



OFFICIAL MINUTES

**CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463**

**CITY COUNCIL MEETING
Monday, March 7, 2016 - 7:00 PM**

1. **Call To Order and Roll Call.**

Mayor Ferreri called the City Council Meeting of Monday, March 7, 2016 to order at 7:00 p.m. Denise McGrew, City Clerk/Administrative Services Director, called the roll.

ROLL CALL:

Council Present:

Samuel J. Ferreri, Mayor
Jonathan G. Pearce, Deputy Mayor
Lisa Rivera, Councilwoman
Peter A. Noble, Councilman
Judith Dugo, Councilwoman
Paula Bousquet, Councilwoman

Staff Present:

Andrea McCue, City Manager
Thomas Lanahan, Assistant City Manager/P&E Dir.
James D. Stokes, City Attorney
Denise McGrew, City Clerk/Admin. Services Director
Michael Grimm, Director/Building
Thomas Hughes, Director/Finance
Mark Pure, Acting Fire Chief/Fire Rescue
Michele Thompson, Director/Leisure Services
Carlos Cedeño, Director/Public Works
Melody Larson, Assistant to the City Clerk

Attendees from Public: 11
Press: 1

2. **Pledge of Allegiance to the Flag.**

Mayor Samuel J. Ferreri led the Pledge of Allegiance. Mayor Ferreri welcomed visiting Commissioner Joey Scudo of the City of Sunrise.

3. **Comments From the Public for Agenda Items Only.**

Mayor Ferreri asked if there were comments from the public; hearing none, he continued with the Agenda.

4. **Agenda Approval.**

- A. Additions, deletions, or substitutions to the Agenda.
- B. Motion to approve and adopt entire agenda as set.

Mayor Ferreri inquired if there were any additions, deletions or substitutions to the Agenda. He noted that Agenda Item 7.B Ordinance No. 2016-11 had been highlighted for Public Hearing. He called for a motion.

MOTION: Councilwoman Bousquet made a motion to approve the Agenda as amended. Councilwoman Dugo seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

Motion carried: 5 - 0.

5. Special Business.

A. PBSO Monthly Report – Captain Sean Murray, District 16.

Captain Murray reported an uneventful first month of the merger. He reported placing one officer back into field training; all others were familiarizing themselves with the equipment, logistics, and internal processes. He noted that some numbers may be missing from the stats due to reporting problems. Capt. Murray noted that all officers attended a community policing (CP) class that emphasizes the best business practices for patrol. This is a foundational class of 11.5 hours and in the next few months additional extensive training would take place.

Capt. Murray explained that he began with two (2) initiatives: traffic (vehicle accidents with a focus on intersections) and criminal (gangs and criminal elements). He reported attending numerous community meetings to inform residents about the merger. Many extra patrol requests resulted from those meetings.

Regarding the C.O.P. Program, Capt. Murray was originally told he would need 30 volunteers to have an exclusive unit; however, that number has since dropped to 15. He asked for Council's help in soliciting volunteers for the program and suggested placing information on the City's website.

Mayor Ferreri called on Councilmembers for comments.

Deputy Mayor Pearce asked Capt. Murray to clarify the road patrol staffing before and after the merger.

Capt. Murray reported that the average shift before the merger was 5 personnel, (4 officers and 1 sergeant); PBSO's model is 7/2 without factoring in vacations or training. He reported also having a supplemental street team patrol.

Mayor Ferreri noted that for the first couple of months PBSO will be providing monthly updates to Council followed by bi-weekly reports similar to what other departments prepare for Council agendas.

6. Consent Agenda.

- A. Mayor Ferreri asked Council if they wished to pull any of the four (4) Consent Agenda items; hearing none, he called for a motion.
1. **Official Minutes:** Special City Council Meeting of January 28, 2016 – Denise McGrew, City Clerk.
 2. **Official Minutes:** City Council Meeting of February 1, 2016 – Denise McGrew, City Clerk.
 3. **Bid Award:** Award of Bid No. 16-008: Audio Visual Equipment for Community Center Expansion; pursuant to Staff Memo – Thomas A. Hughes, Finance Director.
 4. **Board Reappointment:** Reappointment of Tacara Chambers to the Planning Commission; pursuant to Staff Memo – Samuel J. Ferreri, Mayor.

MOTION: Councilwoman Bousquet made a motion to approve the four (4) Consent Agenda items. Councilwoman Dugo seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

Motion carried: 5 - 0.

