



OFFICIAL MINUTES

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

**CITY COUNCIL MEETING
Monday, May 2, 2016 - 7:00 PM**

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

Mayor Ferreri called the City Council Meeting of Monday, May 2, 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, Asst. City Manager/P&E Director
James D. Stokes, City Attorney
Denise McGrew, City Clerk/Admin. Services Director
Michael Grimm, Director/Building
Thomas Hughes, Director/Finance
Mark Pure, Fire Chief/Fire Rescue Department
Michele Thompson, Director/Leisure Services
Carlos Cedeño, Director/Public Works
Melody Larson, Assistant to the City Clerk
Capt. Sean Murray/PBSO

Attendees from Public: 6
Press: 1

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

Mayor Samuel J. Ferreri led the Pledge of Allegiance.

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; hearing none, he called for a motion.

MOTION: Councilwoman Bousquet made a motion to approve the Agenda. 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.** None.

6. **Consent Agenda.**

A. Mayor Ferreri asked Council if they wished to pull any of the six (6) Consent Agenda items. Deputy Mayor Pearce asked to pull Consent Agenda Item No. 6. Mayor Ferreri called for a motion.

1. **Proclamation:** “National Public Works Week” for May 15-21, 2016 – Samuel J. Ferreri, Mayor.
2. **Proclamation:** “EMS Provider Week” for May 15-21, 2016 – Samuel J. Ferreri, Mayor.
3. **Proclamation:** “National Provider Appreciation Day” for May 6, 2016 – Samuel J. Ferreri, Mayor.
4. **Proclamation:** “National Kids to Park Day” for May 21, 2016 – Samuel J. Ferreri, Mayor.
5. **2016 Educational Scholarship Awards:** Ratification of the 2016 Educational Scholarship Award recipients as recommended by the Scholarship Committee; pursuant to Staff Memo – Lisa Rivera, Councilwoman/Committee Chair.

MOTION: Councilwoman Dugo made a motion to approve Consent Agenda Items 1-5, pulling No. 6 for review. Deputy Mayor Pearce 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.

6. **Resolution No. 2016-18:** Supporting the Palm Beach County Board of Commissioners in their effort to work with the Major League Baseball Atlanta Braves Baseball Franchise to return to Palm Beach County and providing for an effective date; pursuant to Staff Memo – Andrea McCue, City Manager.

City Manager Andrea McCue reported that for 34 years the Major League Baseball Atlanta Braves Team held spring training in Palm Beach County. The Atlanta Braves Baseball Franchise is considering returning to Palm Beach County and has approached the Board of County Commissioners for a training facility at John Prince Park. Their return will provide a positive economic impact for Greenacres as well as other sporting cultural activities. This move although in the planning stages would have a direct financial impact to the surrounding area.

Mayor Ferreri introduced City of Lake Worth Commissioner Scott Maxwell.

Commissioner Maxwell thanked the Mayor and Council for considering this Resolution giving the opportunity for the Atlanta Braves to come back to central Palm Beach County which will provide an excellent economic benefit for the region. He noted that as elected officials we strive to find ways to drive economic development and opportunities like these do not come often. He was excited with the City's support and seeing the Braves play ball in the Spring of 2018.

Mayor Ferreri believed this is a great thing for the County that will have a far reaching impact on the area. In 1981, Mayor Ferreri made improvements to the spring training facility for the Braves when the Expos joined them. The ticket booth was in the shape of a baseball; a fun project. The Palm Beach Sports Commission runs several types of youth programs, and during the off season, the training facility could serve as a catalyst for tournaments which in turn boosts economic development generating business and sales taxes. With camps and tournaments held in the summer months, the area will improve. This will be great for Central County and serve as a big boon for the region.

Commissioner Maxwell thanked Mayor Ferreri for his involvement and hard work in courting the Astros and the Nationals. Without his involvement, the opportunity to bring back the Braves would not have been possible.

MOTION: Councilwoman Bousquet made a motion to approve Resolution No. 2016-18 as presented. Deputy Mayor Pearce seconded the motion.

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

Motion carried: 5 - 0.

7. Regular Agenda:

- A. **Resolution No. 2016-17:** Authorizing the execution of the FY2015-2016 Interlocal Agreement between Palm Beach County and the City of Greenacres for the partial reimbursement of Emergency Medical Services Grant Equipment in the amount of \$10,000.00; and providing for an effective date; pursuant to Staff Memo – Mark Pure, Fire Chief.

Fire Chief Mark Pure reported having 2 CIP projects this year, one for bunker gear and the other for tablets which were received 1.5 months earlier. He reported that EMS personnel have had 3 training sessions on the new tablets with positive feedback. He explained that with these devices, vital information can be sent and received by the hospital prior to patient arrival. Every municipality with the exception of the City of Boca Raton, Town of Palm Beach and North Palm Beach are using Safety Pak tablets. He introduced newly promoted Division Chief Mark Jakubek, a 25-year employee with the City to talk more about the Safety Pak Program.

