

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary

Monday, February 11, 2019

4:00 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

*Anne Gerwig, Mayor
Michael Drahos, Vice Mayor
John T. McGovern, Councilman
Michael J. Napoleone, Councilman
Tanya Siskind, Councilwoman*

1. CALL TO ORDER

Mayor Gerwig called the meeting to order at 4:00 p.m.

Council Members present: Anne Gerwig, Mayor; Michael Drahos, Vice Mayor, John McGovern, Councilman; Michael Napoleone, Councilman and Tanya Siskind, Councilwoman.

Advisors to the Council: Paul Schofield, Manager; Laurie Cohen, Attorney; Jim Barnes, Assistant Manager; Tanya Quickel, Director of Administrative and Financial Services; and Chevelle D. Nubin, Village Clerk.

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. PRESENTATION AND RECOGNITION OF THE DECEMBER 2018 EMPLOYEE OF THE MONTH - DANIELLE ZEMBRZUSKI**A. [19-2664](#) PRESENTATION AND RECOGNITION OF THE DECEMBER 2018 EMPLOYEE OF THE MONTH – DANIELLE ZEMBRZUSKI**

Mr. Schofield introduced the agenda item announcing that Ms. Danielle Zembruski was being recognized as December's Employee of the Month.

Mr. Ed La Vega read the write-up that was prepared nominating Ms. Zembruski for the Employee of the Month Award. Danielle began her career with Wellington in 2005 as an Administrative Assistant. She received several promotions and has held many titles since that time, including Project Management Assistant, Accounting Technician, Procurement Agent, Purchasing Supervisor, Senior Administrative Assistant and finally, Purchasing Manager (Administrative Manager II). He said last year, Danielle was selected to participate in the WellUp Leadership training as one of the Village's up and coming leaders. Danielle plays a critical role, not only in every day purchasing but also in reconciling expenses to FEMA. To date, Danielle has recovered millions of dollars in disaster-related expenses from FEMA. When she is not working on recovering money from FEMA, reviewing bid documents or attending bid openings, she is furiously working on implementing the Village's new Enterprise System. Danielle's favorite quote is, "I did not make the rules, I just make sure you follow them!"

Ms. Zembruski appreciated the Employee of the Month recognition. She

thanked members of the senior staff for their support as well as members of her team and the Finance Department. She noted that working on the ERP was a big task, and indicated that they went live on February 1st and everything was moving along.

Council extended their thanks and appreciation to Ms. Zembruski for her work and extended their congratulations on being recognized as December's Employee of the Month.

4. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the agenda for the February 12, 2019 Council Meeting for review.

A. [19-2673](#)

MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF JANUARY 8, 2019 AND JANUARY 22, 2019 AND MINUTES OF THE ACME IMPROVEMENT DISTRICT ANNUAL LANDOWNERS MEETING OF JANUARY 22, 2019

Mr. Schofield introduced the agenda item. This was Council approval of the Minutes of the Regular Wellington Council Meetings of January 8, 2019 and January 22, 2019 and Minutes of the Acme Improvement District Annual Landowners Meeting of January 22, 2019.

Mayor Gerwig noted that she had some corrections to the Minutes and would give Ms. Nubin her changes. Mr. Schofield advised Council to provide any changes they had to the Minutes to Ms. Nubin who would make the corrections.

B. [19-2665](#)

PALM BEACH CENTRAL HIGH SCHOOL AND WELLINGTON COMMUNITY HIGH SCHOOL PROJECT GRADUATION SPONSORSHIP

Mr. Schofield introduced the agenda item. Approval of Palm Beach Central High School and Wellington Community High School 2019 Project Graduation Sponsorship. He said every year; the Village provides a contribution of \$500.00 to each of the high schools as well as making the Village Park Gym available through the Interlocal Agreement. He said staff was asking for the authority to make the grant.

Councilman McGovern asked how long the Village has been contributing \$500.00. Mr. Schofield noted that it has been that amount since he has been the Village Manager. Councilman McGovern questioned whether they should be increasing that contribution due to inflation.

Mayor Gerwig thought the Village provided a significant contribution by providing the use of the gym. She asked Councilwoman Siskind how much the schools actually needed for the event. In response,

Councilwoman Siskind said that both schools are different, but they need about tens of thousands of dollars. She said they get as much as possible donated, but they would definitely put additional money to good use.

Mr. Schofield said that the Village provides the staffing and the gym and a lot of things for them. He said if Council wanted to increase the amount, he was sure they could find a way to do it.

Councilman McGovern said that he was not asking for a dramatically big increase, but just thought that they might consider increasing it since it has been the same for many years. Mr. Barnes said that since the Village has been making it a yearly basis where the schools did not actually have to come and ask for it, it has been the same amount, which has been for about 10 years.

Mayor Gerwig said that this is not an election year where, in the past candidates who have remaining funds will distribute funds to Project Graduation. She suggested that if Council wanted to increase funds that they do it personally since the funds have already been established and set aside. She said if they want to give more they can, but she would prefer Council contributing personally rather than changing the Village procedure at this point.

Councilman McGovern reiterated that he thought they might have considered increasing it since it was the same amount for so long.

Mayor Gerwig thought the schools could advise the Village if they had a shortfall.

C. [19-2667](#)

1) RATIFICATION OF AN EMERGENCY PURCHASE TO REPLACE AERATOR NO. 1 IMPELLERS; AND 2) APPROVAL OF RESOLUTION NO. R2019-08 AMENDING THE UTILITY FUND MAINTENANCE BUDGET FOR FISCAL YEAR 2018-2019, BY ALLOCATING FUND BALANCE FOR THE REPLACEMENT OF AERATOR NO. 1 IMPELLERS AT THE WATER RECLAMATION PLANT; AND PROVIDING AN EFFECTIVE DATE

Mr. Schofield introduced the agenda item. This was: 1) Ratification of an emergency purchase to replace Aerator No. 1 impellers in an amount not to exceed \$150,000; and 2) Approval of Resolution No. R2019-08 amending the utility fund maintenance budget for fiscal year 2018-2019, by allocating fund balance for the replacement of Aerator No. 1 impellers at the Water Reclamation Plant; and providing an effective date. He said that there have been some problems with the efficiency of the aerators that were installed 25 years ago. He said that the purchase order was issued; however, they were not yet been delivered. He said that they

occasionally do emergency orders, but he was required to get approval by Council. Mr. Schofield said that the money is in the account they only have to move it from one account to another, but this absolutely needed to be done to keep the plant operating to where it is supposed to be.