7. Regular Agenda:

- A. **PUBLIC HEARING:** **Ordinance No. 2016-12:** Second Reading; Amending Chapter 9 of the City of Greenacres Code entitled “Miscellaneous Offenses” to add Section 9-6 and a reference to the Palm Beach County Solicitation and Distribution on Public Roads Regulations; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date; pursuant to Staff Memo – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Denise McGrew, City Clerk, read Ordinance No. 2016-12 into the record on second reading.

Assistant City Manager Thomas J. Lanahan reported that in June 2015, the County adopted regulations prohibiting solicitation and distribution on County, State, and unincorporated PBC roads due to safety concerns known as the “Panhandling Ordinance”. This Ordinance can become effective on County and

State roads within the City's boundaries if Council desires. Pursuant to the request by PBSO, it would provide uniform enforcement and has been vetted at the County level, and by adopting this Ordinance it will help prevent the City from becoming a receiver of such behavior. He stated staff recommends approval of Ordinance No. 2016-12.

Mayor Ferreri called on Councilmembers for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2016-12 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Councilwoman Dugo made a motion to approve Ordinance No. 2016-12 on second reading. Councilwoman Rivera seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilwoman Dugo, and Councilwoman Bousquet.
Opposed: Councilman Noble.

Motion carried: 4 - 1.

- B. **PUBLIC HEARING:** **Ordinance No. 2016-11:** First Reading; Amending Chapter 16, Article II Administration, Division 9 Site and Development Plans, Section 16-201 to amend the effective date provisions of a previously approved increase to the Commercial Impact Fee; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date.; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Denise McGrew, City Clerk, read Ordinance No. 2016-11 into the record on first reading.

Assistant City Manager Thomas J. Lanahan stated this is a zoning text amendment to change the effective date language for commercial impact fee increases recently adopted through Ordinance No. 2015-27. Mr. Lanahan noted that the effective date was set for projects with building permits issued after January 21, 2016. However, there were several projects that had submitted well in advance of that date, but were not ready for permit issuance due to outside agency delays. The three (3) projects affected by the change are: Church of God 7th Day, the Jog Professional, and Greenacres Nissan. The City was asked to reconsider the language as written. Staff recommends changing the language to read "...that building permit applied for by January 21, 2016 (rather than permit issued by January 21, 2016.). This change will make the City's impact fee process consistent with the County. The Planning Commission recommended approval on February 17, 2016; therefore, staff recommends approval of ZTA-16-01 through the adoption of Ordinance No. 2016-11.

Mayor Ferreri called on Councilmembers for comments.

Councilwoman Dugo asked what would have been the amount Greenacres Nissan would have paid versus now with the proposed change?

Mr. Lanahan reported that Nissan would have paid \$130,900 versus \$105,000 with the revised language. He explained when it was brought to staff's attention, they looked at the global impact and found that two (2) other projects would also be affected and whom have since been notified.

Mayor Ferreri opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2016-11 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-11 on first reading. Councilwoman Bousquet seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilwoman Dugo, and Councilwoman Bousquet.
Opposed: Councilman Noble

Motion carried: 4 - 1.

- C. **Ordinance No. 2016-13:** First Reading; Amending the City of Greenacres' budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016, inclusive; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Exhibit "1" - Thomas A. Hughes, Finance Director.

Denise McGrew, City Clerk, read Ordinance No. 2016-13 into the record on first reading.

Finance Director Tom Hughes reported that Ordinance No. 2016-13 is a proposed budget amendment to increase the FY 16 expenditures and transfer \$100,000 to the 301 New Growth Fund. He stated that staff determined that the budgeted amounts in the General Fund Personnel Services accounts were inadequate and would require an amendment. The addition of a new project to install and repair sidewalks city-wide will require a transfer of budgeted funds from the General Fund Council Contingency Account to the CIP Fund. Mr. Hughes noted there is an adequate fund balance in the General Fund to amend the FY 16 budget for the increased spending levels and to make the aforementioned \$100,000 interfund transfer. He stated staff recommends approval of Ordinance No. 2016-13.

Mayor Ferreri called on Councilmembers for comments.

Councilwoman Bousquet asked what is the reason for going over budget.

Mr. Hughes explained it was due to personnel changes and paying the former City Manager's severance package of \$483,000.

