

Village of Wellington

*12300 Forest Hill Blvd
Wellington, FL 33414*



Action Summary - Final

Monday, May 11, 2020

4:00 PM

Village Hall - Conference Rooms 1E & 1F

Village Council Workshop

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

1. CALL TO ORDER

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

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

2. PLEDGE OF ALLEGIANCE

Mayor Gerwig led the Pledge of Allegiance.

3. REVIEW OF COUNCIL AGENDA

Mr. Schofield introduced the agenda for the May 12, 2020 Regular Council Meeting for review. He stated that he would like to move item 20-3806, Council Appointment of Board and Committee Members to the May 26, 2020 meeting.

The Council agreed that was a good idea.

A. [20-3581](#)

PALM BEACH COUNTY SHERIFF'S OFFICE DISTRICT 8
WELLINGTON FY19 ANNUAL REPORT PRESENTATION

Mr. Schofield introduced the item. He explained that the Palm Beach County Sheriff's Office District 8 Wellington will be presenting their FY19 Annual Report to Council. He suggested postponing the item until the May 26th meeting as well. He said that Captain Silva would also be happy to give the report via Zoom, if that was their preference.

Mayor Gerwig stated that she would like to have people hear the report. She asked if more people are attending the meetings via Zoom than in person.

Mr. Schofield stated that seemed to be the case that more were attending the Zoom meetings.

Captain Silva stated that he was willing to do the report at the Zoom meeting. He said that he really did not have a preference on which meeting, but felt that the Zoom meeting was just fine.

Councilman McGovern stated that since they are getting more

attendance via the Zoom meetings, they should try it.

Mr. Schofield stated that they would leave the report on the agenda and if it needs to come up for discussion on the 26th, they could always do that.

Mayor Gerwig stated that the reason she wanted to have the report presented at the meeting was because she wanted to keep getting the work done that needs to be done, even if it is done remotely under these circumstances. She said that they could use some good news.

B. [19-3504](#)

AUTHORIZATION TO CONTINUE UTILIZING ALLIED UNIVERSAL SECURITY SERVICES, LLC FOR SECURITY SERVICES AT THE WATER AND WASTEWATER TREATMENT PLANTS

Mr. Schofield introduced the item. He stated that it is for the authorization to continue utilizing Allied Universal Security Services, LLC for Security Services at the Water and Wastewater Treatment Plants at a cost of not to exceed \$86,000. This will be securing security for the next 8-10 months.

Mayor Gerwig asked if this contract was because of the situation that they had at the water plant.

Mr. Schofield stated that they actually had the security before that incident, but this just re-enforces the need for it.

Ms. LaRocque explained that they started the security when the construction project started for access control for deliveries. She said that they are mainly there for access control and keeping records. She said that in the past couple of weeks they have partnered with PBSO for visibility.

Councilman Napoleone asked if this was just to extend the contract from June and then another eight months.

Ms. LaRocque stated that it was correct. It would be until the construction is completed.

Mayor Gerwig asked if this was part of the Homeland Security Act that was passed a couple of years ago for infrastructure.

Ms. LaRocque said that it is not mandated that they do that, but it is

considered best practices that they do that. She said that the Homeland Security Act does reinforce that they do this.

Councilman Drahos asked if this is the best deal and is the Village happy with their service to date.

Ms. LaRocque stated that they have been happy with the services. She said that they do have a significant increase in the State contract, but they were willing to significantly reduce that from \$28.37 an hour to \$17.79 an hour.

Councilman McGovern asked if the not to exceed amount will get them through the end of the project.

Ms. LaRocque stated that it will get them through the end of both projects at the water plant and the waste water plant.

Vice Mayor Siskind asked if this was budgeted in the Utility Capital Projects.

Ms. LaRocque stated that was correct.

C. [20-3766](#)

AUTHORIZATION TO EXECUTE A CHANGE ORDER FOR THE PROCUREMENT OF ADDITIONAL EQUIPMENT FOR THE WATER TREATMENT PLANT CONSTRUCTION PROJECT

Mr. Schofield introduced the item. He explained that it is for the authorization to execute a change order with Weiss Construction Co of Florida LLC for the procurement of additional equipment for the Water Treatment Plant Construction Project in the amount of \$342,987.92. This will provide a savings of almost \$54,000 for the Train 8 project.