Mayor Gerwig asked if there was a life expectancy. Mr. Barnes explained that this was beyond its expected life, and it is critical to the operation. He said that the aeration at Basin No. 1 is not operating until this is completed. He said that they wouldn't have the ability to keep going without this basin in operation.

Mayor Gerwig asked how many were they replacing. Mr. Barnes said that they were replacing Basin No. 1. Mr. Schofield said that it is not until it starts to fail that you know it is going to fail. Councilman Napoleone said that's why it becomes an emergency because once it fails, it fails.

Councilwoman Siskind asked how staff knew it would not exceed \$150,000. Mr. Barnes said that they have the proposal from the vendor, which at this point a contingency is included. He said they are confident that they will not exceed that amount.

D. [18-2581](#)

AUTHORIZATION TO AWARD A CONTRACT TO PROVIDE A PARKS AND RECREATION MASTER PLAN

Mr. Schofield introduced the agenda item. This was authorization to award a contract to provide a Parks and Recreation Master Plan, to AECOM Technical Services, in the amount of \$149,772.48. He said that he believed there was a request to move this item to the Regular Agenda noting it would become item 8B.

Mr. Barnes explained that the Parks & Recreation Master Plan was an item that came before Council for authorization to negotiate a contract with the AECOM firm. Mr. De La Vega added that the RFQ was released in September and it came before Council for authorization to negotiate a contract with AECOM, which had been done. He said that there was an initial proposal provided by AECOM for \$177,000; however, negotiations went back and forth regarding the scope and fee and they have been able to reduce it to \$149,772.48. He said that the budgeted amount for this project is \$176,000 so they are now below their budget amount.

Mr. Barnes explained that generally the Parks & Recreation Master Plan takes into consideration: the physical facilities that you have, recreational facilities, parks and all of the different improvements in the public realm, trails, active and passive facilities, neighborhood parks, playgrounds, etc. He said that it also looks at those existing facilities, programs, services offered within the Parks & Recreation Department,

and tries to get a baseline where they currently are at and looks at the context of the entire community that you are serving. He said that from that they try to determine what the community's long-range needs are as well as their long-range wants and desires. He said from that they try to get to a middle ground to achieve that based on the existing facilities and what you can look to address going forward. Mr. Barnes said that many times the Parks & Recreation Master Plan serves as the basis for the long-range capital improvement programming, and through the master planning process, looks at identifying the needs. He said that is how it is factored into a long-range capital improvement plan for those athletic facilities. Mr. Barnes said that the master plan will also look at, in addition to community contacts, needs, etc., national and state trends to try and determine what is current that wasn't 10 years ago. He used how roller hockey had been popular 20 years ago where the Village built the rink; however, it is not a big user of the facilities because the numbers for that sport have dwindled. He also noted that the numbers in tackle football are also dwindling due to the head injuries, which had not been the case in the past. Mr. Barnes said that there are cycles that sports, programs and activities go through. He said that they also have to consider the not traditional stick and ball activities that are part of parks and recreation services. He said that it also considers the physical facilities, how it ties into maintenance standards and how the Village compares to other communities of their size, other communities of the same population, and the same budget. Mr. Barnes said that the plan benchmarks a lot of activities and services that the Village provides so it helps compare how that is done. He noted that one of the first accreditations that the Village received was for the Parks & Recreation Department through CAPRA, which is a fairly selective process.

Mayor Gerwig asked when the Village first received that accreditation. Mr. Barnes said that it would have been in the mid-2000s. Mr. Eric Juckett, Parks & Recreation Director, added that this was the second time that the Village was renewing it, so it would have been about 15 years ago. Mayor Gerwig said that the Village has seen value in the audit that was done. Mr. Juckett responded affirmatively noting that it is a very in-depth process. Mr. Barnes said that the biggest value that the Village has seen was that it externally helps the Village to compare benchmarks and look at the continuing improvement process, and internally those types of accreditation processes, helps the Village see how well the department works and addresses its functions. He said that so far, they have compared very favorably to other agencies and they use the benchmark and gold standard for many things.

Mayor Gerwig asked if this master planning was similar to the accreditation but even greater. Mr. Barnes said that the Village was

probably one of the few or only accredited agencies without a current Parks & Recreation Master Plan. He said that was attributed to some great staff sales, write-ups, and descriptions. He said that probably some of the piece mail that they have done might have been similar to some Parks & Recreation master plans. Mr. Barnes noted that the standards have gotten a little more stringent and at this point, he believed that they would really need to have an ongoing Parks & Recreation master plan in order to maintain their accreditation. Mr. Juckett added that the master plan piece was now a fundamental requirement for accreditation and is now part of the capital process.

Vice Mayor Drahos said that his understanding was that the consultant will prepare a report, present it to the Parks & Recreation Advisory Board, and then will prepare one for Council. He noted that it also said there would be a visioning workshop that will be coordinated with staff. He asked if that workshop would be held at the end of their analysis or in the beginning, and if in the beginning, could it not be tied to the Council's Visioning Workshop. In response, Mr. Barnes said he believed that the consultant's visioning workshop would be held at the beginning noting that the reports are a culmination of all of the information, i.e., analysis, data collection, etc. He said from there, they would form their recommendations. Mr. Barnes reiterated that those presentations are the culmination of that initial effort. He said that the visioning is really part of the needs assessment and where do we go from here. Mr. Barnes said that it could be tied into the Council's visioning although he thought the timeframe was such that they would have to go longer. He said that he believed this would be fairly specific to the parks and recreation facilities and programs whereas Council's visioning process is usually more far reaching.

Vice Mayor Drahos said that he thought it would be a good idea to have the people here when Council wants to discuss their vision for the future specifically for parks and recreation. He thought it would be productive for Council's visioning to have these people present.

