

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary

Monday, April 22, 2019

4:00 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

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

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. [19-2771](#) EMPLOYEE OF THE MONTH FOR MARCH 2019 – IAN WILLIAMS

Mr. Schofield introduced the Agenda item. He announced that Ian Williams was being recognized as the Employee of the Month for March 2019.

Ms. Ana Acevedo stated that Ian had started with the Village of Wellington two years ago in the Customer Service Department, was then promoted to Accounting Technician, and was recently promoted to the position of Senior Accounting Technician. She announced that Ian had played college football noting that she believed his coach had impacted him on and off the field. Ms. Acevedo Ian has an amazing work ethic, always willing to help others and his smile lights up the room. She noted that Ian personally greets everyone each morning, and is a pleasure to have around. Ms. Acevedo said that it was a joy for her to nominate him as Employee of the Month which she felt was a very well-deserved honor.

Mr. Williams expressed his thanks to everyone for creating such a wonderful environment to work in. He extended his thanks to Ana, Marisol, and Tisa who offered him many opportunities to learn. He also thanked his co-workers who were there to support him noting that they make it amazing for him to come to work everyday. He said that the place would not be the same without them.

Mayor Gerwig asked Mr. Williams what college he had attended. Mr. Williams responded that he had received a football scholarship and attended Fordham University located in the Bronx, New York. He believed that what he learned about life from his coaches was that you should attack the day. He said that his coaches always used to say "go about your day with moxy" which is what he does.

Ms. Quickel thanked Elizabeth Arocho who hired Ian in Customer Service. She said that Elizabeth had told her when she recommended that he be hired that Ms. Quickel would take him.

Council each expressed their congratulations to Mr. Williams for his work.

4. REVIEW OF COUNCIL AGENDA

Mr. Schofield presented the agenda for the April 23, 2019 Regular Council Meeting for review.

- A.** [19-2860](#) PRESENTATION OF THE AMERICAN PUBLIC WORKS ASSOCIATION (APWA) RE-ACCREDITATION AWARD TO THE VILLAGE OF WELLINGTON PUBLIC WORKS DEPARTMENT
- Mr. Schofield introduced the agenda item. This was a presentation of the American Public Works Association (APWA) Re-accreditation Award to the Village of Wellington Public Works Department. He noted that this was a reaccreditation award for the Public Works Department. Mr. Schofield noted that the department had just been through their complete review cycle and was reaccredited. A representative from APPA would be in attendance at the Council meeting to present the award.
- B.** [19-2897](#) A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA DESIGNATING MAY 2019 AS "MENTAL HEALTH AWARENESS AND TRAUMA INFORMED CARE MONTH" IN THE VILLAGE OF WELLINGTON
- Mr. Schofield introduced the agenda item. This was a proclamation recognizing May 2019 as "Mental Health Awareness and Trauma Informed Care Month" in Wellington. He noted that Dr. Seth Bernstein from the United Way would be in attendance to accept the proclamation.
- C.** [19-2851](#) PRESENTATION OF SCHOLARSHIPS AND CONTRIBUTIONS BY WASTE MANAGEMENT, INC. OF FLORIDA TO LOCAL AREA SCHOOLS
- Mr. Schofield introduced the agenda item. This was the award of scholarships by Waste Management, Inc. of Florida to Wellington High School and Palm Beach Central High School (\$2,500 each), as well as provide contributions for the purchase of books to Binks Forest and New Horizons Elementary Schools (\$1,800 each) and Polo Park Middle School (\$900).
- Mayor Gerwig asked if this was a rotating award. Mr. Schofield explained that the high schools receive the scholarships every year while the scholarships for the other Wellington schools rotate each year.
- D.** [19-2890](#) A PROCLAMATION OF THE VILLAGE COUNCIL OF WELLINGTON, FLORIDA RECOGNIZING AND CONGRATULATING THE LOCAL WINNERS OF THE AMERICAN WATERWORKS ASSOCIATION'S "DROP SAVERS" WATER CONSERVATION POSTER CONTEST

Mr. Schofield introduced the agenda item. This was the presentation of proclamations to the local winners of the American Waterworks Association's "Drop Savers" Water Conservation Poster Contest. He said that each of the winners was listed and they will be in attendance.

- E. [19-2817](#) PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8 WELLINGTON FY18 ANNUAL REPORT PRESENTATION
- Mr. Schofield introduced the agenda item. Captain Rolando Silva will present the Palm Beach County Sheriff's Office District 8 Wellington FY18 Annual Report to Council.
- F. [19-2850](#) MINUTES OF THE REGULAR WELLINGTON COUNCIL MEETINGS OF FEBRUARY 12, 2019 AND FEBRUARY 26, 2019
- Prior to reviewing the Consent Agenda, Mr. Schofield announced that he had to move item I to the Regular Agenda. Mayor Gerwig had a conflict with Colomne noting that their contract ended in June, and she would have to recuse herself.
- Mr. Schofield introduced the agenda item. Council approval of the Minutes of the Regular Wellington Council Meetings of February 12, 2019 and February 26, 2019. Council had no changes to the Minutes being presented.
- G. [18-2315](#) AUTHORIZATION TO CONTINUE UTILIZING A SOUTHEAST FLORIDA CO-OP CONTRACT FOR THE PURCHASE AND DELIVERY OF WATER METER FITTINGS AND WATER LINE ACCESSORIES
- Mr. Schofield introduced the agenda item. This was authorization to continue utilizing a Southeast Florida Co-Op contract, with multiple vendors, for the purchase and delivery of water meter fittings and water line accessories, in the amount of approximately \$150,000 annually.
- Ms. Shannon LaRocque said that this item is used to repair and replace the Village's 21,000 meters. She noted that they have broken service lines that need to be repaired.
- Mayor Gerwig asked if at some point some of this was the liability of the homeowner. Ms. LaRocque said that the Village stops at the meter and beyond that it is the responsibility of the private property owner.
- H. [18-2318](#) AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR BUS RENTAL AND DRIVER SERVICES
- Mr. Schofield introduced the agenda item. This was authorization to renew an existing contract with Bus One, LLC for bus rental and driver services, in the amount of approximately \$46,000.00 annually. He said that the Parks Department uses the buses for special events as well as for the summer camps. He said that the \$46,000 was just about what was spent last year.
- Mayor Gerwig asked if these buses are used for any of the Senior Club's events or was that under a different contract. Mr. Schofield said that the

