



OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

CITY COUNCIL MEETING
Monday, June 6, 2016- 7:00 PM

1. Call To Order and Roll Call.

Mayor Ferreri called the City Council Meeting of Monday, June 6, 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

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
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

Absent:

Paula Bousquet, Councilwoman

Attendees from Public: 24

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 Dugo made a motion to approve the Agenda. Councilwoman Rivera seconded the motion.

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

Motion carried: 4 - 0.

5. Special Business.

A. Presentation: 2016 Educational Scholarship Award Certificates – Samuel J. Ferreri.

Mayor Ferreri thanked the Scholarship Committee for their selection of the City's five (5) scholarship recipients. He gave a brief history of the Denise Padgett Memorial Scholarship Award in honor of Denise Padgett, a long-time City employee and great athlete. He introduced award recipient Patrick Sabillon.

Mr. Sabillon thanked the Mayor and Council and announced his plans to attend to Florida State University being the first in his family to attend college. He stated he was grateful for breaking boundaries and wants to pursue a career in International Government working for a non-profit organization to help humanity and give back to the community.

The Mayor explained that the Norman Rose Memorial Scholarship Award was created in honor of a former councilman who was actively engaged with youth in our community. He introduced A.J. Loffredo.

Mr. Loffredo thanked everyone and was grateful for the opportunity. He acknowledged his family and community support for his success. His plans are to attend Palm Beach State College focusing on trades and ultimately becoming a maritime mariner.

Sailyn Olivares thanked the City for its support and noted that her scholarship will help fulfill her dream of becoming an ophthalmologist at the University of South Florida, majoring in Medical Sciences. She believed our vision is important and wants to help those with eye diseases.

Vishana Ramnath thanked the City for the opportunity to attend Florida Atlantic University to study nursing ultimately becoming a pediatrician. She announced her plans to volunteer at John I. Leonard High School helping students find out about career opportunities in healthcare.

Mayor Ferreri announced Stacey Cabral as the remaining recipient who was unable to attend.

Mayor Ferreri acknowledged the anniversary of "D Day" and the need to remember those who served in our armed forces so we all may enjoy freedom.

6. Consent Agenda.

A. Mayor Ferreri asked Council if they wished to pull any of the two (2) Consent Agenda items; hearing none, he called for a motion.

1. **Proclamation:** "Amateur Radio Week" for June 20-26, 2016 – Samuel J. Ferreri, Mayor.

2. **Bid Award:** Award of Bid No. 16-007 for Phase 2 of the Original Section Drainage Project; pursuant to Staff Memo – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

MOTION: Councilwoman Rivera made a motion to approve the five (5) Consent Agenda items. Councilwoman Dugo seconded the motion.

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

Motion carried: 4 - 0.

7. Regular Agenda:

A. **PUBLIC HEARING:**

B. **Ordinance No. 2016-07:** Second 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.

City Attorney James Stokes reported working with the Building Official on this Ordinance. He noted that this was the culmination of many discussions on implementing a Special Magistrate. He stated that the Special Magistrate will not eliminate, but supplement, the existing Code Enforcement Board. Upon adoption and with Council direction, staff will then create a policy on how to direct code cases, i.e. first time offenses versus the more serious offenses, commercial versus residential. Mr. Stokes explained that because these hearings are quasi-judicial in nature, municipalities are now using Special Magistrates to handle the more complex cases and noted that there are costs associated with the Special Magistrate.

Mayor Ferreri called on Council members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to,

Ordinance No. 2016-07 to come forward. Seeing no one come forward, he closed the meeting to the public.

Deputy Mayor Pearce wanted the City Attorney to confirm that this Ordinance will not affect the existing Code Enforcement Board and will just serve as another tool to deal with repeat offenders. He emphasized that using a Special Magistrate will prove revenue neutral, not costing the taxpayers thousands of dollars to implement.

Mr. Stokes noted that this Ordinance is not eliminating the Code Enforcement Board; the case load will be divided among the Special Magistrate and the Code Board. The Special Magistrate will also be granted the ability to handle reductions for the purpose of uniformity. Mr. Stokes pointed out that the intent of Florida code enforcement law is compliance, not to generate revenue; however, because some choose to not maintain their properties, some revenue is generated in relation to the associated costs.