Mayor Gerwig thought that the consultants wanted to get the stakeholders in with the visioning. She said she imagined that the Council were stakeholders so they could be involved in the day-long visioning process. Mayor Gerwig said it was more than just pickle ball, how many soccer fields the Village wants, etc., but that they would also be looking at cultural things. She thought it would include many different focus groups as well as Council. She asked Vice Mayor Drahos whether that was what he was thinking.

Vice Mayor Drahos asked what the consultant's idea of visioning was.

He asked if they were going to spend an entire day at parks and recreation or were they coming to spend an hour with the Council during their visioning session. Mr. Barnes said that although they were not planning to, he could have Mr. Webb address Council. Mr. Barnes believed that the consultant's view of visioning was a collaborative process that would be more than an hour involving all the different stakeholder and focus groups. He said that the traditional visioning that is done with Council and staff talks about things like traffic signals at Greenbriar, level of service for traffic, and things of that nature. However, the consultant's visioning session would be talking about parks and recreation facilities related programming, and everything and anything related to parks and recreation. Mr. Barnes said that their visioning with Council could certainly happen, but he would not see it as a substitute for the bigger issues but it could feed into it.

Mr. Joe Webb, Director of Park Planning for AECOM, addressed Council. He said that all planning processes, including theirs, includes where are we, where do we want to be, and how do we get there. He said that their first step is the analysis portion so they can get a firm grip on where the Village is, then the needs and priorities where they go out to the public through surveys, focus groups, and public meetings to gather everyone's input. Mr. Webb said that they try then to come at what they think is the intermediary step to say this is what they saw, researched, compared, benchmarked, etc., this is what they heard from residents about what they want. He said that through the visioning process, they project where they need to be to be 5, 10, 15, 20 years into the future. Mr. Webb pointed out that the nature of parks and recreation is changing a great deal, which is different than it was in the past and it is driven mostly by demographics and changes in the lifestyles. He said that it is critical to look ahead. Mr. Webb said that they wanted to engage each of Council in first interviews, not only to hear their opinions, but what they hear from their constituents. He noted that doing this plan for the Village was very timely since they are also doing a plan for others in the area, Palm Beach County. Mr. Webb further explained that there is also a shift in how parks are managed, partnerships and how the Village works with the County and other private, not-for-profit agencies pointing out that it is getting much more business-like, a lot more efficient and cost conscious.

Vice Mayor Drahos asked Mr. Webb if his study also analyzes, for example, whether or not a community needs a passive park. In response, Mr. Webb indicated that he believed it would be a derivative of the process explaining that activities drive facilities. Vice Mayor Drahos said there has been a lot of discussion about golf being a dying sport and there being less demand for it, and asked if he also considers that in his analysis. Mr. Webb said that they were very aware of that trend noting

that hundreds close every year. Vice Mayor Drahos asked if they would factor in specifically Wellington's golf courses. Mr. Webb said that they would assess people's needs and priorities and they will get a grip on it; however, they have not looked specifically at golf courses. He said that some of their partners do that in great detail; however, they do not tend to include that in the master plan unless it is specifically for a private facility. Mr. Webb said that was certainly something they could consider; however, it is not currently part of the scope of this master plan to go into that level of detail.

Mayor Gerwig said that the consultants were looking at public facilities at this point for Wellington. Mr. Barnes said that the basis for the study is that it is looking at the Village's existing facilities and tying that into the needs assessments, surveys, etc. He said that for clarification, there is not the level of detail in this study that will look at any one activity and dig down into the details that you would have if you did a specific activity study, i.e., golf. He said that if a specific topic comes up, i.e., golf in the needs assessment; it might be the basis for a future study.

Mayor Gerwig thought that the master plan is more of a broad brush and asked how much detail the Village would get from the study. In response, Mr. Webb said that they do try and take it down to the implementable level. He said that in the end how do they get there is part of their policies and procedures that they will recommend changing and it often looks at pricing structure. He said that they try and prioritize those big investments with long life spans looking more carefully at planned and organized but there are sometimes a lot of ways to get there and it doesn't necessarily mean buy land, build it, run it, but what are the other ways to do it. He said that they look at what other cities are doing that may be a competing facility and make sure that they are efficiently spending your money to the benefit of the residents.

Mr. Barnes said that in some cases, one of the recommendations might be a far more detailed facility master plan, which should not be confused with this plan. He said that this would look at the broad brush, the high-level detail of the Village's facilities and programs and make recommendations to implement different things going forward. However, it will not be detailed in any one facility, which is often times a follow up that the Village determines based on the five-year CIP.

Mr. Webb explained that a number of things could emerge from his study. He noted that in the RFQ they added other individuals that if the event it involves the need, they have the ability to dive deeper into things or a separate study that is recommended as a part of this. He said that depending on the community, the study could be different. Mr. Webb

said that he has worked on almost a hundred different master plans, which are all unique, and he expected this one to be as well.

Councilman McGovern asked Mr. Webb to walk him through the course of events for the 12-month period that the study will be conducted. Mr. Webb explained that they would first look at research for examples, i.e. Demographics, what are the existing facilities, equestrian trails, etc. He said they will take all of the base maps, demographic trends, statistics and look at the evolution of where things are going. Mr. Webb said that they look at trends in Florida, nationally, etc. to see where they are emerging. He said that they will do deep research and analysis which is both spatial as well as how is the department structured and is it being run in the most efficient way and are they charging appropriately. Mr. Webb said that the needs and priorities comes from the public aspect noting that they are having public meetings, inviting focus groups, seniors, sports groups, etc.

Vice Mayor Drahos asked Mr. Webb if he would be meeting with the Presidents of each of the various sports groups. Mr. Webb said they would not meet with each individual group, but would schedule a group meeting. He said they would like to promote cooperation as much as possible by having the various organizations meet together. Mr. Barnes noted that Mr. Juckett's staff meets with the providers on a regular basis and have assignments with various providers, and based on program agreements with the Village, they provide information on their meetings.

Vice Mayor Drahos appreciated the fact that the Parks & Recreation staff have a continuing relationship with the providers; however, in the past, there have been buyer's remorse over some of these studies, and he wanted to make sure they were all launching from the same platform and they are all in agreement as to what the schedule is. He felt they should make an effort to contact the individual presidents so they can avoid questions after the report comes out. Mr. Barnes said that staff have thought about that and was confident that they will be meeting with them and getting into the details of their operation. He said that they would look at field allocations, population trends and usage.