Ms. LaRocque explained that the Capital Budget that was approved for this year, included the design of Train 8, which will add another 1.8 million of gallons a day of redundant capacity. She said that this equipment is needed for that project and it is identical to equipment they installed under the current water plant contract. She said that in order to have good cost control, because costs continue to increase, she asked the contractor if they would be willing to allow the Village to have them buy the equipment with no markup and then the Village would turn around and purchase it from them directly using the sales tax savings program. This would result in a savings of around \$54,000. In doing this, it expedites the equipment for the project,

provides a significant savings and provides cost control.

Mayor Gerwig asked if warranties are an issue if the product is not used right away and does it affect its performance.

Ms. LaRocque stated she did not think so as this will be a fast track project. She said the design will go quickly and they will have it out to bid within the next three months. She said she does not have any concerns with that at all.

D. [20-3772](#)

AUTHORIZATION TO AWARD A TASK ORDER TO PROVIDE ENGINEERING CONSULTING SERVICES FOR THE WATER TREATMENT PLANT TRAIN 8 DESIGN AND PERMITTING

Mr. Schofield introduced the item. He mentioned that this was an authorization to award a task order to Kimley-Horn and Associates, Inc. in the amount of \$57,325, for the Water Treatment Plant Train 8 Design and Permitting.

Ms. LaRocque explained that this is the design of Train 8 onto the Water Treatment Plant contract. She said that they just completed Train 7. She said that the driving factor to install this train now is that they have seen some of their highest demands. These are probably related to COVID-19 and drought reasons. She said that when they take the Line Plant out of service, something they do every year for about two weeks, they tend to lose about 4.7 million gallons a day of capacity. When that plant comes down, they do not have enough capacity to meet current demands. She said that what Train 8 will do is give more redundant capacity when they take the line plant out of service and if they should have equipment failures on other trains, which happens routinely. This will ensure that they are always able to meet their peak day demands without impacting their customers by significantly reducing pressure or having to cut certain areas off of service. She said that primarily it gives redundant capacity, but it also gives additional capacity. She said that the design is included in the budget this year and construction is proposed in the budget for next year. The construction cost is estimated at \$1.6 million and this proposal is for \$57,000, which is about 4% of construction. The reason it is a low percentage is because Kimley-Horn has designed Train 6 and Train 7, so the design and equipment is already in place.

Mayor Gerwig stated that previously when Kimley-Horn brought these forward, she had to recuse herself because Smith Engineering Consultants was being used as the electrical contractor. She said

that this one appears to be someone from Lakeland instead. She asked if the Village had anything with the choice of the subcontractors on this project.

Ms. LaRocque stated that Hamm Engineering has always been the electrical subcontractor on the plant work. She said that they are the most familiar with the plant.

Mr. Schofield mentioned that the Village does not tell them who they can and cannot use. He said that is just something that is seen when they come in.

E. [20-3774](#)

AUTHORIZATION TO DISPOSE OF SURPLUS TANGIBLE PERSONAL PROPERTY

Mr. Schofield introduced the item. He said that this is for authorization to dispose of FY 2020 surplus tangible property. He said that there is equipment that is coming out of the water plant that is being replaced because it is older and the upgrade will replace them. This gives the Village the ability to surplus it out and sell it. The acquisition costs are \$56,681, with accumulated depreciation it is worth just under \$3,500. He said that he is assuming that they will probably get more than that out of it. He explained that this is a standard practice when older equipment is removed and they do not have use for it.

Mr. De La Vega explained that on page 51, there is a listing of everything they are disposing of. He said that that items in the top table are to be sold on www.govdeals.com [<http://www.govdeals.com>](http://www.govdeals.com), which they have used and had great success many times before. He said that the second item, a Ford F250 truck, was actually totaled in a vehicle fire and the cost to the Village was \$19,086 and the insurance company wrote a check for \$26,378 for the loss. He mentioned that the other three items are Information Technology items and are going to be scrapped and recycled.