Councilwoman Rivera asked Mr. Stokes if he had met with the Code Enforcement Board to discuss the implementation of the Special Magistrate.

Mr. Stokes stated the he had informal discussions with some Code Enforcement Board members but had not met with them as a group to discuss the proposed changes.

Mayor Ferreri believed it would be wise to wait until a policy on procedures has been established.

Councilwoman Dugo believed they were getting ahead of things and suggested first meeting with Board members and the Building Official prior to passing this Ordinance.

Mr. Stokes explained that the language in the Ordinance states it will take approximately four (4) months to implement the program to allow for meeting with the Code Board members, creating a policy, printing new citations, drafting orders, etc. If this proposed Ordinance is passed tonight, it would not go into effect until all those steps are completed.

Councilwoman Dugo questioned the cost of \$11,100 for a Special Magistrate as being too conservative.

Mr. Stokes explained the need for a Special Magistrate separate from an attorney representing staff. The Special Magistrate will also serve as the Code Board attorney. "Attorneys know they are being paid for strictly time in the seat", not for prep or travel time.

Councilman Noble noted that "revenue neutral" means there is no cost to the City. But in effect, the citizens will pay \$12,000 to have a Special Magistrate, whereas the current system is adequate and does not place a burden on the system.

Mayor Ferreri called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-07 on second reading. Councilwoman Rivera seconded the motion.

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

Motion carried: 3 - 1.

- B. **PUBLIC HEARING:** **Ordinance No. 2016-15:** Second 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.

Finance Director Thomas Hughes reported that Ordinance No. 2016-15 proposes to increase expenditures in the 304 Fund by \$17,340 and increase the revenues by \$8,760. This amendment was prompted by the lowest bid for CIP Project 304-193 Original Section Drainage Enhancement Phase 2 coming in over engineering estimates. Staff analyzed the budget amounts and determined that an amendment was required utilizing a portion of the Fund Balance. Mr. Hughes reported that City staff was able to secure grant funding to cover 50% of the increase. Mr. Hughes stated staff recommends approval of Ordinance No. 2016-15.

Mayor Ferreri called on Council members for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2016-15 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor made a motion to approve Ordinance No. 2016-15 on second reading. Councilman Noble seconded the motion.

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

Motion carried: 4 - 0.

- C. **Ordinance No. 2016-16:** First Reading; Amending Chapter 8 entitled "Licenses and Business Regulations", Article III, entitled "Business Taxes", Section 8-72 entitled "Local Business Tax Schedule" as authorized by Section 205.0535(4), Florida Statutes; 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 Attachment "A" – Michael Grimm, Building Director.

Customer Service Associate Aileen Hernandez reported that Chapter 205, F.S. authorizes local municipalities to impose a business tax on all entities that conduct business in the City.

The statute allows up to a maximum 5% increase every two years; the City's last rate increase was in 2013. Mrs. Hernandez reported that these fees are utilized to offset the cost of services such as zoning, code enforcement, police and fire. Staff performed a comparison with other local municipalities and determined that an increase was needed. The proposed 5% increase is estimated to generate approximately \$6,900 in additional revenue. Therefore, staff recommends approval of Ordinance No. 2016-16.

Mayor Ferreri called on Council members for comments.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-16 on first reading. Councilwoman Dugo seconded the motion.

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

Motion carried: 4 - 0.

- D. **Ordinance No. 2016-17:** First Reading; Amending Chapter 8 Article III, entitled "Business Taxes" Sections 8-46, 8-48, and 8-49 and Article IV, entitled "Registration Requirements and Fees" Section 8-76 to revise business tax and registration requirements for businesses and contractors; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

Mrs. Hernandez reported that Ordinance No. 2016-17 is a housekeeping measure to ensure that Chapter 8 of the City Code is consistent with recently passed House Bill 535 legislation relating to contractor registrations. This new rule prohibits local government agencies from requiring payment for proof of proper licensure. As a result of this new legislation, an estimated loss of \$2,500 in revenue is anticipated. This loss will be readily offset by not requiring staff to prepare contractor registrations. Therefore, staff recommends approval of Ordinance No. 2016-17.

