



OFFICIAL MINUTES

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

**CITY COUNCIL MEETING
Monday, May 16, 2016 - 7:00 PM**

1. Call To Order and Roll Call.

Mayor Ferreri called the City Council Meeting of Monday, May 16, 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
Paula Bousquet, Councilwoman

Staff Present:

Andrea McCue, City Manager
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
Teri Beiriger, Budget Analyst/Finance
Kara Irwin-Ferris, Zoning Administrator/P&E
Melody Larson, Assistant to the City Clerk
Capt. Sean Murray/PBSO

Absent:

Judith Dugo, Councilwoman

Attendees from Public: 19

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. Councilwoman Bousquet asked to add Council Policy No. 14 as a Regular Agenda Item 7.F.

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

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

Motion carried: 3 - 1.

5. Special Business.

- A. **Legislative Update and Presentation:** Senator Jeff Clemens, Representative Dave Kerner and Representative Lori Berman.

Senator Jeff Clemens, District 27, reported that it was a bipartisan year where everyone voted for the State's \$83 billion budget. A 1% increase in education per student is insufficient to fund education in Florida. \$200 million was given to the Everglades restoration and environmental projects in Palm Beach County, and cultural arts did well. Senator Clemens reported that last year he helped pass a bill on sober homes that have become a South Florida problem. He reported that a new bill moved through the Senate, but stalled in the House. As a sidebar, \$250,000 was placed in the budget to create a task force in Palm Beach County to test case prosecutions to understand how to change the law.

State Representative Dave Kerner, District 87 encompassing, Lake Worth, West Palm Beach and Greenacres, reported the return of the 3-day "Back to School" tax break in August, new death penalty legislation which validates state statutes to change the requirement from a 7 out of 12 majority, to a 10 out of 12 majority which passed; however a circuit court judge in Miami recently overturned that decision. Rape kit submissions by local law enforcement agencies will have to submit the kits within 30 days to the State. Representative Kerner reported some controversy and contention over guns with the National Rifle Association (NRA). Three (3) bills that died were: 1) Stand Your Ground, 2) Open carry of firearms in Florida wearing a hip holster and 3) Permitting college students and employees to carry weapons. More restrictions on abortion will be challenged in the future. There was a failed attempt to pre-empt local authority to hold local elections in August and November, similar to state and county elections. An alimony bill passed that would have taken away permanent alimony; it also injected time-sharing provisions for childcare and custody. It passed both chambers but was vetoed by the Governor. Representative Kerner reported that this would be his last session as a state legislator and thanked everyone for their support.

Representative Lori Berman reported on preemptions: Regulations on styrofoam; passage of a Backyard Range Bill where you cannot shoot firearms in backyards; and body cameras for police officers will not be required; however, if they chose to

use them, policies and procedures must be in place. Amendments that will appear on the August ballot include: One bill she sponsored that deals with commercial properties that install solar panels; the Property Appraiser cannot increase the value of the business by the cost of the panels. Two other amendments 1) A property tax exemption for disabled first responders injured in the line of duty effective January 2017, and 2) A homeowner's exemption for people 65 and older but each county must adopt the exemption; Palm Beach County has not.

A tribute to the City of Greenacres for celebrating its 90th Anniversary was presented by Senator Clemens, Representative Lori Berman and Representative Dave Kerner.

Mayor Ferreri called on Council members for comments.

Deputy Mayor Pearce asked about sober homes.

Senator Clemens explained that sober homes are not where patients go for treatment; they are simply where patients live after receiving treatment or while going through treatment. Sober homes cannot be regulated like a business. The ADA and Fair Housing Act state you cannot discriminate against people with addictions. These homes are cropping up in single-family neighborhoods and in some cases they have bad operators and can change the character of the neighborhoods. Through the good work of Congresswoman Lois Frankel, in the next 90 days, a joint statement will be issued to provide clarity and help distinguish between those receiving treatment versus owners of sober homes. A task force is being formed if anyone is interested in serving.

Deputy Mayor Pearce asked if sober homes were required to meet ADA requirements for parking, entrances, etc.

Senator Clemens if a patient has disabilities, yes, otherwise, no. As for enforcement, he deferred to the City Attorney.

Mayor Ferreri believed a sober home would not be required to meet ADA regulations to obtain a license unless their patients have an existing and qualifying disability. During a recent trip to Tennessee, he saw advertising with a picture of a home by the beach saying if you need help, call XXXXXX. The next day in Texas, he saw a commercial that said, "We can help you. Come to sunny South Florida for treatment." We are up against property owners of sober homes that can get money from insurance companies. The areas with big mansions are really dealing with the issue. He thanked all three legislators for doing their part in changing the rules for registration and seeking help for local government.

Senator Clemens anticipated working on this issue for many years to come. He pointed out that no new legislation can be passed until next years' session. He noted that there is time to develop new legislation and he is willing to meet with city officials to discuss further; any ideas are welcome.

Deputy Mayor Pearce requested an update on the Trayvon Martin case.

Representative Kerner reported that he was leading the democratic caucus on these issues. He reported that a bill was sponsored by the NRA, when the State alleges

charges against someone, and the defendant claims it was self-defense, the burden of proof is on the defendant. The NRA was attempting to place the burden of proof on the State. The State/victim who in most cases passes away, would have to prove the defendant's "Stand Your Ground" defense. The bill died with a 6-6 vote which is rare in Florida.

Mayor Ferreri thanked all three legislators for their legislative updates and their efforts on the gun laws.

B. PBSO Monthly Report – Captain Sean Murray

Capt. Sean Murray reported that as part of the community policing efforts, 1,907 business checks were conducted and the data for burglaries/crimes are being logged. Ninety-seven (97) Field Interview Reports (FIR) resulted in 5 arrests. Over 800 traffic citations were issued and 81 arrests were made. Over 55% of the calls for service are self-initiated. Vehicle burglaries are a problem countywide with Pine Ridge North 1 experiencing 8 in one night. County-wide on the same night there were 49. Despite enforcement efforts, there were 154 traffic accidents last month at the intersections of Lake Worth Road, South Jog Road, Purdy Lane, Forest Hill Boulevard, and South Haverhill Road.

Capt. Murray reported that the dayshift last month captured 26 truants. These are kids skipping school and statistically break into homes. He reported that Greenacres leads in truancy. Effective new traffic initiatives include night patrols in the Original Section that focus on speeding and drag racing. The deployment of mobile trailers throughout the City have been used a week at a time. The Detective Bureau has made significant arrests and has been following up on cold cases. The detectives also attended a county-wide detective intelligence meeting for networking.

In April, 4 arrests were made from a prostitution sting where District 16 partnered with District 14 (Lake Worth). The sting took place on South Military Trail. Traffic initiatives and burglary surveillance were initiated.