Mayor Gerwig stated that she is glad that it has worked out with the Village working with www.govdeals.com [<http://www.govdeals.com>](http://www.govdeals.com). She said that it seems the Village is getting more for the surplus items.

Councilman McGovern asked why the Village was doing this. He

asked if they just recently did this.

Mr. De La Vega stated that they typically do this once or twice a year or in cases such as this one where Ms. LaRocque needs items removed because they are being replaced due to the upgrade at the water plant.

Mayor Gerwig asked about the generators that are on the list. She was wondering why we are buying new generators if these are in workable order.

Ms. LaRocque explained that these generators are old, not reliable and are not serviceable any longer. She mentioned that they are over 15 years old are not useful to the utilities.

F. [20-3804](#)

AUTHORIZATION TO AWARD ANNUAL CONTRACTS FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES

Mr. Schofield introduced the item. He stated that this was an authorization to award annual contracts for Construction Manager at Risk Services (CMAR). He said that they put out an RFQ and there were five firms that responded. He said that they are recommending three firms: Burkhardt Construction, Inc., BSA Construction and The Morganti Group, Inc. He said that this does not award any work, it just puts the CMAR firms available should the Village need them.

Mr. De La Vega stated that it was a qualifications based solicitation. The selection committee selected the top three ranked firms and conducted presentations and interviews via Zoom. They ranked them in the following order: 1. Burkhardt Construction, Inc. 2. The Morganti Group, Inc. and 3. BSA Construction. The selection committee is recommending awarding contracts to the top two, which are Burkhardt Construction and Morganti Group. This would be for eligible projects including any new construction, renovations or remodeling of Village facilities, parks and fields where the total cost does not exceed \$2 million. This doesn't approve any projects, just allows them to utilize the construction manager at risk services.

Mayor Gerwig asked Mr. De La Vega to explain the process of CMAR from a high level (not detailed), but compared to other practices they have done, explain the advantages and how they track the CMAR projects to make sure it's an advantage.

Mr. Barnes explained that the CMAR process is a qualifications based selection. It is a little different than the traditional design bid build delivery process wherein they are separate contracts led by the Village for design services and a separate contract for construction services. Construction phased services are strictly provided by the contractor. A CMAR process is qualifications based so it is not based on price. They would distribute the work accordingly based on specific expertise or volume of work. They would negotiate the individual project with the contractor. The way they know they are getting the best price is that it is an open book process. They provide the Village with all the information and the process in which they select their subcontractors. It allows the Village to execute a preconstruction services task order with the selected construction management contractor and they are involved during the design phase. This provides the Village of having the expertise and the foresight that a contractor brings to the table for constructability while designing the project. This would help prevent a lot of the problems they usually have in the field of design and constructability conflicts. When they provide a guaranteed maximum price, it does account for the unforeseen conditions either by way of contingency or by way of sufficient plan review in advance of bidding. There could be unforeseen conditions that no one knew about or owner added work and a guaranteed maximum price is just that. It is the maximum price that the Village would be subject to pay for the project. He said that a design bid build starts the process where there is managing of a designer separately and a contractor separately and everyone has their own interests in mind and often ends with conflict. With a CMAR, everyone has the same goal in mind - completing the project on time and on budget in a joint manner.

Councilman Drahos asked what happens now if it is narrowed down to these two and a project comes up that the Village does not feel either one of the firms are suited for. He asked if the Village is bound to only pick one of the two and does the Village have to pick in order of selection.

Mr. Barnes stated that the Village is not bound by anything. There is no guaranteed minimum work that is bound by the contracts. This just provides the Village the ability to award in the event that it is needed. If a scope of service should come up that neither of these firms would be able to execute, the Village is not bound to go to them at all. This is an annual contract and the project cost cannot exceed \$2 million. The benefit with this method is that the Village already

has contractors on board. Also, having them in this delivery method allows the Village to partner with them upfront during the design phase, so that the Village can experience the benefits as mentioned earlier. They are looking at the plans with the Village, providing constructability review, minimizing potential for unforeseen conditions or topics that conflict between design and constructability aspects of the project. He said that he feels having this done annually and that it is for projects under the \$2 million limit, allows projects to get done quicker which benefits everyone.