Seniors Club has their own contract.

Councilman Drahos said he assumed that the Village was getting \$46,000 in value from this contract every year. Mr. Schofield responded affirmatively.

Mayor Gerwig said that this has been a good company that the Village has not had any problems with. Mr. De La Vega said that this has been a good group with an hourly contract of \$95.00 per hour compared to the Palm Beach County School District's contracts. He also noted that the Village's contract with Bus One did not include any mileage fees, and they just pay for what is used.

I. [18-2451](#)

AUTHORIZATION TO (1) AWARD A TASK ORDER TO PROVIDE DESIGN, CONSTRUCTION DOCUMENTS AND PERMITTING SERVICES FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT; AND (2) AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT.

Mr. Schofield announced that this item would be moving to the Regular agenda because the Mayor would need to recuse herself. This item was discussed with the Regular Agenda items.

J. [19-2650](#)

AUTHORIZATION TO RENEW AN EXISTING CONTRACT FOR INSURANCE BROKERAGE SERVICES

Mr. Schofield introduced the agenda item. This was authorization to renew an existing contract with The Gehring Group, Inc. to provide insurance brokerage services, at an annual cost of approximately \$220,000, based on current annual premiums. He added that Council had awarded the original contract for five years with five, one year extensions. He noted that they were looking to do the first extension for this year.

Councilman McGovern asked if the Village used Gehring for all of their insurance products. Ms. Quickel said that they are used for health and workman compensation as well as the property and casualty insurance.

Mayor Gerwig asked if this was a conflict for her because of her association with FMIT. Ms. Cohen explained that it was not because this is the broker.

Mayor Gerwig asked staff to explain the work of the broker. In response, Mr. De La Vega summarized some of the work that Gehring does: assists with annual open enrollment; assist with employee issue regarding health claims; performs an audit each year regarding workers comp policy which save the Village about \$50,000 to \$80,000 per year; offers Benetek which is an employee on line portal which allows employees to register; negotiates premiums for health insurance and property and casualty insurance

companies; gets prices from all of the different carriers; and coordinates the Wellness Fair. He pointed out that they have been with the Village since 1994 and have done great work.

Mayor Gerwig said that it would be very difficult if the Village was to try and do all of this work in-house. Mr. De La Vega noted that Gehring has the expertise to do this work in all of these areas. Mr. Schofield added that there is some work that they do for Wellington because the Village not have the skills in house. He noted a personal experience regarding test that was going to be denied by the insurance company which Gehring was able to get approved. He noted that Gehring would do the same for every employee.

Mayor Gerwig said that Ghering is a big group who still provides individual service. Mr. De La Vega said that they have alot of municipal accounts; however, they do great work for Wellington.

Mayor Gerwig asked when the contract had been approved. Mr. De La Vega said that it was approved five years ago and noted that it is a commission-based contract.

K. [19-2765](#)

AUTHORIZATION TO AWARD A CONTRACT FOR THE VILLAGE PARK CONCESSION STAND DOOR REPLACEMENT - PHASE II PROJECT

Mr. Schofield introduced the agenda item. This was authorization to award a contract to CJ Contracting, LLC, for the Village Park Concession Stand Door Replacement - Phase II project, in the amount of \$105,205.00. He explained that this is for the Soccer buildings 1 and 2 and the LaCrosse building. He noted they were replacing one window, 20 doors, 8 of which are double doors, and the average cost is about \$5,000 for storm-rated doors and windows. He added that they have a service life between 20-30 years. Mr. Schofield said that the first phase of this started about four months ago. He noted that the money is budgeted to do this.

Mr. Lundeen added that this was about \$38.00 more for each door than in Phase 1. Councilman McGovern asked what the increase was attributed to. Mr. Lundeen said that it was a new contractor.

Councilman Drahos asked why this was done in different phases. Mr. Barnes explained that the project was in the mill for a while. He said that they initially started doing it out of major maintenance. He said that when they were in the first phase, they identified this scope of work as eligible and approved it as part of the surtax funding. He said that since they were on their way to split up the work from all the concession buildings in Village Park, they kept that schedule. He said that they were separated because: (1) less impact when it was being funded out of the general fund; and 2) it considers some of the scheduling the Village have when the seasons are in place.