Capt. Murray reminded residents about the home burglary alarm permits, and noted that the deadline had been extended another 15 days; the program went live on May 15th.

Community Services offers summer camp "Harmony in the Streets" for youths. The camp will be hosted in Pickwick Park for children ages 6-12 and is a free camp.

He reported that Operation Pill Drop has been extremely successful. One woman had 10 years of her husband's medicine.

Capt. Murray announced he is still looking for volunteers for the C.O.P. Program. He has 9 names, but needs a total of 15 to begin the program.

An Alcohol, Beverage and Tobacco (ATF) operation was conducted at all 17 convenience stores throughout the City. Four (4) arrests were made.

Mayor Ferreri announced that ADT has sent out notices to homeowners reminding them about the registration fee. He reported receiving several calls. His neighborhood security is covered in his maintenance fees.

6. Consent Agenda.

- A. Mayor Ferreri asked Council if they wished to pull any of the seven (7) Consent Agenda items; hearing none, he called for a motion.
1. **Official Minutes:** City Council Meeting of April 18, 2016 – Denise McGrew, City Clerk.
 2. **Official Minutes:** City Council Workshop – District I of May 2, 2016 – Denise McGrew, City Clerk.
 3. **Official Minutes:** City Council Meeting of May 2, 2016 – Denise McGrew, City Clerk.
 4. **Resolution No. 2016-20:** Authorizing the FY 2017 State of Florida Statewide School Readiness Provider Contract, between the Early Learning Coalition of Palm Beach County and the City of Greenacres for the Youth Programs Division Afterschool and Camp Programs; and authorizing the Mayor to execute the contract and City Officials to effectuate implementation of the terms of the contract; pursuant to Staff Memo – Michele Thompson, Leisure Services Director.
 5. **Resolution No. 2016-21:** Authorizing the FY 2017 Children's Services Council (CSC) Scholarship Provider Contract, between the Early Learning Coalition of Palm Beach County and the City of Greenacres for the Youth Programs Division Afterschool and Camp Programs; and authorizing the Mayor to execute the contract and City Officials to effectuate implementation of the terms of the contract; pursuant to Staff Memo – Michele Thompson, Leisure Services Director.
 6. **Plat Approval (SP-15-02):** Approval of the Plat for Greenacres Nissan located on the north side of Lake Worth Road at 5385 Lake Worth Road; pursuant to Staff Memo and Plat – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.
 7. **Resolution No. 2016-23:** Authorizing the execution of the amended Fiscal Year 2015-2016 Community Development Block Grant (CDBG) Agreement for Phase 2 of the Stormwater Drainage Enhancement in the Original Section; and providing for an effective date; pursuant to Staff Memo - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

MOTION: Councilwoman Bousquet made a motion to approve the seven (7) Consent Agenda items. Deputy Mayor Pearce seconded the motion.

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

Motion carried: 4 - 0.

7. Regular Agenda:

- A. **Receive and File:** Presentation of FY 2015 Comprehensive Annual Financial Report (CAFR) by Auditing Firm of Nowlen, Holt & Miner, P.A. – Thomas Hughes, Finance Director.

Finance Director Thomas Hughes introduced Ronald Bennett, a partner at Nowlen, Holt and Miner, the City's auditing firm, who would be presenting the FY 2015 Comprehensive Annual Financial Report (CAFR).

Mr. Bennett thanked the Mayor and Council and congratulated them on a very well run organization. His first Greenacres audit took place in 1990. In 1991, the City applied for its first CAFR Certificate which it has continued to earn for the last 24 years.

Mr. Bennett explained that the purpose of an audit is to allow independent certified public accountants to render an opinion on the financial statement in accordance with generally accepted accounting principles. He explained that governmental audits are complicated and must be in conformance with government auditing standards. This year, the City expended more than \$500,000 in federal awards which prompted the issuance of a Federal Single Audit. The Report on Internal Control shows one major program that expended \$705,000.

Mr. Bennett reported no findings and the City was found to be in compliance with Chapter 218.415, F.S. as shown in the Independent Accounts Report. This statute controls the type of investments municipalities are permitted to invest in.

He reviewed the 5-year summary of governmental funds.

- Fiduciary Trust Fund (Pension Trust Fund) are funds the City is holding in trust for someone else.
- Government Revenues: Total revenues increased from \$22.9 million to \$24.6 million a 7.4%.

Mr. Bennett reported that the City's Fund Balance for the last 10 years increased \$170,505.00. He believed that was commendable since the goal of local government is not to make a profit, but to raise sufficient taxes and fees to cover the services it provides. He reported a 6.9% increase in expenditures and a 7.4% increase in revenues.

The residual of revenues less expenditures equals Fund Balance. The General Fund had an increase of \$755,000. The Unassigned Fund Balance of \$8.5 million at

the end of FY 15 represents the resources that are free, clear and available. \$4.3 million of assigned, \$1 million in committed, \$400 in non-spendables gives a total of \$14 million of which 60% are unassigned. Approximately 40% of the City's expenditures are unassigned. He explained that after the hurricanes of 2005, 25% was the recommended range, with 40% being reasonable. As policymakers if a Category 4 or 5 hurricane hits the area, you need to know how much will be needed to make repairs, handle vegetation removal, etc.

- Modified Accrual Basis of Accounting and Current Financial Resources means current assets and liabilities; no long term debt or capital assets. More accurately it is modified cash with a 60 day lag on expenditures.
- Entity-wide Statements – Statement of Net Position (Assets & Liabilities) and a new one this year called Governmental Accounting Standards Board (GASB) 68 (pension reporting) and GASB 71 (an amendment to GASB 68).

City Pension Plans

Mr. Bennett noted that the City has more than two (2) pension plans. 1) The Public Safety Officers/Firefighters (PSO/FF) Pension is a defined benefit pension plan plus a Share Plan in which the insurance premium taxes go; 2) Florida Retirement System (FRS) has two (2) defined benefit pension plans and a defined contribution plan. The defined contribution plan is similar to a 401K. The defined benefit pension plans are where the City and employee make contributions. An actuary determines the amount to be contributed into the Plan. This year is the first year GASB 68 requires the unfunded pension liability to be reported.

The FRS pension plan and the Health Insured Subsidy (HIS) both had net pension liability whereas the PSO/FF Pension Plan had a net pension asset. The net pension assets were greater than the net pension liabilities which resulted in an increase of \$2.7 million.

Mayor Ferreri commended staff on doing a good job on reporting and working closely with the auditors. He agreed it was much more complicated than in years past.

Mr. Bennett offered to address any concerns the Mayor or Council may have and again thanked them for the opportunity to serve the City by allowing Nolen, Holt & Miner to serve as its financial auditors.

Deputy Mayor Pearce inquired about the PSO/FF Pension Plan assets.