Mayor Gerwig stated that if the Village manages it properly, it gives more design input along the way. She said that she is glad the Village is doing this and has seen these go very well.

Councilman Napoleone asked Mr. Barnes if this is similar to what the Village does every year with Engineering and other professional firms where they are vetted and then ranked as the “go to people.”

Mr. Barnes said “yes and no.” He said that the process is similar in that it is a qualifications based selection process. He said that there are some limitations differences as far as value and different scopes of services.

G. [20-3767](#)

ORDINANCE NO 2020-08 (SPECIAL MAGISTRATE APPOINTMENT POLICY AND PROCESS)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON FLORIDA AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-203 OF WELLINGTON'S CODE OF ORDINANCES ENTITLED “SPECIAL MAGISTRATE” TO ELIMINATE THE TERM LIMITS PREVIOUSLY ADOPTED AND CLARIFY THE APPOINTMENT PROCESS AND QUALIFICATIONS FOR SPECIAL MAGISTRATES; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith, INCLUDING ORDINANCE NO. 2012-18 AND RESOLUTIONS R2012-29 AND R2015-43; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schofield introduced the item. He stated that this is regarding Ordinance No. 2020-08 (Special Magistrate Appointment Policy and Process).

Mr. Koch explained that this is the amendment to the Special Magistrate Appointment Policy and Process. He said that the first item that staff is requesting is repealing the current term limits of four

(4) two-year terms. Right now, two of the magistrates are reaching their term limit this year and the third is reaching their limit next year. Staff is requesting removal of the requirement of one magistrate living outside of the Village of Wellington. Staff is also requesting reducing the number of magistrates from three to two. He said that the current ordinance allows the Council to appoint up to four magistrates. He stated that staff is also wanting to clarify that the magistrate serve two year terms and the reappointment shall be self-executing. At this point, they would have to go into a selection process for reappointment of a new magistrate.

Mayor Gerwig stated she thought they had changed that process not long ago.

Ms. Cohen explained that they adopted a resolution that delegated to staff the ability to contact the special magistrates and determine whether they were interested in keeping their seat. She said that if they were interested, then they would continue. If they were not interested or there was a reason for them not to continue, then staff would bring that to the Council's attention.

Mayor Gerwig asked whose choice is it to remove a magistrate.

Ms. Cohen stated that it was ultimately Council's choice. If Council indicated that they wanted to consider whether to remove a magistrate, then that would be brought to Council. Under the past practice, if the magistrate indicated an interest in wanting to be re-appointed within that 120 day period, then absent any direction, they would be re-appointed.

Mr. Koch mentioned that basically they were just moving all of that from the resolutions to the ordinance.

Mayor Gerwig summarized that what was happening was that they wanted to codify practices they were already doing as well as reduce the number of magistrates.

Mr. Koch stated that was correct.

Ms. Cohen mentioned that that practice was subject to an attack and was upheld by the court.

Councilman McGovern asked what the crux of that attack was.

Ms. Cohen stated that it was two things. The first was that there was an allegation that the magistrates were not properly appointed because there was no resolution from Council appointing them. The other issue was that they alleged that it was an improper delegation of Council's duty. The Court rejected both of those arguments and found that the process had an appropriate level of delegation to staff. Council was not delegating to staff any authority without any direction. Council was actually delegating to staff the requirement that they reach out to the magistrate to determine that they were still interested in serving and if they were not, there was a process that the Council directed would occur.

Councilman McGovern asked that under the proposed framework, would Council make the initial appointment and then they would self-renew after that.

Ms. Cohen said that they would not really "self-renew", but they would follow the process of the department head renewing them. It would be at the Council's direction and unless the Council was dissatisfied with the services of the magistrate, then the department head would determine whether the magistrate was interested that their term would continue. Previously, it was up to an eight year maximum (four 2-year terms) that they were able to renew for. The proposal has that term limit being removed.

Councilman McGovern asked if that removal of the term limit applies to Mr. Posner and Mr. Zangen or would they term out and they would start out with new people under the new framework.