Division Chief Mark Jakubek reported that training is ongoing with emergency personnel entering the calls on paper and then entering them into the tablet. They are scheduled to go live on May 9th. You can scan a patient’s driver license and once the information is entered into the system, emergency personnel can access a person’s past medical history using a name, address or social security number. Meetings are scheduled with the IT Division and the City’s billing contractor. The goal is to go completely paperless.

Mayor Ferreri called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Resolution No. 2016-17 as presented. 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.

8. Comments from the Public. None.

9. Discussion Item: Sunshine Primer

City Attorney James Stokes stated that he was aware that the Mayor and Council may have had some training related to the Sunshine Law but wanted to provide an refresher and review some minor points that may get overlooked.

The concept of the Sunshine Law is to give the public the right to have access to public meetings. This is to avoid backroom deals, private conversations and to ensure that all public meetings are open to the public. Any communications among elected, appointed

or advisory board members of the same board must be open to the public when properly noticed. (There are limited exceptions). Minutes of those meetings must be recorded, transcribed and made available to the public. Any exceptions to the Sunshine Law must be expressly stated and are narrowly construed by the courts such as collective bargaining or law suits. The Sunshine Law is applicable to the gathering of any two (2) or more members of the same board at any time. Personal and private conversations are fine; however, any discussions relating to past, present or future City business to be voted on as a collegial body cannot be discussed. Discussions must be 1-on-1 and elected officials/board members can talk to staff; however, elected officials/board members cannot use staff as a conduit to communicate between elected/appointed officials.

Fact-Finding Committees may not be subject to the Sunshine Law since their determinations are case specific. The City Attorney would need to review the fact-finding committee's functions. If their function changes from fact-finding to decision-making, the committee could then be subject to Sunshine Laws. He cautioned about committees with dual functions.

New Candidates running for office (not as an incumbent) are not governed by the Sunshine Laws. Once elected, prior to taking an oath, the law applies in speaking with members of the same board.

Private, Political and Community Forums–Outside Communications: The Sunshine Laws apply to communications with members of the same board. Elected officials who do not serve on outside boards can communicate with outside board members. When attending social gatherings small talk is permitted; however, City business is off topic.

Quasi-judicial Boards deal with rezonings, variances, special exceptions, approving pensions. Communications must be disclosed at the beginning of the next hearing and must be documented and kept on file. If not disclosed, the matter may be used against the board member as being biased.

Transcripts: The right to access public proceedings is on Council Agendas to notify the public of their responsibility to obtain transcripts of proceedings if they choose to challenge a quasi-judicial decision.

Council Meetings: State law allows Council meetings to be held anywhere within the City limits as long as a published agenda notifying the public is provided indicating the date, time and location of the meeting.

Private Organization Exceptions consist of operations contracted out by the City; they are not needed at this time. It governs when contractor's records and communications become public record.

E-mails: It is the substance of the e-mail, not the e-mail account being used. If personal email is used for City business, it is subject to the Sunshine Law. Whispering among elected officials and board members during meetings can violate Sunshine Laws.

Facebook and Other Social Media Websites: These can serve as a trap; be careful. Expressing opinions is permitted; however, replies can make it a conversation. You may

not be able to control the reply. State law has a hard time keeping up with technology. If citizens post on the City's website and later delete it, it's still a public record.

Electronic/Video Conferencing: This deals with when and how elected officials can attend meetings by Skype or video conferencing if a quorum is not present. Council can attend meetings electronically once a quorum has been confirmed. It is used for workshops and to attend informal meetings. The Attorney General's Office recommends establishing a policy. The AGO requires full access to happenings in the Chambers.

Delegation of Authority to Single Individual: The Sunshine Law allows Council to designate one member of a board to explore contract proposals.

Risk Management under Sunshine Law: Greenacres does not have a committee to oversee risk management. Risk management committees can be private unless more than one Council member serves on the committee. Committee members consider tort claims, W/C claims and personnel matters. Only on labor union/collective bargaining issues can Council members meet privately outside of the Sunshine and attorney client sessions for litigation with exceptions and limitations (settlements or expenses related to litigation).

Consequences of Non-Compliance with the Sunshine Law: Consequences include criminal penalties, removal from office, non-criminal infractions, attorney's fees, civil actions for injunctive or declaratory relief and corrective action, or damages.

Mr. Stokes offered his assistance and urged Council members to contact him with any questions relating to the Sunshine Law.

Councilwoman Dugo pointed out that when board members are appointed, the City Clerk provides them with a handbook that includes the State and County ethics codes, financial disclosure forms, Sunshine Law and the website to take the online ethics training. She asked Mrs. McCue the status of the 2nd ethics training session for elected officials.

Mrs. McCue reported that the Executive Secretary is currently working on that matter.