L. [19-2832](#)

AUTHORIZATION TO AMEND AN EXISTING AGREEMENT WITH AVOLVE SOFTWARE FOR PROJECTDOX UPGRADES

Mr. Schofield introduced that agenda item. This was authorization to amend

an existing Agreement with Avolve Software, for ProjectDox upgrades, in the amount of \$40,200.00. He said that this was a budgeted and expected item as part of their move to Tyler. He explained that this will add the ability for the Planning and Engineering Departments to use that software for simultaneous review. He noted that it also allows the residents to use the portal rather than using Project Dox which is complicated. He said that it won't be the last time over the next two or three years when he tells Council they will be spending money on a Tyler upgrade.

Mayor Gerwig asked if someone was pulling a permit for a fence, would they upload a PDF through this. Mr. Stillings said that they could start the process through the website. He explained that this will get it so it works with the Tyler parts. He said that this ties loosely with the next item because the Village needs to make some workflow changes: (1) how the Village does business; and (2) make some changes how the software works.

Mr. Schofield said that they are adding all of these modules to allow for simultaneous review. He noted that there is a bill in front of the legislature that will make it through that changes the amount of time the Building Department has to issue building permits from 30 days to 15 days. He noted that what it also does is if you ask for additional information before the 15 days, then if it is done on day 12, they can add 3 days to it. However, resubmittals only get five days for review. He said that there is no more routing from department to department so they can meet the State mandated time frames for building review reductions.

M. [19-2841](#)

AUTHORIZATION TO AWARD A CONTRACT TO CDW-G FOR THE PURCHASE OF ADDITIONAL MICROSOFT LICENSES

Mr. Schofield introduced the agenda item. This was authorization to award a contract to CDW-G, in the amount of \$46,463.46 for the purchase of additional Microsoft licenses. He explained that the Village has more users and thus requires more licenses. He noted that they are moving some things to the cloud and there is some licenses cost to do that. Mr. Schofield said that it is a budgeted item.

Mayor Gerwig asked if this was part of the ERP. Mr. Sillman said that a large portion of it is for the back end. He said that the version that they require the Village to be on is a different set of licensing, so they have to move their current data base to that set of licensing. He noted that this is an additional functionality that they need to move to maintain the move to the Tyler ERP.

Councilman McGovern asked if this was an annual licensing cost. Mr. Silliman said that it is an annual licensing cost that they lock in. He noted that he will bring the Microsoft to Council every three years. Based on the enterprise agreement with Microsoft has with the Village, they sell them in three-year chunks. He said that what they do in time is lock a price at \$5,000 per license and then you pay \$5,000 a year even though in year two they raise it to \$7,000. Mr. Silliman said that every three years they have to go and renegotiate the contract.

N. [19-2856](#)

AUTHORIZATION TO UTILIZE A PALM BEACH COUNTY CONTRACT

FOR THE PURCHASE AND DELIVERY OF HYDRANT ACTIVATOR CAPS

Mr. Schofield introduced the agenda item. This was authorization to utilize Palm Beach County Contract #SS555450A as the basis for the purchase and delivery of hydrant captivator caps, in an amount not to exceed \$250,000 annually with Ferguson Enterprises, Inc.

Ms. LaRocque explained that this allows them to purchase hydrant captivator caps which locks the hydrant. She explained that the intent was to prevent tampering: (1) illegal water theft; and (2) reduce contamination to the system. She said that anytime anyone tampers with the hydrant, there is the chance that the water distribution system can become contaminated. She said that this was the first phase of a four-year project noting that the Village has about 2,300 hydrants. Ms. LaRocque said that the goal was for these captivator caps to be on every hydrant. She noted that most municipalities are doing this now. She pointed out that Fire Rescue has the proper tools on their vehicles so that they can unlock the caps.

Mayor Gerwig asked if this would slow them down if they had to unlock the caps. Ms. LaRocque said that they have the proper tools and they are very familiar with them.

Vice Mayor Napoleone asked if this was the first time they would see this for four years. Ms. LaRocque said that this was the first phase and the cost is about \$900,000 to do all of the hydrants. She said that they felt very strongly about having these caps because of the potential for contamination. She said that they do have quite a bit of water theft noting the pressure cleaner guys open the hydrants and fill them up. She said that it is a federal offense for them to do this.

Mr. Schofield stated that they looked at one of these issues that had about \$18,000 worth of water taken out over a period of two months. He said that there is a significant amount of water that can be taken from the hydrants when they are opened up. Ms. LaRocque said that the people can get quite nasty when told they can't do this because they don't want to be told they can't take the water. She believed it is a good program and it will assure the residents that the water supply is continually safe.

Councilman Drahos asked if the key was universal. He said that he didn't want a situation where they did not have the ability to open them. Ms. LaRocque said that it is a specialized tool that both Wellington and Palm Beach County Fire Rescue have.

Mayor Gerwig said that when they are driving around and see water

coming out of the hydrant, they should call. Ms. LaRocque said that should always be reported, and they should never hesitate to contact her. She said if they see a hydrant running, they should see a Village staff member close by.

O. [19-2885](#)

RESOLUTION NO. R2019-19 (PALM BEACH TRANSPORTATION PLANNING AGENCY - TRANSPORTATION ALTERNATIVES GRANT APPLICATION)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR A TRANSPORTATION ALTERNATIVES GRANT REQUESTING \$934,101 TO CONSTRUCT BICYCLE LANES ON GREENVIEW SHORES BOULEVARD FROM WELLINGTON TRACE TO BINKS FOREST DRIVE; AND PROVIDING AN EFFECTIVE DATE.