Ms. Cohen explained that the intent is that they would not term out and that they would continue under this new ordinance.

Councilman McGovern asked if under the new ordinance they could serve indefinitely.

Ms. Cohen stated that they were serving at Council's pleasure.

Mayor Gerwig asked that anytime the Council is not happy with the services of the special magistrate, what the process would be. She asked if that would be something that would be brought up at a Council meeting.

Ms. Cohen stated that they would have to bring it up at a Council meeting. They would determine whether they want to terminate the magistrate's tenure or at the end of the term decide not to renew.

Councilman Napoleone stated that was written into the new ordinance under Section A. He stated that he thought part of the purpose of this new ordinance was to avoid future arguments that they did not adopt a resolution to re-appoint the magistrate and that this seems to still require a resolution to re-appoint a magistrate after their two years. He said that he thought that unless they did not want to be reappointed or that the Council wanted to remove them, that they would just have automatic re-appointment.

Mr. Koch stated that he did not believe it required a resolution.

Ms. Cohen stated that in Section B.1, it says Council shall adopt a resolution appointing the special magistrate for a new two year term. She said that she believes the Councilman probably thinks it would be beneficial to remove this from that ordinance.

Mayor Gerwig asked if that section could be re-worked by the next day for the meeting.

Ms. Cohen stated that it could.

Councilman McGovern asked if the notification to the Council could be pursuant to the main portion in B. He stated that the Council should have some notification that their term was coming to an end so that they could make a determination if they so felt.

Ms. Cohen said "yes."

Mr. Koch stated that the process that they have been following for the past eight years is that when their term is about to be ending, they would reach out and then contact Council via Administrative Transmittal letting them know that the magistrate wishes to continue to serve. He said that that they can continue to do it by that process.

Mayor Gerwig stated that if they just drop the portion of "Council should adopt a resolution" then it is fine.

Councilman Drahos asked what the rationale is for reducing the number of magistrates.

Councilman McGovern also asked for the same question along with if they apply the new process to the current magistrates, then would that not still leave three magistrates even when the third magistrate's term is up next year.

Councilman Napoleone stated that it would not leave three if they decide to remove him.

Mayor Gerwig asked if there are places that only have one magistrate. She said that she thought the reasoning for going to two was that they could have either one and they would act in a similar manner. She wanted to know if there were any places that just used one and then it would eliminate not knowing what type of response they would get. She said that the magistrate was like a judge.

Ms. Cohen stated that the magistrate was more like a Hearing Officer. She said that they were not really judges, but there are judicial elements to the way in which the hearing is conducted and due process applies. She said that there are other municipalities that use only one magistrate, but if that magistrate for some particular reason was unable to be there on a given date, it is beneficial to have one other backup. She said in the case of Mr. Suarez-Rivas, she is not sure why Mr. Koch is reducing it to two, but she does know from discussions that they have had, that it does not really pay for him to come from Miami. He is an Assistant Attorney in the City of Miami so when he comes up here to be the special magistrate, he has to take the time off of work. Unless there is a very lengthy docket, it does not pay for him to do that. She said that more often, he has been scheduled less because of that reason. Ms. Cohen stated that she understands he has mentioned to staff that unless it is a large docket, he would rather be passed over. She said that she believes that may be the rationale that Mr. Koch has in reducing the number to two.

Mr. Koch stated that with two magistrates, they do have that back up instead of having to reschedule hearings. He said that the other rationale would be that the hearing intervals would be shortened. It is more likely that a magistrate would hear the first hearing and then the fine certification.

Councilman Drahos stated that he still did not understand the benefit of reducing it from three to two.

Councilman McGovern stated he thought the basis of going from three to two was that the time frame of waiting to see the same magistrate was shortened.

Mr. Koch stated that was definitely part of the rationale. The interval between the initial case and the fine certification would definitely be shorter.

Councilman Napoleone asked if this would lock the Village into just two magistrates.

Mr. Koch stated that with the ordinance, it allows the Council to appoint up to four magistrates.

Mayor Gerwig asked with this process, are the magistrates required to hear both the first hearing and the fine certifications.