Councilman Noble stated it was his understanding that the former City Manager's severance package was going to be paid out of the FY 15 budget that had a surplus. He added that Deputy Mayor Pearce was the one who made that statement when he fired the City Manager. He asked Mr. Hughes if in fact that was the case.

Mr. Hughes confirmed there was a surplus in FY 15 and explained that this budget amendment is calling for a withdrawal from the Fund Balance. He confirmed that the surplus is a component of the Fund Balance.

Mayor Ferreri pointed out that the end-of-year audit is not yet available.

Mr. Hughes reported that the City is still waiting for FRS to provide the GASB-68 supplemental in order to finalize the Comprehensive Annual Financial Report (CAFR).

Councilwoman Rivera thanked Mr. Hughes for explaining the various components of this budget amendment and for clarifying that the total payout for the City Manager's severance package was \$496,000.

Mayor Ferreri asked if the \$100,000 for sidewalks had been contracted and if it will be sufficient, or will more funds be required.

Mr. Hughes reported quotes and purchase orders are trickling in however, no checks have been expended to date.

Councilwoman Bousquet asked if all areas requiring sidewalks were identified or only those discussed by Council.

Mr. Lanahan reported that at a prior Council meeting an overall assessment of the City's needs was presented and included was Palm Beach Villas II. It was at that meeting that Council directed staff to proceed with Palm Beach Villas II since a quote had been obtained. Staff was then instructed to identify other areas throughout the City requiring sidewalks.

Councilwoman Dugo pointed out that Council decided to start with Palm Beach Villas II when they learned that disabled residents were riding on the street in motorized wheelchairs. Now, the City has a 5-year [CIP] program to address this need.

MOTION : Councilwoman Dugo made a motion to approve Ordinance No. 2016-13 on first reading. Councilwoman Rivera seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilwoman Dugo,
Opposed: Councilman Noble and Councilwoman Bousquet.

Motion carried: 3 - 2.

- D. **Board Appointments:** Recommendation and Appointments to City Boards – Andrea McCue, City Manager.

City Manager Andrea McCue referred Council to six (6) board applications to fill vacancies on the Building Board of Adjustment and Appeals (BBAA), Civil Service Board (CSB), Code Enforcement Board (CEB) and Scholarship Committee (SC). As directed by Council on February 1, 2016, these applications are being presented to Council for appointment and discussion.

Mayor Ferreri noted there is currently no filter for some of these boards that have pre-requisites like the Building Board of Adjustment and Appeals. He asked if Council would prefer staff to review the pre-requisites prior to Council consideration.

**PC
NOMINATION:** Councilman Noble nominated Larry Tronco to serve on the Planning Commission. Councilwoman Bousquet seconded the nomination.

**CEB
NOMINATION:** Deputy Mayor Pearce nominated Benjamin Wade as a full CEB member and LaVerne Beres as Alternate 1 on the CEB. Councilwoman Rivera seconded the nomination.

Mrs. McCue reminded Council that members of the Planning Commission are appointed differently than the board members listed in Council Policy No. 29 based on City Code Section 16-29.

**SCHOLARSHIP
COMMITTEE
NOMINATION:** Councilwoman Bousquet nominated Sandra Bernstein to the Scholarship Committee. Councilman Noble seconded the nomination.

**VOTE ON THE
NOMINATION:** **In Favor:** Councilman Noble and Councilwoman Bousquet.
Opposed: Deputy Mayor Pearce, Councilwoman Dugo, and Councilwoman Rivera.

Motion failed: 3 – 2.

**SCHOLARSHIP
COMMITTEE
NOMINATION:**

Deputy Mayor Pearce nominated Dennis Smith for the Scholarship Committee. Councilwoman Rivera seconded the nomination.

**VOTE ON THE
NOMINATION:**

In Favor: Deputy Mayor Pearce, Councilwoman Dugo, Councilwoman Rivera.
Opposed: Councilman Noble and Councilwoman Bousquet.

Motion passed: 3 – 2.

**CODE ENFORCEMENT
BOARD NOMINATION:**

Deputy Mayor Pearce nominated Benjamin Wade as a full member of the Code Enforcement Board. Councilwoman Dugo seconded the nomination.

**VOTE ON THE
NOMINATION:**

In Favor: Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo and Councilwoman Bousquet.

Motion passed: 5 – 0.

**CODE ENFORCEMENT
BOARD NOMINATION:**

Deputy Mayor Pearce nominated LaVerne Beres as Alternate 1 of the Code Enforcement Board. Councilwoman Dugo seconded the nomination.