Mayor Gerwig referred to item #8 "Recommend safe routes to parks and schools to create a connected bicycle/pedestrian system, including the identification of missing segments and alternatives." She thought that could tie into other things such as TPA grants that are out there. She thought this could be used for other things along the way for funding. Mr. Barnes responded affirmatively noting that having this information will provide them with a better opportunity to respond when funding opportunities are available.

Mayor Gerwig spoke about what bicyclists might want and asked if that was something, they would include. Mr. Webb said that they would include that to an extent, but getting down to a pedestrian plan is difficult although they often do those plans. He said that parks and recreation, bicycles, pedestrians are all interconnecting and it is almost impossible to bike ped without looking at how that works. Mayor Gerwig said they want to hear those conversations because they are non-walkable. She asked if that would be part of the conversation. Mr. Webb responded affirmatively noting that they do that analysis as part of their original plan. He said that they analyze how to access a park and do a series of maps to show where people can walk and sometimes it becomes apparent that there is a small piece that is missing that breaks the connectivity. Many times in Florida, people can see a park, but can't walk to it, and in some places there have been solutions.

Councilman Napoleone said that the Village has a proposed bicycle circulation plan and asked if that was going to be part of the plan. Mr. Webb said that if there is a plan, they would definitely want to add that into their plan.

Mayor Gerwig said in the Equestrian Preserve Area there are a lot of two lane roads, not a lot of bicycle lanes, but also not a lot of people in the off-season. She said they get a lot of use in the off season because there is not many people around and there are open roads although it is difficult during season. She said that is something they would have to know Wellington in order to gather. She said that she was hoping that they do get all of this information. Mr. Barnes said that the different bicycle rider groups would be part of a focus group.

Mr. Webb then explained that their plan would be about the level of service, they would recommend an on-line survey in order to ensure that anyone who has any type of input has the opportunity to participate. He said that they like to make a mid-point check-in and will first make a presentation to the Parks and Recreation Advisory Board and then to Council and talk specifically about what they heard. He said that they discuss that in an open forum before they go into the visioning where they open it up to everyone to share their vision.

Councilman McGovern asked if that would be done six months into the study. Mr. Webb responded affirmatively noting that it takes a lot of time up front to do the research, which is a critical part of the process. He explained that with the visioning, they try to bring things down to reality to show what it is they should be doing and they try to look out long term and then prioritize it. He said that it is what they are really going to do in the

next 5 to 10 years. He said that CAPRA made master plans as part of the accreditation process because they were seeing that many departments nation-wide did not plan that well as they did a lot of things and spent a lot of money that was found not to be needed. Mr. Webb said that they try to develop the scope of their plan with the CAPRA accreditation in mind so that parts of that which are not typical to the operation can be covered through this that also fit the requirements of that accreditation.

Councilwoman Siskind thought the Village was very good about capturing information and gathering information from their residents. She asked how much of that will they use or would they be starting from scratch. Mr. Webb said that he was hoping to use all the information and sometimes they see differently things from what was gathered. Mayor Gerwig thought they could possibly get people who are passionately involved with something that the Village was not, that could get them on a rabbit trail. Councilwoman Siskind said that Mr. Webb answered her question about seeing things differently because she thought that a fresh perspective could add a lot of value.

Councilman Napoleone asked how they were sure they were engaging the silent majority as opposed to the very vocal minority, and how did they engage the silent majority. Mr. Webb said that one way was direct outreach noting that the statistically valid survey will be a cross section of the demographics of the community. He said that they discuss how much they even want to break it up noting that they have broken it up as much as by neighborhood. He noted a survey that was done for Miami/Dade, which was broken down by 70 neighborhoods, 23 communities, 8 regions and then countywide. He said that there are differences, and he did not know if Wellington has that many differences, but all the same questions are asked sometimes in different ways. He said that what is most important are not only those things that are not only a priority to people, but also are an unmet need. Mr. Webb said that if there is specific outreach to groups that are not traditionally represented they will try to identify them and draw them in. He felt that the most important thing is the survey.

Mayor Gerwig said that Council was asking a lot of questions about this plan because one of the unique things about Wellington is how much they really love their recreation. She said they wanted to know how important it is to them because it has been a key to the success of their community.

Mr. Webb said that he lives in Palm Beach County for a reason because he likes it here. He said that he does not seek out all projects, as he likes working for lifestyle cities. He said that he has worked on a project

for San Diego, Miami/Dade, and Washington, DC. as those places all prioritize a high quality of life which he believed is the trend. He said that it was not just for recreation, but for economics and a lot of different reasons, he believed in. He said that there are a lot of reasons why young people live in certain places. He said that it is a great quality of life here. Mr. Webb said that they recognize the very high quality of life in Wellington. He said that they were very excited to be here.

Mr. Barnes said that for tomorrow night, they would try to summarize all of the information that was discussed into a more concise presentation.

E. [19-2675](#)

RESOLUTION NO. AC2019-01 (AUTHORIZATION AND APPROVAL OF WARRANTY DEED BETWEEN ACME IMPROVEMENT DISTRICT AND W & W EQUESTRIAN CLUB LLC)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ACME IMPROVEMENT DISTRICT APPROVING A WARRANTY DEED BETWEEN ACME IMPROVEMENT DISTRICT AND W & W EQUESTRIAN CLUB LLC FOR TRANSFER OF THE REMAINING WATER MANAGEMENT TRACTS AND LAKE REMNANTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was the approval of the warranty deed between Acme Improvement District and W & W Equestrian Club LLC for transfer of the remaining water management tract and lake remnants.

Ms. Cohen explained that when they originally approved Winding Trails, the plan was that the Village was going to convey the existing lakes to them and they would reconvey the reconfigured lakes to the Village. She said that after the plat was recorded, it was decided that it made more sense to them to own the lakes since they have the perpetual obligation to maintain them, so Council approved the conveyance of those lakes to W&W and the flowage and storage went back to the Village. She said that this was only a clean-up deed as there were some remnant portions of the lakes that did not get conveyed that need to be conveyed over to W&W which is the purpose of this deed.