Mr. Bennett referred to Page 15 where it shows \$4.9 million in assets. He reported that the FRS Pension Plan had a net pension liability of \$2,365,574. Pension related items, deferred outflow of resources of \$2,191,579 is an unrecognized expense similar to depreciation for a fixed asset. This was GASB's way of smoothing out the effect on the income statement. For example, the assumed rate of return for that pension plan is 8.39% which will never be reached. The difference is shown as a deferred inflow/outflow which is spread out over a number of years based on the average age of the participants and their expected worklife. He reported that GASB 74 and GASB 75 will be introduced in the next couple of years relating to post-employment benefits.

- B. **PSO/FF Pension Plan Review:** Review of Pension Plan for Public Safety Officers and Firefighters; pursuant to Staff Memo, PSO Actuarial Valuation and FF Actuarial Valuation– Charles T. Carr, Consulting Actuary – Southern Actuarial Services.

Skype Presentation with Actuary Charles Carr

Mr. Carr explained that prior to October 1, 2015 one report included both the Public Safety Officers and Firefighter portion of the Plan. An ordinance was passed in February 2016 that split the Plan into two (2) separate plans. The actuarial he prepared establishes the contribution rate for the two (2) plans for FY 2017. Mr. Carr noted that originally there was one pool of assets that had to be divided between the plans. Allocated assets were based on the accrued liability and each were proportioned accordingly.

In Florida, all public defined benefit pension plans that pay an annuity at point of retirement, is required to prepare an actuarial once every three (3) years. Greenacres has had actuarials done every year. He explained that the main purpose for an actuarial is to determine what the City's defined contribution rate is for the Plan for a particular fiscal year. On the participant's side, their contribution rate is fixed in the terms of the Plan whereas the City's contribution rate will vary. The actuary has to make assumptions to predict the future for the long term using the life expectancy of the youngest participant (as long as 75 years). When doing this, one of the most important assumptions made is the assumed investment return. The pension plan has a pool of assets invested in stocks and bonds and over time throws off an investment return. Other assumptions are mortality tables and payments to beneficiaries and the assumed rate of compensation increases. The goal is to project the level of pension benefits each participant will receive at the point of retirement.

Pension benefits are based on formula (Final Average Earnings). The rate at which the actuarial assumes pay increases plays an important role in the valuation.

Mr. Carr asked everyone to turn to Table 1-A, Present Value of Future Benefits – this is the starting point of the valuation. For active employees it projects out and places a \$ value for the Plan for those benefits. If the City asked, "How much will the City need in the Plan as of October 1, 2015 in order to never have to make any future contributions?" The answer would be the number shown in the Present Value of Future Benefits. For PSO it would be \$19.5 million, for FF \$17.7 million. Non-investments costs of 1% are added, minus the values of assets on-hand, minus the current value of future employer contributions. This represents over \$1.1 million for PSO and \$1.43 million for FF. Present Value of Future Normal Costs theoretically represents the present value of future employer contributions of \$14 million. That is the long-term funding level for the City of which amount will be offset by the Chapter 175/185 monies collected from insurance premiums. Then take present and future normal costs and divide them by the present value to payroll (a present day \$ value on all of future pay employees will earn). The goal is to create a level of percentage pay cost. The expectation is to remain level for the life of the Plan. Multiply the Normal Cost Rate by Payroll = Normal Cost (theoretical cost of benefits earned for current year). Adjustments are made for interest and end up with a Minimum Required Contribution Rate, or percentage of pay contribution rate for FY 2017.

These Minimum Required Contribution Rates by the employer are based on actual payroll amounts for FY 2017. A part of the Minimum Required Contribution Rates is covered by the Chapter 175/185 contributions and are subject to negotiations. For the PSO, the Ordinance passed in February 2016 gave a detailed roadmap on how the Chapter monies should be applied.

Mr. Carr pointed out that one of the changes to take effect in FY 2017, State law will require all Florida Public Plans to use the same mortality tables effective October 1, 2016. Therefore, new mortality tables will be used. Mr. Carr could not estimate the impact but noted it will increase the City's contributions; it anticipates future improvements.

Other numbers were included in the funding valuations prior to this year. Using earlier actuarials accounting numbers were included. In 2015, those accounting numbers have been separated from the funding numbers. GASB 67-68 Supplement was created to avoid confusion and has no effect on the funding of the Plan.

Mayor Ferreri asked what is the City's contribution rate. With the Minimum Required Contribution Rate based on the new GASB rules and legislative changes, how does the contribution rate for FY 16-17 compare to previous years. He was concerned with the PBSO contract and rate of pay change and how it will that affect payouts over time.

Mr. Carr explained that the rate went up collectively for two reasons: when the Plans were split, the PSO's rate became lower and FF's became higher. When combined, there was some amount of subsidy from the PSO side to the FF side, however, once the Plans were split the subsidy disappeared. Asset Tables II-C (Investment Return) had 3 years where the Plan did well, but in FY 2015, there was a 0.13% return. Another reason if you look at Table III-C, Data Section, the pay increases were extraordinarily large last year for PSO and on average was 10.7%, for FF it was 16.99%. In past years they were well under. Table I-C Gain & Loss Analysis shows the impact of those pay increases where the investment loss added 2.34% of payroll to the contribution rate. The pay increases added 3.39% totaling 6.25% collectively to the rate hike, plus the effect of the amendment where the PSO subsidy was lost, caused the PSO contribution rate to drop 2.6% of its payroll and the FF contribution rate went up 2.73% of its payroll. Mr. Carr pointed out that the 3 years prior to FY 2015, there were 8.42%, 11.34% and 16.03% returns, a good run. In the last 10 years the market return was 5.21% and includes 2008 where most plans lost 10-25%; the City lost only 12.5%. The projected average is 7.2%, which represents a 2% shortfall, over a 10 year period that would translate to only 25% short.

Mr. Carr anticipated another rate increase due to the new mortality rate changes. From the City's standpoint, if there are no large pay increases this year, the rate could drop.

Mayor Ferreri noted that the pay increases were due to the recession. These plans require a minimum return set by the State and the State Pension Board does a great job of ensuring assets are conservative. He noted that for FY 17, it is unknown how many officers migrated to FRS and the new mortality rates. The PBSO contract pays the lesser amount of the FRS rate.

PBSO Sgt. Matt DeJoy, Chairman of the Retirement Plan Board of Trustees, wanted to get a full view of the impact the merger with PBSO would have. He asked what is the current funding ratio. He asked if the fund was 128% funded.

Mr. Carr stated that the GASB valuation (what the City reports in its CAFR) is shy of 130% funded.

Mr. Carr reported that the real funded percentage is closer to 150% (for every \$ paid out, the City will have \$0.50 in assets).

Sgt. DeJoy asked if other plans were as healthy as Greenacres noting that the City of Boca Raton or Delray Beach are not nearly at 100%.

