questioned if the five years of experience had to be in Wellington, Palm Beach County or Florida, and if their experience would come along with them. He asked if the garbage collection experience had to be specifically household debris or if it could be hauling construction debris. Councilman Willhite questioned if the zone was agreeable to Council. He said they wanted a seamless transition of service to their residents, if there is a transition. However, he wanted to ensure he was affording them the best price possible. Councilman Willhite said, in order to do that, they had to make it the most competitive by making sure the parameters for service and experience are equal to what is around the County because he believed 74,000 garbage site collections were as good as 59,000 in Wellington. He thought that was the reason Councilman Coates did not support this and supported an RFP. He said Councilman Coates wanted to make sure they got the best price and was trying to set it at a price level they could not go above.

Vice Mayor Greene stated he was originally not inclined to change the direction, but he indicated he was agreeable to loosening the requirements if it would allow competitive, qualified companies to participate, but he did not want to compromise the standard or quality of service that their residents expect. He thought it might be a moot point to reference former Councilman Coates, but he believed Councilman Coates supported the idea of a free market and testing the market to get a competitive price. Vice Mayor Greene said they understood the risk of it coming back and paying a little more. But more importantly, he felt their residents expected a level of service that they were not willing to compromise but were willing to pay a bit more for. He thought it would be a win-win if they could get that level of service and save money at the same time. However, his direction would be to tighten the standards and not compromise the expectations on the level of service. He felt they owed it to the residents to find the best provider at the best value.

Councilwoman Gerwig questioned how they would do that without a track record. She said the point of experience was to make sure they had a long track record of maintaining their level of service. She asked where they would put that number to make it so they still have the quality as well as get the competition.

Vice Mayor Greene thought in a contract like this and in talking to the vendors, he would let staff make that determination as they go through the process and interview companies they deem qualified. He said the applicants were either picking up trash or not. They were either being fined by municipalities for not meeting the terms of the contract or not. He believed there was a track record as trash pickup occurred twice a week for however many years, and they could look at the size of the municipalities and the level of service provided. Vice Mayor Greene thought staff's due diligence in this process would quickly establish if the applicants had a good or bad track record. He was fine if the committee was satisfied with awarding the contract based on receiving information from other municipalities and saving money. He did not believe it was for him to say today what they were going to do because there were a lot of variables.

Councilwoman Gerwig thought they needed to give direction on what that variable would be. Vice Mayor Greene asked what was precluding applicants from participating. In response, Mr. Barnes believed Council needed to address the current five and three provision.

Mayor Margolis mentioned he talked to staff today and they informed him this provision was in their previous RFP. He said Council and staff had spent a lot of time and effort on this and were very comfortable in making it part of the RFP process. He understood what they were discussing basically excluded one company unless they changed the zone or the timeframe.

Mr. Barnes indicated they basically needed to revise the five and three provision to one and one to allow this company to participate. Councilwoman Gerwig questioned the one and one. Mr. Barnes explained that meant one year. He thought the current zone contract was for about 15 months or a little than two years. So to ensure the provisions are clearly met, they would need to change it to one and one.

Mayor Margolis stated that he was comfortable with what staff had given him, but he really did not want to go down to one and one. He said if Council decided otherwise, he was comfortable with that as well.

Councilwoman Gerwig indicated she was comfortable with three and two if it would get them to be more competitive, but not if it was not going to change anything. She did not know if they knew who would be affected by this, as they were kind of guessing. She said they know of particular companies, but if they do not have a timeframe to go by, how do they know if it is going to be a good idea. She said the vendors they were talking to were all good with garbage and knew what they are doing. However, she did not know what number would work for the performance levels the Village is seeking.

Mayor Margolis asked Councilman Willhite to help him understand where Council was coming from. Mr. Barnes noted that whatever direction they go in terms of the experience provisions, qualified contracts, etc., loosening any of the requirements one way or the other would leave more discretion to the Selection Committee members. He said he was not saying that was a good or a bad thing. But with fewer or lighter minimum qualifications, they would be affording the committee greater flexibility in looking at the entire proposal.

Councilman Willhite believed time did not mean experience. He thought for the most part people were happy if the day they put their garbage out, it was gone when they come home. He thought if they wanted to open this up to the most competitive market to make sure their residents get the best competitive price, then they only needed to look at a neighboring municipality to know that garbage is a big deal. However, he did not think many of their other contracts included time and experience. He stated the landscaping contracts do not ask for those requirements. He indicated it had to be someone who on day one, and the Selection Committee could delineate this, could provide service to 59,000 residents. He stated they would have to pick up the grapping hook garbage cans twice a week, pick up recycling once a week as well as pick up the dumpsters. Staff already knows these things are required because that is the service the residents are expecting. He did not know if it was five and three, three and two or one and one, as the Selection Committee would be able to determine if the company is legitimate, qualified and able to provide a service to the residents. He thinks that will afford them the best possible price.