P. [19-2888](#)

RESOLUTION NO. R2019-20 (PALM BEACH TRANSPORTATION PLANNING AGENCY - LOCAL INITIATIVES GRANT APPLICATION)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY FOR A LOCAL INITIATIVES GRANT REQUESTING \$1,781,058 TO CONSTRUCT BICYCLE LANES ON GREENBRIAR BOULEVARD FROM AERO CLUB DRIVE TO GREENVIEW SHORES BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield said that these two items are I of tied today. He introduced the first agenda item which was the approval of Resolution No. R2019-19, authorizing the Village Manager or his designee to submit a grant application to the Palm Beach Transportation Planning Agency (TPA) requesting funds in the amount of \$934,101 to construct bicycle lanes on Greenview Shores Boulevard from Wellington Trace to Binks Forest Drive. He said that it is not known whether the Village will receive the grant, but they are applying for it. He explained that the Village has a bicycle plan that has circulation on major roads.

Mr. Schofield introduced the second agenda item which was the approval of Resolution No. R2019-20, authorizing the Village Manager or his designee to submit a grant application to the Palm Beach Transportation Planning Agency (TPA) requesting funds in the amount of \$1,781,058 to construct bicycle lanes on Greenbriar Boulevard from Aero Club Drive to Greenview Shores Boulevard.

Mayor Gerwig said that these were already approved in their circulation plan. Mr. Schofield said that they were already in the current plan. He said if they amend the pan, they will not get the grants until sometime next year and they have a three-year timeframe. Mr. Schofield did not believe they would get both

grants.

Mayor Gerwig asked if they were matching grants. Ms. Quickel said that there was a match portion to both of these grants. Mr. Schofield added that the Village only requests these when they have work on those roads to do because when you are doing milling and overlay or changing the drainage, he would not want to do that early because they wind up doing it anyway. He said that they would have people mobilized and can get a better price on their end.

Councilman McGovern questioned the two different versions of the resolutions. Mr. Schofield explained that there was a slight language change that TPA was asking for. He said that one of the things that they wanted included in the resolution was that the Village was going to do the maintenance.

Councilman Drahos asked if the Village anticipates they will only receive one grant, do they have the ability to say which one they want. Mr. Schofield said that TPA will rank them based on need. He said that every dollar they get is that much less the Village has to spend.

Councilwoman Siskind asked what the timeline was on a decision. Ms. Quickel said that the resolutions have to be turned in by May 1st for the application to be considered. She said that the timeline for the first one was for it to be completed would be 2022, but the fund would not start until 2020/2021. She said that for the second one, it would not be completed until 2024.

Mayor Gerwig said that from her experience this is one way that Wellington can access funds because they will not get any other type of road funding because they don't meet the criteria for the metropolitan and transport ideas.

Q. [19-2866](#)

ORDINANCE NO. 2018-10 (SMALL CELL WIRELESS ORDINANCE)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON AMENDING THE VILLAGE CODE BY REPEALING AND REPLACING CHAPTER 23, "COMMUNICATIONS FACILITIES RIGHTS-OF-WAY ORDINANCE", TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF COMMUNICATION FACILITIES AND OTHER STRUCTURES WITHIN THE VILLAGE'S PUBLIC RIGHTS-OF-WAY, CONSISTENT WITH FEDERAL AND STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. Second Reading and Adoption of Ordinance No. 2018-10 repealing and replacing Chapter 23 of the Village Code entitled Communications Facilities Rights-of-Way Ordinance."

Ms. Cohen explained that this was the second reading of the ordinance. She said that the version in Council's packet was the revised version. She indicated that there was a lot of back and forth between the Village and the providers. She noted that the providers were not completely satisfied as they have all emailed letters requesting that Council postpone the second reading until after the legislative session. She said that was because they believed that pending bills in front of the legislature may change the ordinance. Ms. Cohen said that they were correct; however, it was her opinion as well as that of their consultant, that they need to get the standards in place. She said that they could always come back depending on what is passed by the legislature, and revise as necessary. Ms. Cohen reiterated that they wanted to have the standards in place noting that there was a suggested 180 day timeframe to do that and they were slightly beyond that timeframe. She said that it was not a mandatory hard and fast deadline, but she believed it was important to have it in place. Ms. Cohen said that they were comfortable with the ordinance, and believed that Council should adopt it on Second Reading tomorrow night.

Mayor Gerwig thought it was probably going to be moot after the session. She asked if this would protect the Village until the new rules are put in place. Ms. Cohen thought there were providers who already want to submit applications now. She said if the Village has this in place between now and the effective date of the new law, if it is adopted, they could use these standards. Mr. Schofield pointed out that the Village has two current requests for registration. Ms. Cohen added that although those are just for registration, they are anxious to move forward. She reiterated that she felt it would be beneficial for the Village to put this in place.

Councilman McGovern asked if Ms. Cohen had reviewed the full substance of the emails, the attachments, etc. Ms. Cohen said that they have noting that they they had numerous lengthy telephone conferences with the providers. She said that to the extent they were able to accommodate their requests, they have done so. However, she said that sometimes it was just a matter of a disagreement with either the way something was worded. She said that they were afraid that it was actually being stated as a preference which was stated in the ordinance that it somehow translated into imposing certain things on them which they have told them they really can't do. Ms. Cohen said that they can express preferences for certain things which they have done which is protective of the Village and the aesthetics in the Village. Ms. Cohen said that they feel that they have compromised as much as they can.