Mr. Carr reported that in Florida, the State does not allow plans to drop below 100% Atlanta is under 100% (it's around 85% funded). He reported that Greenacres is one of the best funded plans. In North Florida and the Panhandle plans are more conservative.

Mr. Carr reported that the overfunding becomes an asset on the City's side per GASB. As of September 30, 2015, the net assets combined were just under \$5 million.

Sgt. DeJoy pointed out that there is an additional \$17 million that the City would have to pay to fund the retirement and asked if that money is factored into that number.

Mr. Carr explained future benefit accruals on the FF side is approximately \$7.5 million total projected future City contributions and \$6.44 million for the PSO side for a total of \$14 million in future City and State contributions for benefits collectively invested.

Sgt. DeJoy acknowledged that the City has been very responsible and has ensured that the Plan was well funded. Regarding the 175/185 monies that are taken, he asked about the funding rate of 23% and 28% that will be paid out to keep it going. The 175/185 monies are used to offset those costs which is a benefit to the City. He recalled during the negotiations, the City had asked to let go of the 175/185 funds in order to ensure that the Plan would remain stable. It is his understanding that although the plan has been divided, the two plans are being invested as one. correct?

Mr. Carr agreed, each year the Plan is collectively invested and the assets are split between the two. State Legislature changed the rules. He stated that the bargaining parties can agree on how to use the money however they want and a default rule was established whereby cities have to reach an impasse in order to default. The Chapter money funds approximately 40% of the total cost of the Plan and the City covers 60%.

Sgt. DeJoy pointed out that with the construction of new homes and the contract between Greenacres and the City of Atlantis he anticipated a significant increase in the Chapter monies. Referring to the 2013-2014 valuation, he asked about the required Minimum Required Contribution Rate of 24.26% and the Chapter monies covering 10% of that amount. Sgt. DeJoy noted that with the merger, the number of

law enforcement members dropped from 42 to 30. With the membership decreasing and the amount of money remaining the same, he asked if that should increase the funding rate on the law enforcement side.

Mr. Carr explained it depends on who is retiring. If the longer-serving members leave, it will increase the amount of the plan; on the other hand, if younger members leave, it would not affect it much.

Mr. Carr stated he was expecting long term rates to come down and the next valuation (FY 2018) should break even. The first quarter of 2016 was horrible and the last few months have been better and may offset any losses.

Deputy Mayor Pearce noted that Council negotiated the 401k money with PBSO as part of their pension plan. He asked if all but \$100 per individual would stay with the City.

Mrs. McCue confirmed that the first \$170,000 will go toward the City's contribution, and the \$57,400 would go into the Reserve, and the \$4,200 is shared.

Deputy Mayor Pearce pointed out that for the FF side, the 175 monies had not yet changed.

Mrs. McCue confirmed that nothing has changed and reported that \$160,796 will go toward the City's contribution, the remainder will be divided.

Mayor Ferreri noted that the City has been conservative in conducting these actuarial studies and was pleased that the Plan was funded over 100%. The struggle to get the 175/185 monies paid off. He hoped for a positive return on the investments later this year.

- C. **Ordinance No. 2016-07:** First Reading; Amending Chapter 2, Administration, Article III, Boards, Committees, Commissions, providing intent; providing definitions; providing for Special Magistrates; providing enforcement procedure; providing for conduct of hearing; providing powers of Special Magistrates; providing for administrative fines, costs of repairs, and liens; providing for duration of lien; providing for appeals; providing for notices; providing for supplemental enforcement provisions; repealing conflicting ordinances; providing for severability; providing for inclusion in code; and providing an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

Building Director Michael Grimm reported that the State of Florida through Chapter 162, F.S. provided municipalities the ability to create a code enforcement board or a Special Magistrate or both for code enforcement. He explained that Chapter 162 provides notice and hearing procedures as well as fine amounts. Chapter 162 also contains an alternate citation system which allows the violator to comply and pay the fine or contest the citation through the County Court. This alternate citation system is beneficial for violations that are not related to real property or for citing violators other than the owner, i.e. a tenant. City Code Chapter 2 mirrors State Statutes wherein it created a Code Enforcement Board and notice violation procedures including the alternate citation system.

Mr. Grimm noted that at the January 4, 2016 City Council Meeting, draft language for a Special Magistrate and a revised citation system was presented as a discussion item. Council directed staff to create an ordinance establishing a Special Magistrate and revised citation system while maintaining the Code Enforcement Board. The benefits of having a Code Enforcement Board is that the members are local residents with local knowledge and serve as a jury of one's peers and can serve as a nuisance abatement board. Special Magistrates are impartial; they are attorneys and do not have a vested interest in the property. Citations can be heard before the Special Magistrate instead of going to County Court.

Mr. Grimm stated that this proposed Ordinance keeps the current Code Enforcement Board and violation notice procedures and authorizes the use of a Special Magistrate. It outlines the qualifications, appointment, term expiration and compensation. The Special Magistrate will also serve as the Board Attorney for the Code Enforcement Board. This Ordinance proposes to revise the current citation system by using a Special Magistrate thus eliminating the need to go to County Court. A significant change is in the fine amounts for violation Classes 1, 2, 3 and 4. These increase from \$50, \$75, \$100 and \$150 respectively to \$100, \$150, \$200 for Class 1 violations, with gradual increases for repeat violations up to a maximum of \$500. The fines can accrue daily.

Mr. Grimm noted that this Ordinance will provide the benefit of both systems and provide Code Enforcement Officers extra tools to help gain compliance in a cost effective manner. The cost of the Special Magistrate is based on 20 meetings/year or 1 meeting/month for the Special Magistrate and serving as board attorney for 8 Code Enforcement Board meetings at an average of 3 hours/meeting for a cost of \$185/hour or \$11,100 annually. This amount can be offset by the anticipated revenue generated from the proposed fine amounts; therefore, staff recommends approval of Ordinance No. 2016-07 on first reading.

Mayor Ferreri called on Council members for comments.

Deputy Mayor Pearce emphasized that the City is not eliminating the Code Enforcement Board and the Special Magistrate and alternate citation system are just an added tool to meet compliance.

Mr. Grimm stated that the Code Enforcement Board and standard violation procedures remain intact. Mr. Grimm explained that each code case is unique and the Special Magistrate will help process cases more effectively.

Councilwoman Rivera asked if a Special Magistrate was common in other cities.

Mr. Stokes explained that current cases are proving more judicial in nature requiring the expertise of a Special Magistrate. Many cities have both a Special Magistrate and a Code Enforcement Board.

Councilwoman Bousquet stated it was her understanding that the Code Enforcement Officers would decide how the cases get handled either through the Board or the Special Magistrate.

Mr. Grimm stated that is correct; it will be at the discretion of the officer. A policy will be established to guide the Code Enforcement Officers on minor violations; first time offenders whose cases would be heard by the Board, whereas the more serious or time sensitive cases would go before the Special Magistrate.