Vice Mayor Greene supported reducing the terms to allow them to compete as long as the standards were not compromised, the quality of vehicles or the level of service, and all those things to which the residents are accustomed. He thought they should let the free market work.

Councilman Willhite noted he was not saying this should be changed for an individual applicant, as he was saying it for everyone. Vice Mayor Greene indicated only one applicant came forward to express their concern. But if the lowering the standards allowed someone else to participate, he was fine with that.

Councilwoman Gerwig believed they needed to have a standard written down rather than let the Selection Committee decide. She said they had to know, if the criteria would be three years and two comparable contracts or if they wanted it to be wide open as long as the company or applicant had enough capital. She thought Councilman Willhite was suggesting as long as the company had the resources, it did not matter how many they have serviced. So it could be their second contract ever and that would be fine, but she felt it would be hard for staff to check comparables if a company did not have any way to check. She suggested they set the number at three years and two comparables, which was down from five to three. She said it did not have to be local, as they could have provided service anywhere. However, she did not know if staff could decide if the experience level was equivalent to that. She stated it makes it hard for staff to do their job when Council sets a guideline and then they tell them to disregard it, because they use those standards to determine if the company is going to be reliable.

Mayor Margolis reiterated that he was comfortable with staff's recommendation for what they have now. He hated to put the onus on Councilwoman Gerwig, but she was the deciding vote and it will die if it is 2-2.

Councilwoman Gerwig did not mind going to three and two instead of five and three, but beyond that she did not think they were providing staff with the tools to make the determination.

Vice Mayor Greene noted that it had to be one/one, otherwise it would be a moot point.

Mr. Barnes indicated, based on their preliminary review, they had not looked at all the information provided by the vendor, but they could certainly look at that some more. However, at this point, they would need one/one to facilitate that.

Vice Mayor Greene said, based on what he has learned about this company, their qualifications and what was put in front of him, he would be comfortable lowering it to one/one to allow them to participate as long as they do not lower the standards.

Councilwoman Gerwig felt they were overlapping the job of the Selection Committee. Councilman Willhite thought it was the same standard and just a recommendation. Councilwoman Gerwig indicated the standard was five and three. Vice Mayor Greene thought some companies might suggest seven and five to eliminate everyone else.

Vice Mayor Greene suggested they go one/one to allow them to participate. Councilman Willhite was okay with that, but if nobody else, was it would die for a lack of support. Mayor Margolis did not agree and said it was up to Councilwoman Gerwig. She did not think that afforded staff enough information. She said she would agree to lessen it a little, but to go that far would require staff to make determinations without enough information.

Mayor Margolis indicated it was 2-2. He asked if he was calling the question or getting a consensus.

Councilman Willhite asked if the three and two included experience in Wellington, Palm Beach County, the State of Florida, or just experience. Councilwoman Gerwig indicated the experience could be anywhere. She thought five and three was a pretty strict standard. She said Mr. Dee

explained at that time, the higher the numbers - the smaller the pool. She stated she did not vote to go out to bid at that time, as she voted to continue the contract they had. She did not want the Village to end up paying more money, and she wanted the residents to get the best value. She said based on their history with garbage, they have experienced bad situations that have been very ill received by the residents.

Councilman Willhite asked if she was willing to go to three and two and the let the experience level be whatever it is. Councilwoman Gerwig indicated three and two was the experience level – three years, two contracts. Councilman Willhite stated he was okay with that.

Mayor Margolis clarified with Councilwoman Gerwig that the company could be from anywhere in the world as long as they had three years and two comparables. Councilwoman Gerwig stated that was correct.

Vice Mayor Greene and Mayor Margolis indicated they would support three and two. Mr. Schofield said he had his direction.

12. COUNCIL REPORTS

COUNCILWOMAN GERWIG: Councilwoman Gerwig presented the following report:

- She announced the Village was participating in Let's Move, sponsored by Bainbridge, the local shopping center, and Palm Healthcare which was ending on January 31st. She thought the Village was leading in participation and that she has doing her part almost every day.
- She welcomed John McGovern as their new Councilmember.

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

- He congratulated John McGovern and thanked everyone who participated. He indicated many great people wanted to be part of the process.

Councilwoman Gerwig noted Council was very impressed with Gloria Kelly. She thought they should get her involved in some kind of youth outreach. Vice Mayor Greene suggested she apply for an opening if there was a spot. He felt she represented a facet of the community that might be missing. He thought the Village should engage young people to be a part of this process and get them interested in government. He said he was so impressed by Gloria Kelly when he first saw her e-mail and her interest, and thought she was so poised after listening her during the presentations. He said she was a gem, and an asset to their community. He hoped the applicants who were not selected would want to remain engaged and find a way to participate.