Ms. Cohen stated that it was not necessary to have that happen. She said that in some instances, there has been a need to correct an order that was entered incorrectly and they would need the same magistrate for that. She said that if there is an issue that is more complex, the magistrate has already learned the case and it is better to have the same magistrate continue on with that case. It is not necessary to bring each case to the same magistrate, but just for some circumstances.

Mr. Koch stated it is more for consistency in the ruling.

Mayor Gerwig asked what would happen if the magistrate has a conflict with things such as the HOA's.

Mr. Koch stated that has happened and in those cases, they would just carry that case over to the next hearing and a separate magistrate.

Mayor Gerwig asked if there would be a case where both magistrates would have a conflict and what they would do then.

Mr. Koch stated that is why having one magistrate makes him nervous. He believes that is why they should have at least two for the backup. He said that he has never had the instance where both magistrates had the same conflict with the respondent.

Councilman McGovern stated that he believed in Section B.2.2, that they should change the wording from having one or more of the qualifications to must have all of the qualifications.

Ms. Cohen stated that the wording should change to “must” have.

Mr. Schofield asked if they could change it to say that “The request for LOI will include as a minimum the following qualifications.”

Councilman Napoleone suggested that item 2 of the qualifications was a preference and the others were required.

Mr. Schofield said that they would pull item 2 out of the ordinance and just have the others as requirements and they could add more if they needed to.

Ms. Cohen stated that for the position, they would need to have an understanding of land use issues and application of land development code to specific properties.

Councilman Napoleone suggested adding that they have experience in interpreting and applying municipal codes.

Mayor Gerwig stated that it looks like instead of removing item 2, they just modify it with Councilman Napoleone’s suggestion. She asked if they could get the revision by the next day.

Mr. Schofield said “yes.”

Councilman Napoleone asked if this took one or two readings.

Ms. Cohen stated it took two readings.

Councilman McGovern asked if the plan is to apply this and then next year when Suarez-Rivas’ term is up, it will just time out and they will then just have the two magistrates.

Mr. Koch stated that they will apply the process with the two magistrates for now with letting them run out their terms and then touch base with Mr. Suarez-Rivas when his term is up next year.

Mayor Gerwig stated she had some concern that Mr. Suarez-Rivas lived so far out of the Wellington area.

Mr. Koch stated that the Village has not had to specifically pull a magistrate from outside of Wellington for any specific code cases in many years.

Mayor Gerwig stated that if staff can have the revised ordinance ready for the next day, they can go over it then.

H. [20-3799](#)

OUTSIDE LEGAL FEES AND COSTS

Mr. Schofield introduced the item. He stated that this is the approval of continued use of outside professional legal services with multiple firms in an amount up to \$125,000 through September 30, 2020.

Ms. Cohen explained that the Village does use multiple firms in specific professional areas that the Village may not have experience in. She explained that all these funds have been budgeted, but they are now getting to a point where they are exceeding \$25,000 and they need to have authorization to exceed that amount. She stated that they have received some invoices due to the litigation that they have been involved in, which will push them over that threshold. She said that right now they are just asking for an increase to carry them over through the remainder of the year. She said that she does not believe they will go over budget, but they do need to have the funds to pay the invoices when they come in.

Mayor Gerwig asked if any of this would be reimbursed through insurance or if this is outside of that.

Ms. Cohen stated that this was outside of that and the insurance defense invoices are paid by FMIT. She said that the Village does not front those invoices and seek reimbursement. FMIT pays defense council directly.

Councilman Drahos asked if a budget is requested upfront from these firms for the litigation.

Ms. Cohen stated that in some of the situations it would be really difficult to provide a budget. She gave specific instances where it was easier to provide a budget, but explained that in some situations it is more difficult to give a budget, especially when the Village is not driving the litigation.

Councilman McGovern asked for a current status on the specific

cases that were still going on.

Ms. Cohen stated that she was going to prepare a written report for the Council as to a status of all the cases. She said she would get that to them the next day before the meeting.

Councilman McGovern asked if she could definitely get that to them before the meeting and sent to them by email.

Ms. Cohen stated that she could.