Councilwoman Bousquet asked who will decide when to escalate a case.

Mr. Grimm explained that the Board would have to make that decision.

Mr. Stokes did not recall any mechanism in the proposed Ordinance where the Board can refer a case to the Special Magistrate. It becomes a matter of jurisdiction. Repeat offenses would go before a Special Magistrate.

Councilwoman Rivera asked if a flowchart or policy will be provided to help Code Enforcement Officers decide where a case will be heard.

Mr. Stokes explained the steps would be outlined in a future policy.

Councilman Noble asked if this Ordinance would provide additional revenue to the City. He asked, "Does that mean the citizens will be paying more from their pockets?"

Mr. Grimm believed it would provide some added revenue. He explained that only 10% of violators go before the Code Enforcement Board. Staff spends a large amount of time and effort preparing the necessary documentation for cases.

Councilman Noble asked if the estimated annual cost of \$11,100 could double.

Mr. Grimm believed that even with one Special Magistrate meeting per a month, he was not sure they would meet their mark the first year.

Mr. Stokes pointed out that the focus of code enforcement is compliance; not as a revenue generator. The Special Magistrate may bring in more revenue, but it would cost property owners less since compliance will be quicker. This process is designed to obtain quicker compliance while at the same time enable code enforcement to handle more cases. If the Special Magistrate fees exceed the \$11,100, it would be due to handling more cases.

Councilwoman Bousquet recalled Council discussing that the process would be revenue neutral with the fines paying for the Special Magistrate. Is that not the case?

Mayor Ferreri agreed that a policy is needed. A Special Magistrate could be beneficial to handle rental licenses, parking and fire prevention violations. Violators will pay and hopefully provide some revenue stream. He was in agreement with having the Special Magistrate serve as the board attorney, alleviating the City Attorney's workload.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-07 on first reading. Councilwoman

Bousquet seconded the motion.

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

Motion carried: 3 - 1.

- D. **Ordinance No. 2016-15:** 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 – Thomas Hughes, Finance Director.

Mr. Hughes stated that Ordinance No. 2016-15 proposes to increase expenditures of the 304 Maintenance and Reconstruction Fund by \$17,340 and increase revenues in the same fund by \$8,760. The increase is due to CIP Project #304-193 Original Section Drainage Enhancement Phase 2 with the lowest bid coming in at \$17,340 over engineering estimates. City staff was able to secure 50% of the original expenditure in grant funding in the amount of \$8,670. Based on the cost differential, staff determined the need for a budget amendment using a portion of the Fund Balance. He stated staff recommends approval of Ordinance No. 2016-15 on first reading.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-15 on first reading. Councilwoman Rivera seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, and Councilwoman Bousquet. (*Councilman Noble temporarily left the Chambers*)

Motion carried: 3 - 0.

- E. **Resolution No. 2016-22:** Authorizing the Interlocal Agreement (Exhibit "1") between the City of Greenacres, Palm Beach County, the School Board of Palm Beach County, and the Signatory Municipalities pertaining to the shared distribution and use of the One Cent Local Government Infrastructure Surtax; authorizing the appropriate City Officials to execute the Interlocal Agreement; and directing that the executed agreement be sent to all parties; pursuant to Staff Memo – Andrea McCue, City Manager.

City Manager Andrea McCue reported that on March 22, 2016, the Board of County Commissioners (BCC) approved a plan for a 10-year, 1 cent infrastructure surtax which included the School Board, the County, all municipalities and included economic incentives and economic development for cultural facilities. The BCC moved forward on May 3, 2016 with the surtax without the economic and cultural components which required all municipalities to approve a new interlocal agreement. Municipalities will now receive 20% of the surtax, a 1.5% increase. Greenacres'

distribution is estimated at \$2.3 million each year. Mrs. McCue noted two (2) new provisions in the Interlocal Agreement: 1) There is an automatic termination clause if 51% of the cities do not adopt the Interlocal Agreement by June 10, 2016, and 2) The surtax can sunset earlier if proceeds equal or exceed \$7.2 billion. Mrs. McCue stated staff recommends approval of Resolution No. 2016-22.

Mayor Ferreri noted that this Interlocal Agreement will be placed on the ballot by the County for the voters to decide in November. Cities that opt in will receive a share of the proceeds to be used for capital improvement projects such as roads, paving, etc. He noted that there are several cities that have reached their 10 mill cap. If 51% of cities do not opt in by June 10th, the Interlocal Agreement will become null and void.

MOTION: Deputy Mayor Pearce made a motion to approve Resolution No. 2016-22 authorizing the Interlocal Agreement between the City of Greenacres, Palm Beach County, the School Board of Palm Beach County, and the Signatory Municipalities. Councilwoman Bousquet seconded the motion.

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

Motion carried: 4 - 0.

F. Council Policy 14

Councilwoman Bousquet reminded Council members that Council Policy No. 14 was abolished a year earlier with the intent to revise and implement a new policy. It has come to her attention that in the past several months that the abolishment has caused stress, uncertainty and insecurity among employees. She therefore proposed to reinstate the original Council Policy No. 14 with the exception that it exclude department heads.

Deputy Mayor Pearce stated that he had not heard anything from any employee and that he was more involved with employees and situations with the previous administration than any other council member. He thought Council had agreed they were not going to revisit this anymore. The public did not have a chance to comment and they have a right to know what Council is talking about.

Councilwoman Bousquet reminded Deputy Mayor Pearce that this is not an ordinance, it has nothing to do with the public; it has to do with employees, it is a policy.

Deputy Mayor Pearce disagreed, it has to be put out there for the public. "It does not matter, it is still a policy."

Mr. Stokes emphasized that the practice since he has been here is that Council can walk items onto the agenda as long as it is not an ordinance or resolution. This is a policy and can be raised.

Councilman Noble agreed; thought it was a good idea, and was looking forward to a motion on the subject.

Councilwoman Rivera invited Councilwoman Bousquet to work with the City Manager to revise Council Policy No.14 so it adheres to her exception.

Deputy Mayor Pearce stated that it becomes political and people take sides; it becomes a "he said, she said" scenario. For a year, we haven't had any problems.

Councilwoman Bousquet disagreed and stated that employees are stressed and confused and Council does not realize how they are being perceived. The employees deserve this.

Mayor Ferreri stated that there are issues where there are Council members that still do not understand their role as policymakers; not as administrators. Recently they were copied on a memo where there was staff review of an employee. That is outside Council's purview and he did not understand why Council received copies. He believed this was a good first measure and agreed that there are employees that are fearful. There is a chain of command and there are grievance procedures. This was a good first step and he would like to see a full policy.

Councilman Noble pointed out that at one of the workshop meetings, Councilwoman Rivera commented to Public Works Director Carlos Cedeno that she felt employees were not getting enough salary and therefore should be reviewed. That is a comment that should be made to the City Manager, not to the department director.