- Regarding K-Park, Vice Mayor Greene clarified his lack of support for the motion was not because he thought they should sell K-Park, but he wanted to ensure they continue to have discussions. He thought it would be a disservice to the six people who spent a considerable amount of time and money putting proposals together, if they shut the door on them right now. He said this was the public's opportunity and thought that required further discussion. He stated he supported the fact they did not make a motion to sell K-Park to who the Selection Committee thought was the number one choice. He thought staff may have taken a bit of beating due to the perception that this was a closed door process that kept the public out. He said these were huge undertakings and the staff puts in a considerable amount of time. He thanked Mr. Schofield and everyone involved in that effort. He indicated Ms. Cohen did quite a bit of work to make sure they were not in violation of any statute in terms of public meetings. He hoped it was not the end. He hoped people recognized that whether they liked the

decision or not, Council was empowered to represent the voice. Even though they were accused of not listening, he thought Council heard the public loud and clear. He felt they made the right decision tonight by not moving forward with negotiating the sale of K-Park.

COUNCILMAN WILLHITE: Councilman Willhite presented the following report:

- He said a few months ago there was going to be a senior housing presentation in front of Council and he requested that presentation be an agenda item under Presentations.
- He stated they used to have youth councilmembers from the high schools sit with Council, but they have not done that in years. Councilman Willhite indicated the elected student body could come and be a part of the process. He believed that would develop into something, as he was impressed with such a young, educated, and well-spoken applicant coming in front of them. He stated they created a senior committee in the last couple of years, so maybe they could start a youth committee. He thought perhaps that was an element they were missing. He thought the young professionals could become part of a committee as well.
- He indicated the Village was voted as the sixth most boring city in the State of Florida because what happens in their Village is isolated. He said what comes with some of the other municipalities or towns around the state or the country are the huge magnets and huge corporations. He stated a lot of things come along with that like crime and other elements that are not desirable to this community. He said many people are proud the Village is the sixth most boring city, because they have good schools and parks and are becoming that destination for families. He believed that was a good thing but thought there was an element they could rejuvenate by creating a youth council or youth committee to help get their voice heard.
- He applauded each of the applicants for submitting their name and coming there to speak as well as for being vetted by the public knowing if one of them is chosen, they would potentially go through a complete vetting process through the electorate. He congratulated Mr. McGovern and hoped Council would work well with their new Councilmember. He also hoped some of the issues they talked about of having tie votes or not having enough votes would be alleviated. He wanted them to understand he did not know the process, scoring or ranking would make someone unhappy. He thought Vice Mayor Greene asked that question last night and he asked Ms. Cohen about it today. He said either way there were many qualified applicants. However, he asked when you start ranking them and breaking them down were you ranking them on previous experience, previous knowledge and previous life, and thought it becomes unfair to them as well. He said either way someone would be a winner or a loser, and he did not think anyone was a loser. He stated he followed that thought process last night and then asked Ms. Cohen, which is when he came to the idea there was no second here only a first. He hoped the people understood they were not last and they were not second, they just were not chosen tonight. He also hoped they understood there was an opportunity to sit up there in the future, because elections are always being held. He asked that the applicants stay involved and hoped to see their names and faces again in the future.

MAYOR MARGOLIS: Mayor Margolis presented the following report:

- He congratulated and welcomed Mr. McGovern, and looked forward to have him start serving noting that he has excellent skills.
- Mayor Margolis mentioned he spoke with some of the applicants who expressed their disappointment that some of the Councilmembers only ranked one person. He said they felt the rankings should have gone from 5 to 1, as it may have changed who actually got appointed to the seat. Mayor Margolis stated he was a little surprised by it, but that was the system. He said he ranked and rated all five people based on his parameters and he knows

they all did the same thing, but reiterated the applicants were somewhat disappointed and would have liked to see the process played out.

Vice Mayor Greene explained when they vote in a primary, they do not vote for a first, second, third, fourth and fifth choice. He said they vote for whom they think is the most qualified in the campaign and that is what he did. He stated he did not want to send anyone a message that they were in third place. He indicated Mr. McGovern was the person he wanted to work with and to him who was the most qualified, but that did not mean the other applicants were not qualified.

Mayor Margolis stated he was not disagreeing with Vice Mayor Greene's vote or his right to pick one person; however he stated this was an appointment and not a primary. He indicated the expectations were that the applicants would find out if they came in second or third, etc., because they put their names and faces out there.

13. ADJOURNMENT

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

Approved:

Bob Margolis, Mayor

Awilda Rodriguez, Clerk