Vice Mayor Napoleone asked what was in the letter referenced by Councilman McGovern. Ms. Cohen said that it was a request to postpone the hearing. She said that they had attached comments that they had with respect to the red-line version that they still have relating to the provisions in the ordinance.

Councilman Drahos asked if the Village's consultant would be attending the Council meeting. Ms. Cohen responded affirmatively. Ms. Cohen believed that Ms. Lhota would attend who represents Verizon. She said that she did not know if representatives of Comcast or T-Mobile would be attending, but they may. She said that when these ordinances are adopted, they tend to get

objections from these providers.

Mayor Gerwig said that she was still struggling with the concept that it was all going to be washed away. Ms. Cohen said that she did not know what the ending legislature would look like, and she believed that it was beneficial to the Village to have it in place in case applications come in between now and whatever the effective date of the law is. She said that they could always come back and modify what they have done based on what the legislature has done.

Councilwoman Siskind asked staff to elaborate on the two in-house registrations that were waiting. Ms. Schofield said that they were presently being reviewed. Ms. Cohen explained that registration is just a beginning step, and once they apply, they would be subject to the requirements in the small cell ordinance if it passes.

R. [18-2298](#)

AUTHORIZATION TO: 1) AWARD A CONSTRUCTION CONTRACT FOR THE REHABILITATION OF SIX LIFT STATIONS; 2) AWARD A TASK ORDER TO PROVIDE CONSTRUCTION PHASE ENGINEERING SERVICES; AND 3) APPROVAL OF RESOLUTION NO. R2019-09 AMENDING THE UTILITY FUND FOR FISCAL YEAR 2018-2019 BY ALLOCATING FUND BALANCE FOR THE LIFT STATION UPGRADES CAPITAL PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the agenda item. This was authorization to: 1) Award a construction contract to Foster Marine Contractors, Inc., for the rehabilitation of lift stations 5, 39, 41, 44, 74 & 85 in the amount of \$2,373,623.00; 2) Award a task order to Mock Roos & Associates, Inc., to provide construction phase engineering services for the lift station rehabilitation project in the amount of \$74,200.00; and 3) Approval of Resolution No. R2019-09 amending the Utility Fund or Fiscal Year 2018-2019 by allocating fund balance for the Lift Station Upgrades Capital Project; and providing an effective date.

Mayor Gerwig explained that the firm she works for and owns 1 share of stock (1%) has on-going work with Mock Roos, so she recused herself from this agenda item.

At this time, Mayor Gerwig left the Conference Room.

Mr. Schofield explained that on the construction side this was a sealed bid/low bid and local preference came into play. He said that Foster Marine's bid was about \$6,000 higher than the low bid there. He said that they are a western communities contractor and they reduced their bid to match and they were actually 98 cents lower than the low bid. He said that the request was to offer the bid to Foster Marine using the local preference.

Ms. LaRocque explained that about 1 1/2 years ago, they completed a condition assessment on all of the existing lift stations, many of which are over 40 years old. She passed out a picture of Lift Station 39 at Palm Beach Polo. She said that the lift station is severely degraded as it is adjacent to the

wet water body. She pointed out that the wet well is exposed and this lift station requires a complete rehabilitation. She explained that the condition assessment took all 105 of the lift stations and prioritized the rehabilitation efforts. Ms. LaRocque said that the first 20 are going to be the most expensive because they are the oldest and the most severely degraded. She said that the goal was to completely redo the lift stations so they can provide another 30 years of service life. Ms. LaRocque said that this lift station is very expensive pointing out the erosion which will require the Village to build a retaining wall and significant mechanical, civil, electrical and controls upgrades. Ms. LaRocque also noted that you cannot take the lift stations out of service so there is a significant effort to bypass these lift stations so none of the Village's customers are impacted. She said that these are the first six rehabilitations which are the most expensive, and goal is to get another 30 years of life from them.

With respect to the additional budget that is required to award the project, Ms. LaRocque said that the \$1.9 million budget amount was about two years old. She said that as they have seen over the last 1 1/2 years, they have had significant cost escalations. She said that moving forward, they are adjusting their budget numbers to reflect that. However, the first project got caught up in that. She said that Foster Marine is a highly qualified company, and staff feels very comfortable with them doing the work.

Councilman McGovern asked Ms. LaRocque to talk about the other lift stations she mentioned. Ms. LaRocque said that they were all very similar. She said that lift station 5 that looks good is a very large one located near the United Methodist Church on Forest Hill; unfortunately the lift station was not raised when Forest Hill Blvd. was repaved and raised. She said that it has to meet regulatory requirements. She said that it has to be raised quite a bit to be above the elevation of the roadway because the last thing you want is for a lift station to accept storm water or runoff. Ms. LaRocque said that the lift stations are all very different, but these handle very aggressive material. She said that unless you continually rehab them proactively, you would have a severe degradation. She said that these are the worst, but are very similar in what needed to be done. She said that it is about \$350,000 on average whereas a new station would cost anywhere from \$900,000 to \$1,000,000.

Mr. Schofield said that these lift stations have a finite life noting that some of them are beginning to approach 50 years old and are due for replacement. He said that the lift stations started being installed in the early 1970's. He said if you get 40 years out of a lift station, you have done really well and some of these are older than that.