MOTION : Councilwoman Bousquet made a motion to reinstate Council Policy No. 14 in its original form with the addition that Council can communicate with department directors for one year until a replacement policy can be drafted. Councilman Noble seconded the motion.

Discussion on the Motion:

Deputy Mayor Pearce asked if the policy can still be amended.

Mr. Stokes explained after one year, the policy could be amended.

Councilwoman Rivera asked Mrs. McCue if she had discussed a replacement policy (Council Policy No. 31) with Councilwoman Dugo.

Mrs. McCue confirmed that Councilwoman Dugo had provided her with a draft Council Policy No. 31 that she had worked on with the former City Attorney. Mrs. McCue confirmed reviewing the draft policy and had mentioned it during one of the recent Council workshops.

SUBSTITUTE MOTION : Councilwoman Rivera made a substitute motion to adopt draft Council Policy No. 31 with the language proposed by former City Attorney Pamela Terranova (indefinitely). Deputy Mayor Pearce seconded the motion.

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

Motion failed: 2 - 3. (Mayor Ferreri broke the tie)

Mayor Ferreri called for a vote on the original motion.

MOTION : Councilwoman Bousquet made a motion to reinstate Council Policy No. 14 in its original form with the addition that Council can communicate with department directors until a replacement policy can be drafted after one year. Councilman Noble seconded the motion.

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

Motion passed: 3 - 2. (Mayor Ferreri broke the tie.)

8. **Comments from the Public.**

9. **Discussion Item:**

Mayor Ferreri called for a recess at 9:00 pm. The meeting reconvened at 9:10 pm.

A. **FY 2017 CIP Budget:** Thomas Hughes, Finance Director.

Mrs. McCue reported that the forecast document will be discussed first along with the balances and larger numbers. She explained that the budget performance reports for the 301, 303 and 304 Funds are different from the Budget Report. She explained that each department provided anticipated expenses that were then deducted from the forecast.

301 Fund

- 301-104 10th Avenue North Corridor: Consists of streetscaping, landscaping, signage and entry features for the area between the E-3 Canal to South Haverhill Road to create a gateway into the City. For FY 16, \$120,000 was budgeted; the lights and sewer installation have been completed. This project will not proceed at this time and the \$120,000 will remain. The forecast for this Fund is \$149,023.05.

Deputy Mayor Pearce asked when the Dillman Road sidewalk project will commence. He questioned the work that was to be done in FY 16.

Mrs. McCue reported that the land acquisition and survey work is underway and construction is budgeted for FY 17. The \$42,250 will be expended by the end of the year.

Councilwoman Rivera asked if the \$120,000 for the 10th Avenue North Corridor would remain as a line item.

Mrs. McCue explained the \$120,000 will not be spent; therefore, this line item will not stay since the recommendation is to not move forward with the project.

303 Fund

Mrs. McCue reported that the projected End-of-Year balance is \$189,546.32. The departments thoroughly reviewed their line items for any unanticipated expenses through FY 16.

- Park Restroom Upgrade Project is completed but was overspent.
- The Community Center Expansion has a remaining balance of \$193,980.02 and it is anticipated to be under budget and is on schedule.
- Other projects are on budget with the tennis courts experiencing a slight overspend.

Mayor Ferreri reported receiving positive feedback from residents who are noticing.

Councilwoman Bousquet wanted to add a new project of making the City Hall entry doors handicap accessible for residents in wheelchairs.

Mayor Ferreri explained that Mrs. McCue is providing a recap of the projects already budgeted and recommendations can be made when the new projects are presented.

304 Fund

Mrs. McCue reported that most projects come in at "0" balance, expending the allocated funds:

- Exterior Painting left \$1,000 and has been completed.
- Vehicle Replacement of \$8,611.34 was for the purchase of 3 vehicles, 2 for Fire Rescue which have been purchased and 1 for Public Works (the purchase order has been issued). The remaining balance of \$8,600 will be spent on decals.
- Computer Hardware Replacement Program has a balance of \$8,100.
- Mrs. McCue reported an overspend of \$22,831.00 for security cameras. This was due to a damaged camera at Swain Boulevard. The revenue from the insurance goes toward the claim and the expense comes out of the 304 Fund. Additionally, there was increased pricing for the cameras and the City switched to all-weather cameras since the camera models originally being considered would not be covered under warranty.

Councilman Noble asked for an update on the cameras for Rambo Park.

Mr. Cedeno reported that the trenching for the wiring was underway and he estimated completion within one month.

FY 2017

301 New Growth Fund

- 301-106 City-wide Sidewalk Enhancements: This is a multi-phase project for FY 16 that will begin with Palm Beach Villas II. The survey work has been completed and the City is currently working with the engineer on trees/utilities. For FY 17, \$20,000 has been allocated for the Original Section which has missing sections, \$26,000 for Dodd Road on the north side of the Greenacres Library, \$8,500 for Wry Road and Villa del Trio, for a total of \$75,600 for this enhancement project.
- 301-211 Dillman Road Sidewalk: \$62,500 is being budgeted for the construction phase of the project.

Mayor Ferreri asked how soon would the property acquisition be done and asked if it would be possible to push this project up for the summer. Mrs. McCue offered to see if it was possible to move up the acquisition since it is a safety concern for the 200+ children crossing Dillman Road and South Jog Road every morning and a traffic nightmare for drivers.

Mrs. McCue noted that at the June 20, 2016 City Council meeting, in addition to the Operating Budget further items can be discussed and the information then compiled into a comprehensive budget.

Discussion followed on construction, piggy-backing onto a County contract, using City personnel and tying up manpower.

- 301-216 Swain Boulevard Sewer Extension: Mrs. McCue noted that Council will need to review this project further. In FY 16, the feasibility study was completed. In FY 17, \$435,000 has been budgeted for the selection of an engineering consultant and design work. She emphasized that this is strictly for Swain Boulevard, not the entire Original Section. Construction work is scheduled for FY 18.

Mayor Ferreri asked if CDBG grant money could be used for this project.

Mrs. McCue reported that Mr. Lanahan had looked into that possibility; however, the CDBG funds were being used for another project. They had also discussed using future surtax funds. She noted that these projects will be brought back in June for further review.

Mayor Ferreri agreed that if the surtax passes, the City will need to identify projects.

- 301-999 Storm Sewer Maintenance Equipment: This is for the purchase of a trailer-mounted jet vac/storm sewer lateral line to be used to maintain the City's storm sewer system. The cost benefit analysis was between \$10,000-\$12,000 annually. With a 20-25 year lifespan, the purchase would save the City approximately \$200,000. The estimated cost is \$90,000.