Mayor Ferreri reported attending a pre-meeting where board members openly discussed who they had communicated with prior to the meeting.

Mr. Stokes urged the Mayor and Council to document such communications for the file.

10. Staff Comments:

A. City Manager's Report:

Mrs. McCue reported distributing two (2) memos to the Mayor and Council, one concerning board nominations to fill vacancies and the other concerning the Charter Review Committee.

Board Reappointments

Mrs. McCue noted that in June there will be several term expirations where the process will need to be repeated again at the end of May to fill vacancies. She suggested a possible modification to the language in the policy related to the nomination period for future consideration by Council.

Charter Review Committee

Mrs. McCue stated that her memo follows several discussions by Council and outlines the appointment period which may take longer for the Mayor and Council to appoint two (2) individuals. At the first Council meeting following the closing period, a list of the individuals will be presented to Council for ratification with the inclusion of a City employee, a Greenacres business member of the Chamber of Commerce and the local IAFF Union President. She reported that one application has been received to date. She anticipated this item would go before Council at the June 6th Council Meeting. The Mayor and Council will be receiving a reminder.

Fire Assessment Study

Mrs. McCue reported holding a kick-off meeting with Assistant City Manager Thomas J. Lanahan, Fire Chief Mark Pure, and Finance Director Tom Hughes.

Staff was prepared with information and the meeting was very productive. She proposed June 1st and 2nd to meet with the Mayor and Council regarding the findings at a workshop to be held on June 2nd. Mrs. McCue will be contacting each Council member to schedule individual meetings on those days.

District I Workshop

Following today's workshop for District I and Council's desire to hold another workshop for the other four (4) districts, Mrs. McCue suggested holding the 2nd workshop soon to see if there is any crossover.

City Clerk Retirement

Mrs. McCue reported receiving a letter this morning from City Clerk Denise McGrew announcing her retirement in August following 28 years of service. Mrs. McCue thanked Mrs. McGrew for her dedication and many contributions to the City.

Mayor Ferreri raised concern over the Charter Review Committee and the business owners and employees most likely not being residents and suggested adding qualifications requiring that their business be located in the City.

Mrs. McCue stated it was her suggestion that the Chamber of Commerce would be selecting a business located in Greenacres. The business owner may not reside in the City; however, their business would be located in Greenacres. As for employees, it may be they will not reside in the City but would have a vested interest in the City's mission.

Mr. Stokes explained there are no requirements that committee business members must be residents but they should have some stakeholder interest in the City.

Councilwoman Dugo believed that to form a 17-member committee, May 27th did not allow for enough time.

Mrs. McCue noted that Council has a month to make their selection; however, more time can be given if needed.

Mr. Stokes reminded the Mayor and Council that the committee's recommendations would be put forth to the voters either on the November ballot or the March 2017 municipal ballot. He pointed out that an Ordinance must be adopted approving a referendum.

Council consensus was that the committee's recommendations would not make the November 2016 ballot.

Deputy Mayor Pearce asked with the loss of Leo Zornow on the Code Enforcement Board, does the Council now need to put forth another nomination.

Mrs. McCue reminded Council they have the ability to move an Alternate Member to a Full Member position.

B. **City Attorney's Report.** None.

11. **Mayor and City Council Reports.**

Councilman Noble

- City Hall Visibility

Councilman Noble wanted to clear the landscaping in front of City Hall to make it more visible from the street. He was aware that past recommendations were to hide the building, but believed with the passing of time, this beautiful building should be seen by the community and wanted to bring it to a vote.

Mayor Ferreri recommended meeting with the three (3) Pine Ridge South developments to get their feedback. He called for a consensus.

Councilwoman Dugo: Agreed.

Deputy Mayor Pearce: No problem.

Councilwoman Bousquet: OK.

Councilwoman Rivera: Agreed.

Discussion followed over how and when to meet with the homeowner associations.

- Pension Plans

Councilman Noble raised the issue of many government pension plans going bankrupt and requested a review of the City’s Plan for the last 3 years to gauge the performance of the City’s earnings and growth. He also suggested contacting the Florida League of Cities. As a trustee, Councilman Noble noted that although the City is fully funded, assets are dropping, and the City needs to know how it stands financially.

Mayor Ferreri suggested meeting with the Plan Administrator to provide the actuarial.

Councilwoman Dugo

Councilwoman Dugo believed that part of the City Attorney’s contract was to conduct a 90-day review and suggested that Council discuss further.

Councilwoman Bousquet did not recall a 90-day review period being part of his contract and asked to review it again; she recalled a review after one year.

Mayor Ferreri recommended reviewing his contract in June/July which would allow for a budget adjustment if needed.

Councilwoman Rivera

Councilwoman Rivera thanked everyone for participating in a productive workshop where a lot of great feedback was received. She was very appreciative of everyone’s input and ideas.

12. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 8:13 p.m.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferreri
Mayor

Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: _____

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