Vice Mayor Napoleone said that these are going to be rehabilitated, and asked if the Village had any that were going to be replaced. Ms. LaRocque said that there is one that is at the entrance of Sugar Pond Manor off of Greenview Shores that sits in the median of the entry way to the neighborhood that needs to be relocated. She said that presently they are just tackling rehabilitation. She said that they could have rebuilt it brand new and spent significantly more money, but the approach was to go in and try to rehabilitate it which she felt was the right approach.

Councilman McGovern said that lift station 39 is a rehab and not a rebuilt. Ms. LaRocque said that it is a rehab, but there is significant work to be done.

Councilman Drahos asked how long it takes to complete the rehabilitation of one of the lift stations. Ms. LaRocque said that this was about a 10-month contract. She didn't know how the work for them was going to be determined. She said that lift stations don't meet the current standards noting that new ones are much more sophisticated.

Councilman McGovern said that moving this money from the utility fund would not impact other utility project coming down the line. Ms. LaRocque said it would not.

S. [18-2451](#)

AUTHORIZATION TO (1) AWARD A TASK ORDER TO PROVIDE DESIGN, CONSTRUCTION DOCUMENTS AND PERMITTING SERVICES FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT; AND (2) AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE WATER TREATMENT PLANT WAREHOUSE, GENERATOR STORAGE, FIELD SERVICES BUILDING MODIFICATIONS AND MISCELLANEOUS SITE IMPROVEMENTS PROJECT.

Mayor Gerwig was not present for this item as she had noted her recusal earlier in the meeting.

Mr. Schofield introduced the agenda item. This was authorization to: (1) award a task order to Colome and Associates, Inc. to provide design, construction documents, and permitting services for the Water Treatment Plant warehouse, generator storage, field services building modifications, and miscellaneous site improvements, in the amount of \$372,347.18; and (2) Award a construction manager at risk contract to Wharton Smith, Inc., to provide pre-construction services for the Water Treatment Plant warehouse, generator storage, field services building modifications, and miscellaneous site improvements, in the amount of \$47,000.

Mr. Schofield said that both of these numbers reflected a fairly substantial reduction from the original. He said that these are CCNA which means that the Village selects based on qualifications and not on price. He said that they looked at it and asked them to amend the price which they did.

Ms. LaRocque said that this was a project that they had previously talked about. She said that they had previously authorized preliminary designs for Colome and Associates. She said they needed to do that in order to obtain a proposal from Wharton Smith. She said that this phase of the

project brings forth a final design and permitting on the engineering side, and then the initial phase from the Construction Manager at Risk contractor who is Wharton Smith. She explained that CCNA program is different than a traditional design/build because the contractor is with the designer from day 1. She said that what they will get at the end of this is not only the final design, but the contractor will already have solicited prices from the vendors who build the project. She said that they don't get a guaranteed price in this phase, but he will have done all the leg work to be able to bring quickly a guaranteed maximum price on the construction side. Ms. LaRocque said that during the design of the project, the contractor is at the table and he will provide input relative to materials selection and construction methods so that they can insure that the Village's funds are being maximized. She said that it is a very favorable type of procurement method and is becoming the new normal as it saves a lot of time. Mr. Schofield added that the contractors are involved up front so the number of change orders is substantially reduced. He said that there is a guaranteed cost and regardless of what happens they don't go over that. He said that the good thing is if they come in under, the Village gets the benefit of the cost reduction.

Councilman McGovern asked Ms. LaRocque to walk him through what has been done, what this will do and what will be coming. He said that the \$372,374 was paying to what compared to what was already spent and then what was coming. Ms. LaRocque said that \$35,000 to \$40,000 was for the preliminary study that looked at schematics, i.e., what are they going to do with the building, the cost, basic elevations of the project. She said that was just defining the scope of work and they then took that and went to Wharton Smith asking them to do a proposal to do the Phase 1 of your CNAA contract.

Mr. Schofield said that what happens is that everything that is done requires programming. He said that what they did in the initial stages was to look at what was there compared to what the long-term needs were and came up with a long-term plan that laid out what was needed. He said that once they have the programming in, which was the stage they are at, they look at the designer who can come in and prepare the plans that will be built from. He said in this case, they bring in the contractor so everyone is sitting at the table. Mr. Schofield said that when he was in the private sector and they did design/bid/build, they would do a design and the engineers and planners were at the table, but they did not know all the things the contractors know. He said that in this case, the contractor sits at the table and they can fix something if it doesn't look right.

Councilman McGovern questioned paying Wharton & Smith since they

normally pay them at the end. Ms. LaRocque explained that the first thing that Wharton & Smith will do is put a real estimate to the job. She said that they will know from the very beginning where they will need to trim. They will also provide a contractor schedule, conduct outreach to all the trade subs to ensure that they have interest in the project, prepare prequalification packages for every single trade and conduct prebids and awards. She said that what Colome does is the final design that is suitable for building permits. She said that nothing here in these plans are suitable for construction. Mr. Schofield explained what they were really getting paid for. He said that in this case, they will be the people who will have to live with that cost. They will sit down with the designers the whole way, and if there is a mistake in the design and they don't catch it, Wharton Smith would have to eat it. Ms. LaRocque reiterated that the Village sits down with them on every phase.