I. [20-3806](#) COUNCIL APPOINTMENT OF BOARD AND COMMITTEE MEMBERS

Mayor Gerwig stated that they would put off the discussion of the board and committee members until they can discuss it in person.

4. **WORKSHOP**

5. **ATTORNEY'S COMMENTS**

None.

6. **MANAGER COMMENTS**

Mr. Schofield stated that he had nothing else except what was going to be held in the EOC meeting, which was not a sunshine meeting, so the workshop meeting would have to stop recording.

Mr. Schofield discussed the days and times that the new EOC meetings will be held. It would be Mondays at 4:00 pm and Thursdays at 9:00 am.

Ms. Cohen explained that these EOC meetings are not meetings at which Council is making any decisions. She said that these are meetings where the Emergency Management staff and Village Manager are updating those involved with the COVID-19 information. She stated that there is no Sunshine issue and Council is not making any kind of determinations or interacting on anything that could be coming forward at a Council meeting.

7. **COUNCIL COMMENTS**

Councilman McGovern asked if they were going to give direction on the letter to Governor DeSantis regarding allowing the equestrian facility to be opened.

Mr. Schofield stated that they would take that direction now. He explained that he gave a draft copy of the letter to the Governor's office and to Palm Beach County. Since Friday, a couple things have happened. He said that he sent to Council a final version of the letter and has also received discussion from the Governor's office. He said that there is a memo from April 9th that talks about sporting events not allowing spectators and that they would allow this to be similar. He stated that he believed he would get an approval from the Governor's office on this. He said that the County has been looking at it for a few days and their draft Order #5 is going to come out and will address equestrian centers. He said that it may specifically say that rings will be open for riding, competitions with no spectators - except parents of minor participants and will maintain social distancing, reduced public day use barn capacity to no more than 50%. The order will provide for the WEP with a limited opening. He said that even though he knows the approvals are coming, he would still like to get the Council's signatures on the letter and to those offices.

Mayor Gerwig asked if since they have not removed the Executive Emergency Order if Mr. Schofield could just sign the letter since he has the authority over the entire Village.

Mr. Schofield stated that was correct and that is why he submitted it to the offices in the draft form, but felt it was important that the residents knew that the Council was in support of this position.

Mayor Gerwig asked if it was correct that he does have that authority.

Mr. Schofield stated that was correct.

Mayor Gerwig asked if there was not an advantage of the Village staying under that order. She said that they had the Emergency Order was to ensure that funding was available and operations would be continued.

Mr. Schofield stated that there was. He said that as long as the Governor's Executive Order was in place and the County's Executive Order was in place, it is his recommendation that they stay under the Village's Executive Order. He said that the moment he feels that they shouldn't, he will rescind it himself. He said that they still have

decisions to be made and one of those is how they will re-open. He said that even staying under the order, he will not make any new policy decisions without the guidance of the Council and they have the ability to do that at their regularly scheduled meetings.

Councilman McGovern recommended that they stay with the Emergency Order until they get out of Phase 1 because this is where the most difficulty tends to be. He said that he felt the letter should also go to each of the members of the County Commission, not only to the members of the County's EOC.

Mr. Schofield stated that he can make that addition.

Councilman Drahos stated that the proposal that was sent to them was done so in a way that was clear that there will not be spectators. He said that staff has gone through it, as well as Council, and he assumes that staff's opinion is that the proposal that has been sent to them is a responsible one that allows them to social distance and perform the activities that they are proposing in a manner that is not going to be reckless or in harm to the public's health.

Mr. Schofield explained that they did review the plan that they received from the Wellington Equestrian Partners and it was very well thought out. There were a couple suggestions that staff made, which they incorporated immediately, and there was not anything questionable about the proposal. He said that they have been very responsive with all the suggestions. He said that it is a very good plan and has all the elements it is supposed to.

Councilman McGovern asked if they added that they would be taking temperatures when people come in. He said that safety has been taken into account as much as possible.

Mr. Schofield said that they did. It was also mentioned that they would be broadcasted so that people would not have to actually be at the ring to view the events.

Mr. Schofield asked how many of the Council members would be at the Healthcare Heroes Parade that evening.

All members indicated that they would be there.