Councilman McGovern asked how this was discovered. and why were they doing it at this stage. Ms. Cohen said that it came up as part of W&W's effort to do some of their banking and was identified by them. She said that they all thought that this had already been conveyed. She said that when they realized that it wasn't, staff looked back and realized there were some remnant pieces that needed to be conveyed.

Councilman McGovern asked if it was procedurally fine for the Council to do this as the Acme Board in the Consent Agenda to the main meeting.

Ms. Cohen responded affirmatively explaining that they do not need to have a separate Acme meeting into order to adopt Acme resolutions as they do it all the time. She said that there was no requirement that they would have to conclude one meeting and open another meeting as is required during the Landowners meeting. Ms. Cohen explained that Council was acting as the Acme Board for this resolution.

Mayor Gerwig said that it was the developer's obligation to maintain them all along. Ms. Cohen said that it was on the plat that they had the perpetual obligation to maintain the lakes and everyone was under the impression that all of the lakes had been conveyed; however, this piece was not included in the legal description that was attached to the initial deed.

F. [19-2628](#)

ORDINANCE NO. 2019-02 (AMENDMENT TO CHAPTER 72 ENTITLED "MORTGAGED REAL PROPERTY REGISTRATION" TO PROVIDE AN EXEMPTION TO ENTITIES IDENTIFIED IN 12 U.S.C. §4617(a)(7))

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING CERTAIN SECTIONS OF CHAPTER 72 OF THE CODE OF ORDINANCES ENTITLED "MORTGAGED REAL PROPERTY REGISTRATION" TO PROVIDE AN EXEMPTION TO THOSE ENTITIES IDENTIFIED IN 12 U.S.C. §4617(a)(7); PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Approval of Ordinance No. 2019-02 amending Chapter 72 entitled Mortgaged Real Property Registration to provide an exemption to entities identified in 12 U.S.C. §4617(a)(7).

Ms. Cohen directed Council to pages 4 and 5 of the red-lined version of the ordinance, explaining they were adding some language that said "except as provided in 12 U.S.C. §4617(a)(7)". She said that they had received a letter from the General Counsel for the Federal Housing Finance Authority that had been sent to Council in a memo. She said that they looked at the case that they relied on that supported their position; however, there was also another case that was, in staff's opinion, a better reason that supported the opposite. She noted that they do not have a lot of existing Fannie Mae or Freddie Mac homes that are registered in the Village. Ms. Cohen said that rather than go into battle for something that was insignificant, it made more sense to go ahead and carve that out to the extent it applied. She said that the foreclosure registry does have the ability to have them identify if they are Fannie Mae or Freddie Mac or one of their services.

Mayor Gerwig asked if, in the end, would the Village be giving up any options if they decide this is not good for them. She asked if passing this now would interfere with that in any way. Ms. Cohen said that the Village made no concession and they could certainly go back and revise this or take the position that it is not included within that provision. She said that she believed the number of homes was 17. Ms. Cohen said that she did not believe there was anything in this that would preclude the Village from arguing in court that provision does not apply and they do have to pay the fee. She said that they were not complaining about having to register, but paying the fee.

Vice Mayor Drahos said that it was the Village's difference of opinion that there is one case that says they are not exempt from that Statute and one that says that they are. Ms. Cohen said that there is one case that says they are exempt out of California while there is another case, which she felt was a better reason. She noted that these were not appellate courts, but were district level courts. She thought the better opinion was the one that says they are not exempt from the fees. She questioned whether they wanted to argue over this at this point as opposed to putting in some language saying that they are exempt from the fee. However, she said that they were not precluded from taking a legal position in the future that says they are not exempt. Councilman McGovern asked if they would have to change this back. Ms. Cohen did not believe so because it says unless exempted. She said if there is a court order or final judgement or decision of the court that says they are not exempt, then she did not believe they would have to change the language in any way.

Councilman Napoleone said that this exempts them from the fee and not the registration. Ms. Cohen indicated that was correct. She said that this was the first reading and the ordinance would come back to Council for second reading.

G. [19-2638](#)

COUNCIL DIRECTION ON (1) LOCATION OF THE APPROVED MULTI-PURPOSE FIELDS; (2) RECONSTRUCTION OR RELOCATION OF THE COMPETITION POOL; PENDING DIRECTION, (3) AUTHORIZATION TO AWARD TASK ORDERS FOR ENGINEERING/ARCHITECTURAL AND CONSTRUCTION MANAGER AT RISK SERVICES, FOR THE PROJECT

Mr. Schofield introduced the agenda item. Staff was seeking Council direction on (1) location of the approved multi-purpose fields; (2) reconstruction or relocation of the competition pool; and pending direction, (3) authorization to award conceptual design phase task orders to Kimley Horn and Associates, Inc., in the amount of \$14,855, and Kaufman Lynn Construction, Inc., in the amount of \$9,805, to provide engineering/architectural and construction manager at risk (CMAR) services, respectively, for the project.

Mr. Schofield said that Council had awarded a contract for the construction of four fields with lighting, parking and other facilities at Greenbriar Park. He said, at the previous Council meeting, Council discussed the possibility of moving the facilities to Wellington High School and Council gave staff direction to speak with the School District which staff has done. He said that they were now seeking direction on how to move forward. Council was shown a plan that was one of several versions of a plan that were done. He said that one thing that was not part of Council's direction was what was to be done with the pool. Mr. Schofield said that they were seeking direction whether to move forward with the contract that they let for Greenbriar or to move forward with discussions with the school. He said if they moved forward with the discussions with the high school, they would need to change the contract for Greenbriar Park.

Mr. Barnes said that, as Mr. Schofield had indicated, they had previously been before Council with a very conceptual draft plan that they used as a basis for an initial meeting with the School District staff and Wellington high school staff. He said, since that time, they subsequently met with school staff multiple times. Mr. Barnes noted that Mr. Chris Romano, Assistant Principal of Wellington High School was in attendance at the meeting. He said that they have been meeting with Mr. Romano on a fairly regular basis since the last presentation to Council. Mr. Barnes said that they have gone through many iterations of the plan. He said that Mr. Lundeen and his team have been looking at it trying to find the best conceptual layout. Mr. Barnes referred to the conceptual plan that was currently before Council. He explained that it was a configuration that they felt balances the Village's needs with the needs of the school that have to be considered since it is on school property. Mr. Barnes said that it also looks at the needs moving forward of the Village's sports providers and their own recreational programs.