Councilman Drahos asked how the Village knows they are getting a good deal. Ms. LaRocque said that this is a very reasonable fee for a \$5 million project. She said that it is an open book where the Village sees every bid for every trade. Councilman Drahos asked if the Village can ask them to go back and get a better bid or was the Village stuck with the figure. Ms. LaRocque said the Village is at the table the whole time. Mr. Schofield said that all things are negotiable. He said that they have found in these types of things because the Village sits with them, the numbers come in pretty close. He said that in every case, staff will look at every recent bid that was done. He said if there is a number outside of industry standards, the Village won't accept it.

T. [19-2889](#)

CONSIDERATION OF VILLAGE ATTORNEY'S EMPLOYMENT AGREEMENT

Mr. Schofield introduced the agenda item. Council appointed Vice Mayor Napoleone to negotiate the Village Attorneys Employment Agreement with Ms. Cohen. The current employment agreement expires on April 29, 2019. Attached is a copy of the negotiated contract for Council's review.

Mr. Schofield said that this was an extension of the current agreement with the addition of 3% contributions to Deferred Compensation which is just under \$6,000.00.

Vice Mayor Napoleone said that he met with Ms. Cohen to discuss her contract. He said that she did not ask for a lot, but wanted contributions toward her retirement and a five-year contract. He said that he thought a three-year contract was fair to her and to Council to provide flexibility. Vice Mayor Napoleone said that staff compiled for him the compensation plans for municipalities throughout South Florida. He said that by and large, most of them make some contributions to the retirement plans for their Village Counselor. He said that some were as little as 3 1/2% and some were up to the maximum contribution by law. Vice Mayor Napoleone said that taking into account what Ms. Cohen's salary was and what a 3% contribution would be,

he thought it was a fair compromise. He thought that a three-year contract with a 3% contribution towards her retirement paid by the Village which is about just under \$6,000 a year.

Councilman Drahos asked if Ms. Cohen was able to do the three-year extension. Ms. Cohen responded affirmatively.

Councilman McGovern asked if there was a red-lined version between this version and the previous one. Ms. Cohen said that there were very few changes, but she would provide it.

Councilman McGovern asked if the salary stayed the same. Vice Mayor Napoleone said that there was no increase other than then the 3%. Councilman McGovern asked where the list was that staff put together for the deferred compensation. Vice Mayor Napoleone distributed the list. He said that the list included city attorneys for Boca, Clearwater, Coconut Creek, Coral Springs, Delray through West Palm showing their salaries, deferred compensation, health insurance, car allowance, additional benefits, the municipality's population and the scope of the work.

Mayor Gerwig asked how the annual increase is given. Mr. Schofield said that increases were budgeted every year. He said that the government cost of living is 1 1/2 per cent and they have budgeted an additional 1 1/2% for merit. Ms. Quickel added that this year they are planning on 2% plus 1% and last year the cut-off was \$75,000 for the merit. Mr. Schofield said that there is a formula for it in the contract.

Councilman McGovern asked if the contract included any travel budget or anything like that. Ms. Cohen said that she gets a car allowance but doesn't get mileage. Councilman McGovern indicated that he was referring to out-of-town travel. He raised concern indicating he did not believe there was any time that both attorneys should be out of the office together. He said that presented an issue on a legal matter last year.

Councilman McGovern referred to outside legal counsel and asked on what matter and to what extent would she be using them. Ms. Cohen said that they use outside counsel on litigation matters if it gets beyond the Motion to Dismiss. She said that the reason was that they don't physically have enough time for the depositions, discovery and that type of thing. She said they use attorneys who specialize in certain things, i.e., bond, human resource, utility issues, etc. She said that to the extent they are able to, they handle the matters in house including appeals all of the code enforcement matters and other appeals. Ms. Cohen said that they have handled other injunction hearings, but if it requires extensive amount of time or specialized knowledge, then it goes to outside counsel. She indicated that the workflow in the Legal Department is enormous noting that they are a three-person department. She said that it was difficult to explain how much flows from all the departments into the Legal Department which they try to turn around quickly and provide good service to the departments.

Councilman McGovern asked who else in the Village gets deferred

compensation. Mr. Schofield indicated that he was the only person. To clarify, Ms. Quickel explained that Mr. Schofield is the only one that the Village pays a deferred compensation while the employees can elect to make their own contribution. Councilman McGovern said that was also available to Ms. Cohen. Ms. Quickel said that was correct.

Mayor Gerwig looked at severance in the event the Village wasn't happy. She asked what was the benefit if they decided they didn't want to go to contract after this was signed. Ms. Cohen said that it is a 20-week severance which has been in each of her contracts. Mayor Gerwig said if the Village decided to go to contract attorneys as they previously had instead of outside, how would that work Ms. Bausch. Mr. Schofield said that there would be no severance. Ms. Bausch noted that the severance was not 20 weeks, but was actually 12 weeks.

Mayor Gerwig questioned whether Council wanted a policy regarding State conferences. Ms. Cohen said that they could set forth a formal policy, but they just stated that which she would adhere to. Mayor Gerwig wanted to have a Council discussion.

Ms. Cohen said that they are important conferences that are extremely educational. She said that there were only three conferences that they go to: local government; FMAA, and IMLA noting that there is a mid-year conference that only she went to and the annual conference where they both were at. Ms. Cohen explained that there was a Special Magistrate Hearing that was scheduled on the same date after they booked the travel plans. She said that Council had pressed upon them that they did not want any postponements so she made the decision to have someone cover the hearing for them.