Mr. Cedeno reported with 450 structures, Greenacres is ahead of most cities in the County. Because the City's system is 30 years old, emergencies do arise like Empire Way where a contractor had to be called in. This piece of equipment is very good at handling emergencies and will pay for itself.

- 301-999 Haverhill Road Street Lights: This is for the design and installation of street lights on existing poles along South Haverhill Road between Lake Worth Road and Lantana Road for FY 17 at a cost of \$30,000. In FY 16, the Planning and Engineering Department expended \$10,000 for the engineering and design work.

Mayor Ferreri asked the status of the South Haverhill Road widening and asked if that project could affect the street light installation.

Mrs. McCue reported that Mr. Lanahan had requested that the street lights be installed in conjunction with the road widening project; FPL had not considered that possibility.

Mayor Ferreri suggested contacting County Commissioners since between Lake Worth Road and Melaleuca Lane, the west side is mainly in the County and the City has been successful in the past with similar endeavors.

301-999 New Website Development: Mrs. McCue reported past discussion on tying the website into the City's app and social media, making it more appealing and user-friendly. Mr. Hughes reported that the scope of work is being reviewed and an Request For Proposal (RFP) should be ready in approximately 2 weeks. The cost of \$40,000 was based on previous information gathered. The vendor being considered is the one that designed

the Village of Royal Palm Beach's website at a cost of \$40,000-\$60,000. Mrs. McCue noted that the newspaper article stirred up interest from other vendors who were contacting the City. Other city websites were reviewed for easy navigation and subpage content.

Mayor Ferreri suggested that staff look into ensuring that the RFP state that the pages must be user-friendly for staff to update pages easily.

Mr. Hughes reported that one vendor took staff behind the scenes and showed them how the pages are built and how easy it was to just drag and drop changes.

Councilwoman Rivera reported receiving comments on her Facebook page and the Greenacres Now page and residents were apprehensive about the City spending \$40,000 for a website instead of beautification efforts.

303 Parks & Recreation Fund

- 303-032 City Parks Improvements: This is for repairs and upkeep of (3) City parks and Community Hall consisting of turf replacement, fences and play structures. The matrix projects out to FY 22 and the total for FY 17 is \$222,000.
- 303-048 Parks Court Resurfacing: This is for the resurfacing of 5 tennis and 10 basketball courts at \$25,000 for FY 17.
- 303-160 Park/Building Parking Resurfacing: One project is scheduled for FY 17 and consists of the resurfacing/restriping the parking lot of the WIC building (former City Hall). The lease agreement requires the City to maintain the building. In FY 16, the Community Center parking lot will be resurfaced/restriped following construction.

Discussion followed about a triple net lease where the money is set aside for repairs and maintenance, the state lease, the cost of maintenance factored into the lease agreement, revenues coming into the General Fund with expenses against the 303 Fund and escrowed funds.

Mrs. McCue offered to review the lease agreement.

- 303-186 Public Grounds Landscape Rejuvenation: This project consists of landscaping replenishment/enhancement at public buildings at a cost of \$10,000 budgeted for FY 17.
- 303-190 – Park Lighting Enhancement: This is for the upgrade to LED lighting of outdoor fixtures at Bowman Park and the Fire Department at a cost of \$68,500.
- 303-198 Community Center Expansion: The amount of \$225,000 has been budgeted for FY 17 for the possible land acquisition of nearby parcels.

Discussion followed about how the City has tried to purchase lots on Swain Boulevard in the past, the owners not wanting to sell due to upside-down mortgages, appraisals, not budgeting for this item and consider using these funds to extend the parking at Rambo Park.

Discussion followed about Rambo Park reoccurring drainage problems, paving, and use of the park.

304 Reconstruction & Maintenance Fund

This fund provides for rebuilding and replacement of capital assets that includes vehicle and A/C replacement, Fire Rescue renovations, and capital needs.

- 304-049 Public Works Equipment Replacement: Consists of off-road and ancillary on-road equipment at a cost of \$44,000. This is to cover the purchase of a John Deer Gator, a spreader refurbishment, and a rotary motor.
- 304-069 Copier Replacement Program: This is for the replacement of 12 copiers and scanners City-wide at a cost of \$32,500 for FY 17.

Councilwoman Rivera asked if the City leases or purchases the copiers. She asked what happens with the existing machines that get replaced.

Mr. Hughes explained that most are purchased and replaced every 5 years. He acknowledged that some are leased but those were not included in the matrix. The copiers that are purchased have maintenance agreements. When replaced, the old ones get sold at auction at a cost of \$200-\$400.

Mrs. McCue offered to conduct a comparison between leasing versus purchasing to determine what is more cost effective.

- 304-088 Vehicle Replacement Program: \$55,000 has been allocated for FY 17 to refurbish the City's 1992 60-passenger bus, Public Works' F350 pickup, and a trash truck refurbishment.

Deputy Mayor Pearce asked if anything had been added for the Building Department/Code Enforcement Division.

Mrs. McCue reported that it was not included in the matrix but a small pickup truck was discussed as part of the Operations presentation. Mileage and maintenance were considered.

Deputy Mayor Pearce asked Chief Pure about the ladder truck.

Fire Chief Mark Pure reported that the City's ladder truck is a 2001 American LaFrance model. American LaFrance is now out of business and the problem is getting parts. The truck only has 26,000 miles and is now being used for training. The ladder has been rebuilt. He was going to use it at Station 2 to cover the City of Atlantis. He reported that the tank is too small

for a frontline pumper and too big to operate inside Atlantis. It was intended more for the hospital.

Deputy Mayor Pearce pointed out that the contract with the City of Atlantis is up in 2017 and needs to be discussed.

Councilwoman Rivera questioned if the 60-passenger bus had A/C.

Mr. Cedeno reported that all City buses have A/C.

- 304-091 Computer Hardware Replacement Program: Mrs. McCue reported that \$15,000 had been allocated for FY 17 for the replacement of desktop/laptop computers and servers.
- 304-150 Public Building Roof Replacement: \$93,000 is allocated for FY 17 for roof replacements for the gazebo at Burrowing Owl Park, the pavilion at Ira Van Bullock Park, the PBSO District 16 Firing Range and the Municipal Complex.

Councilwoman Rivera wanted to discuss the cost of \$43,000 to replace the roof on the PBSO District 16 Firing Range.

Mayor Ferreri asked if the roof was leaking.

Mrs. McCue stated she was aware there was a problem with the roof's initial construction and noted that Mr. Lanahan was more familiar with the details.