**VOTE ON THE
NOMINATION:**

In Favor: Deputy Mayor Pearce, Councilwoman Rivera, and Councilwoman Dugo.
Opposed: Councilman Noble and Councilwoman Bousquet.

Motion passed: 3 – 2.

8. **Comments from the Public.** None.

9. **Discussion Item:**

A. **Council Policy No. 11 – Council Agenda Procedures** – Andrea McCue, City Manager.

Mrs. McCue submitted revisions to this policy made by Councilwoman Rivera for Council consideration.

Councilwoman Rivera asked Mrs. McCue if it is possible to change e-mailing the draft agenda to Councilmembers no later than 3:00 pm on the Wednesday prior to a Council meeting, to Noon on Wednesday prior to a Council meeting. She reported no changes to Section 2.

Mrs. McCue acknowledged that was possible.

Councilwoman Rivera requested a change to Section 3 Discussion Items to read: Any Councilmember may place Discussion Items on the Agenda. City Council action may take place on any Agenda item if Council so approves. The reason for these changes is due to Mr. Quigley's earlier comments that Council should bring items to the Agenda for discussion and that the public should be made aware of any changes.

Councilman Noble asked if this would take effect as of tonight if passed.

Mayor Ferreri explained that this is a Discussion Item; therefore, Council would have to amend the Agenda and make this an actionable item if this policy passes. He pointed out that the public's comments are about public awareness and proper notice. The reason for items to be placed under Discussion Items is to discuss items, then move them forward to the next Agenda as a Regular Agenda item which allows the item to be publicly noticed. By voting on a Discussion Item, it prevents the public from getting the information beforehand and therefore takes away public awareness and public input. The purpose of holding Council meetings is to obtain public input from residents and by changing words and taking out proper notice you are taking away from public influence.

Councilwoman Dugo asked the City Attorney what other cities do.

Mr. Stokes stated that the proposed change is legal. As to the Mayor's comments, it is however Council wishes to proceed. Does Council want to give the public an opportunity to hear discussion and know that it will be voted on at the next meeting? He asked is that a style of government Council would want the City to be run? The law states that at a regular meeting (2 per month), any item can be walked onto the Agenda. For example, if I have a contract that I negotiated this afternoon, I could bring it before Council for a vote. "The law is liberal in that sense."

Councilwoman Dugo stated there were only a couple of instances where Council voted on Discussion Items.

Mayor Ferreri recalled numerous instances and noted that Greenacres has always been an open government and hoped that Council would agree that the public has a right to know what Council does. On just the sidewalk issue alone, he received several calls from residents who said they were not aware that Council was considering sidewalks or they would have attended the meeting. That is the type of input Council would receive if items were added as Discussion Items.

Councilwoman Bousquet confirmed receiving many calls from concerned residents about Council sneaking items on the Agenda and voting on them without the public being made aware. "They have a problem with that and so do I."

Councilman Noble hypothetically asked, "If I decided to change the name of Greenacres to Blue Acres or, if I decided I wanted to transfer the Fire Rescue Department over to the County as a Discussion Item and then make a motion, what would happen?"

Mayor Ferreri emphasized that if this proposed policy change passes, it could happen. Something of that magnitude, the public would have no response to that; that's a serious consideration. "Unlike the PBSO merger, Council had healthy debates and it was good to hear from the public. That is why the City holds public meetings. From time to time there have been emergencies following hurricanes and the Charter allows for emergency expenditures. But for normal business items, waiting two (2) weeks is not a problem."

Councilwoman Rivera asked Mr. Stokes if he had any suggestions on revising Council Policy No. 11.

Mr. Stokes stated that revisions to Council policies are a Council decision. Greenacres is the first municipality he's seen that has a Discussion Item category. He pointed out that under the "Mayor and Council Reports" section of the Agenda, Council can raise any items for discussion that are not voted on at that time. So to have a Discussion Item section of items that are not voted on seems redundant, although it tends to give notice. Mr. Stokes reported speaking with the City Manager on holding a Council workshop on decorum, policies and procedures, and noted that the topic of agenda format could also be added. Perhaps if Councilmembers had more latitude to add an item on the Agenda this would not be an issue.

Deputy Mayor Pearce recalled years ago being able to ask the City Manager to add an item to the Agenda. Suddenly, this discussion item appeared and I was not allowed to put anything on the agenda anymore and it had to be added as a Discussion Item. At that time the majority vote was 4/1. This policy was created to block anything I wanted to accomplish.