Mr. Barnes pointed out that, in the upper left hand corner of the plan, were four proposed fields or one large field area and basketball courts, which will be new courts since the existing courts are currently in the fourth quadrant of those fields. He said that next to the basketball courts was a proposed access drive and parking. Mr. Barnes said that they were also showing, for planning purposes, a maintenance building and a concession building that would include restrooms similar to those at the Village's parks. Also for planning purposes, there is a kick wall that can be used for lacrosse practice, soccer, etc. He directed Council to tennis courts located in the lower left portion of the exhibit noting that they are relocated facilities. He said that those tennis courts are currently located in the left area quadrant of the four-field facility. Mr. Barnes said that at

this point, they tried to come up with the most effective and efficient layout considering both layout use of the facility as well as sacrificing a major layout efficiency component versus a lower cost construction item like resurfacing existing courts in their current location.

Mr. Barnes said that all the members of the team, except for him, thought that racquetball was a problem there because of security. He said that it wasn't something that they would choose to rebuild here if there was not a need. He said that while he may be the lone supporter of racquetball at this location, Mr. Webb's analysis may find racquetball someplace else in Wellington.

Mr. Barnes said that, based on the location of the proposed tennis courts, they have accommodated batting cages for existing baseball and softball. Mayor Gerwig asked if the school currently had batting cages and where were they located. Mr. Barnes said that there are currently batting cages that are located near the proposed tennis courts. He noted that moving to the center portion of the exhibit; the light green area is the location of the existing staging field. He said that in looking at the Village's needs, and in order to get the maximum use of the facilities, there is a need for the staging fields to also be redone. Mr. Barnes said that the basis is that it keeps the school utilizing the field in the evening that is the Village's primary use time, and the added benefit is that the Village would get an added field for weekend use.

Mr. Barnes said that the proposal, based on costing at this time and to maximize the use, they are proposing synthetic fields for these facilities.

Mayor Gerwig asked when the facilities would be accessible to the public. In response, Mr. Barnes said that the accessibility to the public would be at 6:00 p.m. He said that was the time that the Village would propose that the four quad fields would be available for public use that would be programmed by the Village, i.e., sports provider, recreation provider, etc. He said that was part of the reason why they were proposing that they would do the stadium field as well because that would allow the school to use it exclusively during the week while the Village would have use of it on the weekends. He said if that remained natural grass field, it would be worn out and they would need to keep as many kids off that field as they do now. Mr. Barnes said that there may be occasions where they would have to coordinate between the school and the Parks Department as the school may have a use on a particular night and vice versa. He said that would be similar to the collaboration that they currently have now.

Mr. Barnes explained that, at Olympia Park, the Village was able to draw

a line noting that the school built the school facilities, some parking and the gym while the Village built the field facilities and some parking, restrooms, etc. He said that the school owns their part and the Village owns theirs. However, the school uses them during the day, and the Village uses it during the evenings as well as having great use of their gymnasium during the evenings. He then explained the Village's relationship at Tiger Shark Cove. He said the facilities on which the quad softball fields, press box, restrooms and multipurpose field and some parking are located is all school property.; however, the Village built all the improvements and use all of the improvements. He said that the parking area for nights and weekends is the faculty area during school use. He said that those are two examples, and this takes it to the next level where they are constructing facilities on school property and there will be an invisible line.

Mayor Gerwig noted a basketball situation at the Emerald Cove gym that was brought to her attention where the gym has not been as accessible to the Village as they expected. Mr. Barnes said that the problem was with Polo Park and not Emerald Cove. He thought that the best poster child in the County for joint use facilities is Emerald Cove at Olympia Park.

Mayor Gerwig said that she had not agreed with relocating the pool for many reasons, although she thought the discussions about the pool would come up in the master planning process. She asked if the school was interested in partnering with the Village on this. Mr. Barnes said that initially their discussions with the School District led staff to believe that they don't have any funding to bring to the table specific to these facilities. He said that the School District has projects proposed for the site that the Village would want to coordinate with and if that works out timing wise, they may be able to get more for their money. He believed that there were some improvements proposed at the stadium, so they would not want to put down new turf field and then they come in and put in other improvements that might impact that. Mr. Barnes thought if they coordinate with each other there may be able to more bang for their bucks, i.e., press box, grandstand, etc. He said that assuming they get to the next step, he would go with Mr. Romano to visit with Dave Dolan, the District's Facilities Capital Improvements Director and Kristin Garrison, Planning Director to discuss the timing requirements.

Mr. Barnes then directed Council to the lower right hand corner of the plan there is the proposed area for the aquatics facility and parking. He said there were multiple brainstorming sessions, which included designers, planners, engineers, and non-engineers, planners and designers. He noted that Mr. Lundeen prepared cut-outs to scale so they

could start looking at it. He noted that was done both with staff and with the school that yielded very productive results. He said that one of which was looking at the pool in a different location to maximize athletic field facilities. He said that they have located it in the retention area that many people would consider an eyesore. He said that between looking at some additional drainage on this site as well as some credit that the Village also has with the Water Management District that would allow some facilities along the frontage. He said that from the school perspective, although he was not speaking for the school, it is a better location while also addressing Council's concerns for security and that type of thing.

Vice Mayor Drahos thought that this location was better because it is much easier for the residents during the day.

Mr. Barnes said that is where they were at while also taking advantage of the aquatics facilities in a very preliminary layout looking at existing configurations of the current facility size, building size and that type of things. He said it takes into account existing parking which is student parking. He said that there is additional parking on the perimeter of the student parking as well so that will make up for more than what is lost in parking. Mr. Barnes said that they did not believe they were negatively impacting the existing student parking with the new facility. He said that the critical component to any of these facilities is the appropriate fencing and circulation both during school activities and on weekends to protect the school's physical plant that remains unusable to the public.

Mr. Barnes said that related to the overall layout is that they continue to work with the school staff both with Mr. Romano and Ms. Hayden to develop alternatives that help them address the student drop off/parent drive through scenario. He said that they believe they have come up with different solutions; however, the final signoff would rely on the school saying it works for them or it does not. Mr. Barnes said that circulation issue is not one for the Village's parks and recreation use, but if they could accommodate something, they would want to work with the school to do that.