Councilman McGovern pointed out that there was also a conference that occurred during the Stribling Berm clearing and a motion could not be filed because both attorneys were out of town. He believed if they were going to have in-house attorneys, it was important to have one here. He said that attendance at something like a State conference could be taken on a case-by-case basis, but generally speaking, he did not believe they could have both attorneys out at the same time.

Councilman Drahos said that a large firm like his carefully considers the amount of lawyers they are going to send to a particular seminar even though there are benefits to the whole firm. He joined with Councilman McGovern's suggestion that that they have someone here at all times.

Mayor Gerwig said if they were going to make a policy now that doesn't have anything to do with the contract. She thought it might be on a case-by-case basis because of certain certifications and it may be a time when a Special Magistrate hearing isn't occurring and it may be a convenient time for both to be away. Mayor Gerwig said that she was not willing to say that should never happen.

Councilman McGovern asked about the certifications. Ms. Cohen said that it was the standard attorney certification. However, she said that Ms. Bausch

may want to get certified in local government law or she could potentially pursue that, but it was not currently necessary.

Vice Mayor Napoleone said that if Ms. Cohen thought there was a reason why they would both need to be out at a conference, they could discuss that. Ms. Cohen reiterated the reason they had both been out during the Special Magistrate Hearing.

Mayor Gerwig asked how much was the Outside Counsel budget. Ms. Cohen said that last year it was originally \$300,000, but it was reduced to \$200,000. She said they will come pretty close to that number. She said that sometimes unexpected things come up and you need to have funds available to handle them. She believed that overall they have done a good job in containing outside counsel fees noting that when she first came they were quite a bit higher. She said that when the Village had outside counsel even then they had to hire expert counsel in other practice areas.

Mayor Gerwig said that she understood that was out of Ms. Cohen's control and wasn't holding her responsible for it. She said that Ms. Cohen had redeemed a huge amount of money from intelligent decisions that were made which they appreciated.

5. WORKSHOP

NONE

6. ATTORNEY'S COMMENTS

NONE

7. MANAGER COMMENTS

NONE

8. COUNCIL COMMENTS

Mayor Gerwig said that there was some emails going back and forth about the signs at Sugar Pond as well as on Next Door where she made a comment. She said that there was been an ongoing situation with the older signs in the public right-of-ways and no HOA. She said that the Village has, over a period of the past ten years, been working on this problem. She wanted people to know that they all see the emails and are concerned about property standards. Mayor Gerwig asked Mr. Schofield to address that.

Councilman McGovern said that there was some reference to a committee, and asked if one had been formed. Mayor Gerwig said it is not a committee, but she suggested that this person contact her through the Village so that it would be out in the Sunshine. She said that she was more interested in getting input from residents. Mayor Gerwig believed they needed to have a workshop on this. She said that some neighborhoods went door-to-door in

their neighborhood to get input, i.e., Chatsworth Village. Mayor Gerwig said she did not want the residents to think that some neighborhoods get benefits while others don't. She said that the signs in the Paddock Park neighborhood where she lives went up about five years ago. She pointed out that previous to that there were letters on the side of a big electrical box. She said that was replaced with a sign that the Village paid for. Mayor Gerwig said that they have Beautiful Wellington Grants that HOAs can apply for. Mayor Gerwig did not want to say that her area got signs while Sugar Pond didn't.

Mr. Schofield said that he likes to get neighborhood input. He said that in the Sugar Pond, one of the things he would like to do would be to include the street names. He said that most of those signs are in the median which limits how high they can be. Mr. Barnes noted that the most recent one they replaced was Guilford on Forest Hill and then Chatsworth.

Mayor Gerwig said that Chatsworth was very active about asking for the signs. Mr. Barnes said they had existing signs that were old. Mayor Gerwig noted that they had been put in by the developer on private property which sometimes makes it difficult.

Councilman McGovern asked if there were any other Next Doors that staff should be reaching out to besides Paddock Park 1. Mr. Barnes said that staff sees all of the posts. Councilman McGovern said he wants the same message to go out to all of them. Mayor Gerwig noted they are usually intercepted by staff. Mr. Barnes said that the Sugar Pond discussion started this weekend. He said that they will move forward with public engagement in various forms.

Mr. Schofield said that there are a lot of initiatives going on in a lot of neighborhoods. He noted that in Mr. Barnes neighborhood the residents are talking about extending the wall on Big Blue from its current point up to Wellington Trace. Mr. Barnes said it includes Wiltshire Village as well as Greenview Shores I where both Watch Captains and certain neighbors have expressed an interest in pursuing that type of assessment similar to the way that Amesbury, Lynton Circle and Margate had done. He noted that would go through the assessment process.

Mayor Gerwig pointed out that not every neighborhood has an association or neighborhood watch captains.

Councilman McGovern wanted staff to reach out to all of the other Next Doors so it doesn't look like it is just Paddock. Mr. Barnes said that if you are on Next Door even for another neighborhood, you will see it.

Mayor Gerwig wanted the residents to know that the Village wasn't doing anything without their input particularly as they go through a neighborhood sign.

Mr. Schofield said that they are not generally going out and putting signs without neighborhood input. Mayor Gerwig said that there was no community input on Paddock and she was sitting on Council at the time. Mr. Schofield said that

what they did five years ago was different than what they are doing today. He said that this Council wants to be engaged in ways that previous Councils did not.

9. ADJOURN

There being no further business to be discussed by the Village Council, the meeting was adjourned at 5:30 p.m.