Mr. Schofield said that he would bring the letter there and have them

individually sign.

Mayor Gerwig ask what is the basis of the Constitution Right movement emails that they have been getting. She said that she could not tell if it was an anti-fluoride movement or not.

Ms. Cohen said that she thought it was similar to the Sovereign Citizen Movement. She said she does not believe there is any reason for them to respond and there is no public records request in those emails. Her advice to the Council would be to not respond.

Councilman McGovern asked if any response from the Village is being sent.

Ms. Cohen stated that she does not feel there is any reason for the Village to respond. She does not feel it would be beneficial to engage in a back and forth.

Mr. Schofield stated that he read through the email and there is nothing in the email for them to respond to.

Mayor Gerwig asked Mr. Barnes about the Paddock Drive undergrounding project for hardening. She wanted to know if they have had the pre-construction meeting that morning.

Mr. Barnes stated that he believed that they did have the meeting and that he would follow up with them to find out what happened.

Mayor Gerwig said that she felt there should be some sort of press release about that because people were questioning what was going on. She said that if it was the undergrounding project, there is assumption that the lines go away and she does not think they do. She said that the overhead lines still exist for other services. She would like them to do a press release so that people know what it is, what is happening and what to expect. She said there were many questions about the screens that are up along the roadway. She also asked if it is the undergrounding project, did the Village try to get rid of the power lines.

Mr. Barnes stated that they did not try anything like that. This undergrounding effort that is on-going in the Paddock area is only one of few pilot projects that the utility is undertaking around the state for hardening purposes. He said that Wellington was not involved with

it and they did not include any other utility in this project. They will make sure that FPL does provide the Village with the information that they can share on social media to make sure that everyone is informed.

Mayor Gerwig stated that she did not want to delay the project as hurricane season is here, but she knows people are going to be disappointed if there are still overhead lines up after all this work gets done. She asked that the press release be very clear and specify to the public how much control we have over it.

Mayor Gerwig asked Mr. Stillings what can be done if someone does not have their paperwork to complete the Census. She asked if something can be done or sent out to get the information out to the residents informing them of the options to completing the Census.

Mr. Stilling stated that they would do something creative to get the information out there.

Councilman McGovern asked if restaurant operation will be coming out as another emergency order from Wellington in regards to restaurant operation outside of exterior capacity.

Mr. Schofield stated that the order has already been written and is being delivered to each restaurant that day and the next.

Mayor Gerwig asked if it allowed for outdoor seating that did not previously exist.

Mr. Schofield stated that it allowed for significant seating outdoors that did not exist in the outdoor seating areas as well as in parking lots. He said it also allowed for tents. He mentioned that what they have asked the restaurants to do is maintain travel ways to meet the CDC guidelines. He said that they have established a process to see it and it will be reviewed immediately, but there are no permit fees for it.

Mayor Gerwig stated she is concerned that with the tents and their tie-downs, the winds can pick up and she wants to make sure they are covered.

Mr. Schofield stated that was covered in the rule and in the code.

Mayor Gerwig commented that she spoke with Bryan Adams, Pastor at Life Church of Wellington, and that their opening date will be the Sunday of Memorial Day weekend, which is May 24th. She said that they were very specific on how they were going to handle social distancing with the 20% capacity. Their chairs will be small family groups and then those will be within a six foot distance from the other surrounding chairs. They also will not have children's programming until the start of school. They will also be doing the restroom sanitization plan. They are going as touchless as they possibly can. She has asked Pastor Adams to make that information available to other houses of worship in the area so they can share ideas as other places are re-opening.

Councilman McGovern thanked Mr. Schofield and his team for working that order up because he know many restaurant owners were very concerned about not effectively opening up under the 25% capacity requirement.

Mr. Schofield stated that it was mostly Mr. Stillings that performed the work.

Mayor Gerwig asked when it would be posted for the businesses.

Mr. Schofield stated that it was on the website currently and it was being hand delivered to each restaurant today and the next day.

Councilman McGovern asked if it would also go out on the Village's social media.

Mr. Schofield replied that it was.

8. ADJOURN

There being no further business to be discussed by Council, the meeting was adjourned at 5:22 p.m.