Mayor Gewig and Councilman Napoleone wanted to ensure that they would get enough access to the turf fields in order to justify it. Mayor Gewig also wanted to know the number of years, i.e., 15, 30 that the District was willing to commit to in the agreement. Mr. Barnes said that preliminarily, the main duration included was a 30-year timeframe which is beyond life of the turf; however, it is not beyond the life of many of the improvements. He said that staff believes the time should be longer than 30 years as they want to demonstrate that it can be a longer relationship.

Mr. Barnes said they will leave the legalities to the attorneys, but for the usage portions in order to meet the Village's timeframes, they have put together a basic interlocal agreement that will be refined.

Mayor Gerwig asked Mr. Barnes what his cost estimate would be for all the improvements excluding the pool. In response, Mr. Barnes' said that, excluding the pool, his estimate would be about \$10 million. Vice Mayor Drahos added that the funds would be coming from the penny sales tax. Mr. Barnes indicated that was correct. He noted that the original estimate to do the fields at Greenbriar was at \$12 million. Mayor Gerwig said that she wanted to see the School District bring some funds to the table.

Mr. Barnes explained the difference between the proposed athletics field facilities and Greenbriar. He said that although the thinking is that synthetic turf is much more expensive, it really is not as it is not the novelty it was ten years ago, but it is being used more often.

Mayor Gerwig expressed her concern about the drainage as they were covering alot of land that is now grass, and asked if the engineers have looked at that drainage issue. She said that she did not want to commit to the pool because she first wanted to know the amount that had been spent on the pool, and the timeframe they should be using the pool before building another one.

Councilman McGovern asked Mr. Barnes for clarification on what they were discussing today. Mr. Barnes explained that the interlocal agreement would give them the ability to do everything that is on the plan; however, there is not a commitment to do anything on the plan. He said that they have the ability, but not the obligation to do anything. Mr. Barnes said that if they should move ahead with the fields, they are not obligated to move ahead with the pool. Mr. Barnes said this provides them with the maximum flexibility to do any and all improvements.

Mayor Gerwig felt that the significant thing was the stadium field and turf noting that Jupiter has it at their high school. She thought that if the Village was doing a significant improvement at Wellington High School that they would be hearing from Palm Beach Central.

Vice Mayor Drahos thought that the difference was that the Village would be getting all of this land instead of having to use Greenbriar. He noted that Palm Beach Central does not have not any land for the Village. Councilman Napoleone asked the same question about what they are doing at Wellington and not Palm Beach Central. Mayor Gerwig thought that Palm Beach Central would also want the turf field. Mr. Barnes said

that they are only at the dating process with the high school.

Mr. Schofield explained that staff did not need direction on the pool, but he did need direction on whether to move forward with Greenbriar or to go this site at the high school. He explained that the contract for Greenbriar has been let, and if the decision is to move ahead at Wellington High School, he needed to reject those bids or to arrange with the contractor to do the work at the high school. Mr. Schofield said that they will lay out the basis for doing it all in the interlocal agreement, but then they will make decisions with the parts that Council was comfortable with.

Councilman Napoleone asked what time of day the public could use the tennis courts. Mr. Barnes said that they are accessible in the evening. Mayor Gerwig said that they have not been accessible for years. Mr. Barnes spoke of the poor condition of the tennis courts noting that they use them for basketball. He said that at night, the back area is open, and they use it for basketball practice. Mayor Gerwig noted that they were locked and she could not get into them. Mr. Schofield explained that it dates back several principals ago where there were issues with a specific racquetball group.

Mr. Romano explained that anyone who has come to him with an Interlocal agreement has been able to use any one of the school's facilities. He said that in the five years that he has been there, they were never denied use.

Mayor Gerwig said if they have Village residents who want to play tennis they come to the Village. Mr. Barnes said that while someone may decide they are just going to go on the school property; he has not had that request. He said that once the Village builds the facilities and things are going great, that space would be programmed by the Village of Wellington except for the stadium field. Councilman McGovern asked if the tennis courts would be programmed or would they be opened to the public. Mr. Barnes explained that what he meant when he said programmed is that it would be available for use unless he has an asphalt tennis program, it will be open play.

Mr. Schofield explained that if the Village does this, there would be Village of Wellington employees on site there to deal with residents who want to play which is something they don't currently have. Mr. Barnes added that currently the only asphalt court they have available is also on school property at Emerald Cove Middle School. He noted they are for community use; however, the public can't use them during the day. He said that the Village had put some lighting there as well as at the sand

volleyball court that is there.

Mayor Gerwig said they have the recreation master plan coming forward, but said that the Village should know whether the School District is willing to invest anything with the Village on this. She said that stadium would also be available to the Village. Mr. Barnes explained that it would be available on the weekends except for Friday nights. He noted that increases the Village's field availability by another 4-5 fields noting that all are the same size.

Councilman Napoleone said that with the recreational master plan aside, the Village has already decided that they need more fields. He said this plan gives the Village at least four more fields plus one while still preserving Greenbriar for future use and they get tennis courts and basketball courts that are available to the residents. He said that they have the option to do more if they really wanted to go with the pool. Councilman Napoleone said that this creates much more open activity space for the residents while still keeping Greenbriar for future use for whatever that might be. He also noted that the fields at the high school would be better fields as they will be turf while the fields at Greenbriar would have been grass.

Mayor Gerwig reiterated her concerns about drainage; however, Councilman Napoleone thought that the Village's engineers could find ways for the water to go to the canals that are next to the property. Mr. Barnes assured Council that they would be building code compliance facilities. Mr. Schofield added that like everyone else, the Village would be required to obtain permits which would have to meet every requirement.

With regard to the interlocal agreement, Councilman Napoleone believed that it has to be for a long period so the Village gets their investment back. Councilman McGovern said that if they are talking about 30 years and up, he pointed out that this site has been used for 28 years.

Vice Mayor Drahos said that he liked the Mayor's point about addressing the School Board to see if they are going to be giving some funding as well. He said if it was not on the fields, they would spend more on Wellington High School's and Palm Beach Central's needed improvements, i.e., security, etc. Mr. Barnes said that he did not believe that this project would affect either anything the School District is doing at of these schools or anything else. He said that the impression from their initial meetings from the District staff was they have their penny sales tax laid out.