Councilwoman Bousquet disagreed, pointing out that Council Policy No. 11 was created in 1997.

Councilwoman Dugo emphasized that she particularly does not like Section 3 of Council Policy No. 11 - Revisions to the Agenda. Other than at a Council meeting where Council requests an item be added to the Agenda, it appears that discussion items are voted on to be placed on the next agenda. She asked how a Councilmember gets an item added to the Agenda between meetings.

Mayor Ferreri explained that historically one of the reasons this policy was created was because one Councilmember was asking to place agenda items on the Agenda that required staff research. This was done to obtain Council consensus. As a discussion item, staff could do that. Now with agendas being prepared earlier, staff has limited time to conduct research.

Councilwoman Rivera recommended postponing this item for further research with the City Attorney and add to the workshop items.

Mayor Ferreri called for a consensus: All Councilmembers agreed to add Council Policy No. 11 as a workshop item to be scheduled between the City Manager and City Attorney.

10. Staff Comments:

A. City Manager's Report:

- FRS Information

Mrs. McCue reported that the FRS information is due in March and an extension has been applied for and should appear on the April 18th Agenda for Council consideration.

- City Website

Mrs. McCue reported meeting with Mr. Hughes and IT Manager Phong Nguyen to discuss updating the City's website by adding subpages. Staff is looking at options and the possibility of a Request for Proposal. (RFP) or piggybacking onto a GSA contract. This item may be added to the budget.

- South Jog Road Resurfacing

Mrs. McCue reported that this project is tentatively commencing on March 17th and it will last approximately 45 days and encompasses south of Hypoluxo Road north to 10th Avenue North. Work will occur in the evenings.

- Budget Workshop – April 18th

Due to the Property Appraiser's figures not being available until April, and other intergovernmental information available in May, Mrs. McCue suggested starting with the CIP projects first.

- Concert in the Park

Mrs. McCue announced that the last Concert in the Park scheduled for March 25th has changed. It will be held from 5:30 to 9 pm with food trucks available.

- The City's 90th Anniversary Celebration

This event will be held on Saturday, April 16th.

- Fire Chief Position

Mrs. McCue was pleased to announce that Acting Fire Chief Mark Pure has accepted the Fire Chief position. Chief Pure brings 23 years of dedicated service and she was looking forward to working with him.

B. City Attorney's Report. None.

11. Mayor and City Council Reports.

Deputy Mayor Pearce

- Daycare Center – Dillman Road

Deputy Mayor Pearce asked Mr. Lanahan the status of the project.

Mr. Lanahan reported that the project was started as a partnership; however, one of the partners has passed away which has set the project back. He contacted the partner about moving the project forward. The partner has since acquired the right-of-way strip and easement rights from the Lake Worth Drainage District (LWDD) and must now apply for the proper permits.

Deputy Mayor Pearce asked what the owner's timeframe was and asked to meet with Mr. Lanahan the next day to discuss further.

Mayor Ferreri asked if this project was approved during the time the Governor extended development orders. He urged caution due to a project he was currently working on where an agency was going to deny permits and legal action has ensued.

Mr. Lanahan agreed and stated that he needed to check pending cases due to the State's preemptions.

Councilman Noble

Councilman Noble announced that the City's pension funds are fully funded; however with the downturn in the market, many pension plans are now unfunded. He suggested the City review with the proper authority the status of the City's pension fund as of today, taking into consideration the downturn. He wanted to be prepared for anything.

Mayor Ferreri noted that as past chair of the Florida Municipal Pension Trust (FMIT), the numbers are always 3 months behind. He suggested monitoring the numbers.

Councilwoman Bousquet stated it was her understanding that the City's contributions are based on the pension funding as of September 30, 2015, correct?

Councilwoman Dugo asked Mr. Hughes if it was part of his responsibility.

Mr. Hughes stated there is an actuarial report that is issued each year and he reported that the City is well funded as of September 30, 2015.

Mayor Ferreri

- 90th Anniversary

Mayor Ferreri stated that he was happy to see the 90th Anniversary logo and suggested creating flyers to be sent to the homeowner associations about the City's celebration to energize the public.

Councilwoman Rivera

Councilwoman Rivera thanked Leisure Services Director Michele Thompson for using her idea of hiring the food trucks.

12. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 7:57 p.m.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferreri
Mayor

Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: _____

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