- 304-151 Exterior/Interior Painting of Public Buildings: The amount of \$28,200 has been allocated for FY 17; the projects include Fire Rescue Station 94, PBSO District 16 Firing Range and Veteran's Park press box and restrooms.
- 304-152S Storm Sewer Pipe & Basin Replacement: This consists of rehabilitation and repair of the drainage system on the west side of South 57th Avenue, south of 38th Court. The amount of \$157,000 has been allocated for FY 17.
- 304-161-Roadway Resurfacing/Striping and Marking: \$170,000 has been budgeted for FY 17 for Broward Avenue and Swain Boulevard.
- 304-163 HVAC Replacement Program: This is for the replacement of A/C systems at public buildings; \$52,000 has been budgeted for FY 17 for the WIC Building (former City Hall) and miscellaneous repairs.
- 304-180 Energy Efficiency Enhancement Program: Mrs. McCue reported that the difference between this program and the one for park lighting is park impact fees cannot be used for items not related to parks. Therefore for FY 17, upgraded lighting fixtures will be installed at the WIC building and parking lot lights at Fire Rescue Station 2 will be retrofitted in the amount of \$29,000.

- 304-191 Public Safety Building Renovation: This project started in FY 16 and consists of the separation of spaces between Fire Rescue and PBSO. Design work is completed and in FY 17 the apparatus bay floors will be refinished with epoxy and the holding cells remodeled into a training room.
- 304-193 Original Section Drainage Improvements: In FY 17, Phase 3 will consist of First Street Phase 2 construction and ditches 1-4 outfalls at the L-11 Canal at a cost of \$550,008, with CDBG funding of \$125,000.
- 304-2210 Median Landscaping Rejuvenation: Mrs. McCue reported this project is out to bid and a sample of artificial turf and a sample of an irrigated landscaped median was designed and installed for comparison. A choice will be made in FY 17; \$100,000 has been budgeted.
- 304-999 Public Right-of-Ways Landscape Rejuvenation: \$20,000 has been included for FY 17 to replace dead plant material.

Councilwoman Rivera asked Mr. Cedeno if the City was still in discussions with FDOT.

Mr. Cedeno clarified that the \$20,000 is for South Jog Road whereas FDOT maintains Lake Worth Road.

- 304-XXX –Air Pack Replacement: This is for the purchase of 35 new air packs in FY 17 at a cost of \$212,770.

Fire Chief Mark Pure reported that the existing packs have exceeded their warranty and maintenance is costly. He noted that 35 masks will also be included with the purchase of the air packs.

Discussion followed over ordering the packs now versus October, projecting the cost over several years, safety of existing packs, lifespan of the masks, and bottles.

New Items for Consideration

➤ Extrication Equipment

Councilwoman Rivera asked if anyone had considered extrication equipment and asked the status of the current equipment.

Chief Pure reported having equipment on Engines 94 and 95 and a portable set that is used as backup. He was looking to purchase extrication equipment through a FEMA grant.

➤ Automatic Door for the Disabled

Councilwoman Bousquet inquired about automatic door access for the disabled at City Hall and the Community Center.

Discussion followed on the type of door, retrofitting, swing door with sensor, Code requirements for interior doors, and propping open the Chambers doors for the handicapped.

Mrs. McCue offered to look into the cost of a swing door at City Hall.

➤ Electronic Marquis

During the City's recent 90th Anniversary celebration, residents approached Councilwoman Rivera asking for an electronic marquis to announce public messages. Councilwoman Rivera believed it would be a nice way to bring technology to the forefront and would beautify the City. She suggested two locations for the marquis: Fire Station 94 and 95 (Station 2). Initial research on citations issued as a result of marquis distraction were non-existent. She instructed the City Manager to obtain a price quote for 2 marquis and include amending the City's Sign Code.

Discussion followed on other locations to consider: In front of City Hall and 10th Avenue North in front of Ira Van Bullock Park.

Mrs. McCue noted that she would look into the cost of 2 signs and would meet with the City Attorney and the Planning and Engineering Director regarding the Sign Code.

➤ Staffing

Deputy Mayor Pearce asked when would Council be discussing staffing.

Mrs. McCue stated at the June 20th City Council meeting.

➤ Freedom Park/Additional Property

Mayor Ferreri asked if staff had looked into obtaining additional property from the County to increase the size of the park.

Mrs. McCue recalled Council considering the use of the surtax monies to lease additional land.

Project 304-088 Vehicle Replacement Program

Mr. Cedeno pointed out that the pickup truck for the Building Department discussed earlier was not included in FY 17, nor was the ladder truck for Fire Rescue. He noted that there is a maintenance issue with the ladder truck and getting local maintenance. The City recently paid to bring a mechanic from Ohio to perform a \$7,000 repair and to provide a price for the turret refurbishment. He would be presenting those costs to the City Manager.

10. Staff Comments:

A. City Manager's Report:

Fire Assessment Meetings

Mrs. McCue reminded the Mayor and Council that individual fire assessment meetings will be held June 1st and 2nd followed by the workshop on June 2nd at 7:00 pm.

Councilman Noble noted that he would not be attending the June 2nd workshop due to his attendance at the Florida Municipal Pension Trust meeting.

Charter Review Committee

Mrs. McCue reported receiving only 3 applications and needed additional applicants.

B. City Attorney's Report. None.

11. Mayor and City Council Reports.City Manager Memo

Mayor Ferreri reiterated that the City Manager is responsible for reviewing employee matters. It is not their job to reprimand employees.

Councilwoman Bousquet suggested accepting this memo as final action and permanently closing the matter.

MOTION : Councilman Noble made a motion to finalize the issue with the former City Attorney and City Clerk. Councilwoman Bousquet seconded the motion.

Discussion on the Motion:

Deputy Mayor Pearce stated that the issue was not over. City Attorney James Stokes found wrongdoing by the former City Manager and City Attorney.

Mayor Ferreri asked Mr. Stokes the status of his investigation.

Mr. Stokes stated that only two employees work for Council: the City Attorney and the City Manager. The employee works for the City Manager and like every employee they answer to their supervisor. The supervisor has the sole and exclusive discretion on how they handle issues. If Mrs. McCue is done with this matter, this matter is done.

Mrs. McCue reported issuing a memo last week regarding the matter.

Deputy Mayor Pearce stated after speaking with Mr. Stokes and Mrs. McCue, it was his understanding that a reprimand was in order. He

asked for a copy of that reprimand. He asked Mrs. McCue if a reprimand would be forthcoming.

Mrs. McCue reiterated that she issued a memo regarding the matter but clarified that she did not say she would be issuing a reprimand.

Deputy Mayor Pearce asked if this was all Mrs. McCue was going to do about the matter.

Mrs. McCue replied, "Yes".

VOTE ON THE MOTION:	In Favor: Councilman Noble, and Councilwoman Bousquet. Opposed: Deputy Mayor Pearce and Councilwoman Rivera.
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Motion carried: 3 - 2. *(Mayor Ferreri broke the tie.)*

12. Adjournment.

Councilwoman Rivera made a motion to adjourn the meeting. Councilwoman Bousquet seconded the motion. Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 11:28 p.m.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferreri
Mayor

Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: _____

/mel