Councilman McGovern pointed out that the School District's contribution here is the land. Vice Mayor Drahos thought it did not hurt to ask. Mr. Barnes reiterated that the School District already has their money allocated, but they are coming to the table with land. He said that unfortunately if this project wasn't done, the kids would be using those same grass fields for practice. Mr. Barnes noted that the majority of the kids at the school were Wellington residents. He believed that doing this at the high school would provide them with the biggest bang for their buck. He said they will build facilities that will be used from the morning until the night. However, if they build the fields at Greenbriar, they will rarely be used during the day and if it is, it would be minimal, and most of the use would be nights and weekends.

Vice Mayor Drahos pointed out that they can build the fields for cheaper at the high school than at Greenbriar. Mr. Barnes said that the fields at Greenbriar would have been green construction where they had to put in all of the infrastructure. He said that the Village's kids have been playing on high-level fields, and the cost for their grass fields are almost the same as synthetic fields. He said that what is also offset is that you get no downtime for weather noting how some of the Village's fields cannot be played on if it rains.

Mr. Barnes said that currently they use basketball, which is not great, and tennis is unusable noting that the high school team plays at the Village's facility. Mayor Gerwig thought that playing on asphalt was completely different. Mr. Barnes noted that there is a requirement at certain age groups to play certain games on asphalt courts.

Mayor Gerwig thought they should go into this wide open with access being the main question and length of the agreement. She said the School District has their sets of standards and vendors, and she wanted to ensure that the Village would be able to use theirs. Mr. Barnes said that the school has agreed that if the Village chose to, we could permit the improvements ourselves rather than go through the School District, which he indicated would be the Village's preference. He said this would also be handled as a Village project so they would follow their own procurement requirements. He said that they will be a review agency. With regard to access, Mr. Barnes believed that the people who are going to look at access were at the table. He said that the reason they have the layout that was before them for the field and facilities components was to have access for the four quad fields located at the top on Monday through Friday from 6:00 p.m. He said the Village would not have access to the stadium field Monday through Friday because since it is a synthetic field, the school would be able to utilize it for practices. He said that, as part of the interlocal agreement, it would not

preclude Mr. Romano or Mr. Juckett from coordinating a scheduled modification should the need arise as they currently do for all their facilities. Mr. Barnes said that the game plan would be if they move forward with something like that, it would be accessible day, night, and the typical hours they have now.

Mayor Gerwig said that she heard Mr. Barnes say they could use the fields on Monday through Friday 6:00 p.m. and asked about the weekends. Mr. Barnes said they could use them on the weekends unless there were special circumstances. Mr. Schofield noted during summers there is summer school. Mayor Gerwig thought they have things going on which would require coordination. Mr. Romano noted that summer school is not at the same school each year noting that was something they could work out.

Mayor Gerwig reiterated that she did not believe they have gotten their useful life out of the pool and liked the fact that they could take pieces rather than approve everything. She said that she wanted to start with the stadium field because that was the one thing they were asking for. Mr. Barnes said that they have to start there noting that it would be a phased project. He said it would be good to sit down with the School District staff to figure out the timing of their improvements in that area.

Mr. Schofield said that the last item was to move forward with two task orders: (1) Kimley Horn & Associates for \$15,000; and (2) Kaufman Lynn for \$10,000 noting that the numbers were not specific.

Mayor Gerwig said that if Council approves it tomorrow night, they would give staff recommendations on what site they want to move proceed with. Mr. Schofield responded affirmatively. He explained that with any contract, they have the ability to get out of the contract right up until staff brings Council the contract and tells them to start to build.

5. WORKSHOP

None.

6. ATTORNEY'S COMMENTS

Ms. Cohen reported that the complaint for foreclosure was against Palm Beach Polo Inc. She noted that the case was assigned to Judge Rowe. She said that they identified a number of parcels that have been included in the complaint.

Councilman McGovern asked if Judge Rowe was familiar with the underlying litigation. In response, Mr. Cohen said that she was familiar

with the enforcement and the permits. Councilman McGovern asked who was handling that legally for the Village. Ms. Cohen said that Jonathan Chane who is an attorney who has good experience with foreclosures. She noted that Mr. Chane drafted a very nice complaint. She also noted that a title search was done and there were no liens on any of the property other than the theirs.

Vice Mayor Drahos said it has been filed and asked if it had been served. Ms. Cohen indicated that she did not know whether it had been served yet, but it has been filed. She did not see any reason for a delay.

7. MANAGER COMMENTS

None

8. COUNCIL COMMENTS

Councilwoman Siskind spoke about the Keely Spinelli Grant and the remaining funds. Mr. Schofield said that they had received a request regarding that noting that Council would get an AT on that within the next day or so. Councilwoman Siskind said that several of the principals had contacted her about when they could expect the remaining funds that were allocated and budgeted. Mr. Schofield said that it was like any other thing that is budgeted, but it still has to come to Council for approval.

Councilman McGovern said it was a two-part process last year. Mayor Gerwig added that they distributed the remaining funds but it was never explained why the additional funds were put in. She said that she did not like the way that worked out noting that she had been told two years later that it might be used for some summer program. She requested that Council is told why staff is requesting money to be put in a budget. Mayor Gerwig said that they have alot of schools, and the money was divided equally the last time there was remaining funds. Councilwoman Siskind thought that it was that they had voted to increase the grant. Mr. Schofield explained that the allocation for the grants was about \$330,000, but the budget line item was \$400,000 so there is \$70,000 remaining. Councilwoman Siskind believed that they should allocate the funds now if possible because some of the schools need the funding for things they need now.

On another matter, Vice Mayor Drahos asked Ms. Cohen when her contract was due to expire. Ms. Cohen said that her contract was due to expire in April. Vice Mayor Drahos thought they should start talking about having someone negotiate the contract. Councilman Napoleone thought it was his turn to negotiate it, and he volunteered to be the negotiator.

Mayor Gerwig also said that Council never received copies of the evaluations for Mr. Schofield and Ms. Cohen. Mr. Schofield said that he would provide them to Council.

9. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 6:05 p.m.