Mayor Ferreri called on Council members for comments. He noted that this is just another instance of another unfunded mandate by the State Legislature to take away the City's ability to do a thorough job of assuring residents that contractors are licensed.

Mrs. Hernandez noted that City staff will continue to ensure that contractors are licensed without charging a registration fee.

Deputy Mayor Pearce pointed out that as a contractor himself, this legislation just eliminates redundant bureaucracy; now it is all handled in one system. In order to pull a permit you have to be in the system.

MOTION: Councilwoman Dugo made a motion to approve Ordinance No. 2016-17 on first reading. Deputy Mayor Pearce seconded the motion.

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

Motion carried: 4 - 0.

- E. **Board Appointments:** Appointment of LaVerne Beres to a full member of the Code Enforcement Board; pursuant to Staff Memo – Andrea McCue, City Manager.

City Manager Andrea McCue reported that with the passing of Board member Leo Zornow, staff is recommending approval to move LaVerne Beres as Alternate No. 1 to a full member position on the Board with a term expiration date of June 6, 2019.

MOTION: Deputy Mayor Pearce made a motion to appoint LaVerne Beres as a full member on the Code Enforcement Board with a term expiration date of June 6, 2019. Councilwoman Dugo seconded the motion.

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

Motion carried: 4 - 0.

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

- 9. **Discussion Item.** None.

- 10. **Staff Comments:**

- A. **City Manager’s Report:**

Charter Review Committee

Mrs. McCue reported receiving 6 volunteer applications to date to serve on the committee and the need for 6 more. She was hopeful that an additional six applicants would submit in time for her to recommend Council ratification at the June 20, 2016 City Council Meeting and FY 17 Budget Workshop.

Public Safety Officers and Firefighters Board of Trustees (BOT)

Mrs. McCue referred to her memo provided to Council regarding term expirations of two board members on the BOT and the approaching deadline of June 15, 2016 to submit names. Upon the submittal of names they will be placed on the June 20, 2016 agenda. She noted that the current board members have expressed an interest to continue to serve on the BOT.

Fire Assessment Rates

Mrs. McCue reported that during the June 2, 2016 Council Workshop-Fire Assessment Study, Councilwoman Dugo had requested further discussion on the rate scenarios. She requested Council’s feedback on how to proceed.

Mayor Ferreri called on Council members for comments.

Councilwoman Dugo agreed that she wished to discuss this tonight since it would be placed on the June 20, 2016 Council Agenda. She recalled that Council had agreed to revisit the rates and asked for their thoughts. She noted that Finance Director Tom Hughes had reported that using the 100% rate scenario would create recordkeeping and compliance difficulties. She believed the rate of 56% is fair and equitable.

Councilwoman Rivera respectfully disagreed and preferred the 28% rate at \$50 per home.

Councilman Noble stated he was not in favor of the fire assessment.

Deputy Mayor Pearce wanted an even \$60.

Mayor Ferreri calculated the average of the three rates being proposed which totaled \$70.

Councilwoman Rivera reminded the public that this fire assessment if passed would help build a much needed 3rd fire station.

Mayor Ferreri and Councilman Noble were adamant that Council had not heard or discussed a 3rd fire station.

Councilwoman Rivera agreed it had not yet been discussed, but that it is something the residents are asking for due to the City's growth.

Mayor Ferreri pointed out that the justification for a fire station is based on response times and asked if a study had been done recently. He asked Fire Chief Mark Pure to provide Council with a response time study for the June 20, 2016 Agenda.

Councilwoman Dugo pointed out that the Fire Chief did mention the need for extrication equipment and two (2) engines. She agreed to lower her fire assessment rate recommendation to \$60.

Mayor Ferreri asked Councilwoman Rivera if she would be willing to compromise to \$60.

Councilwoman Rivera agreed to compromise to \$60.

Mayor Ferreri reported the consensus of three (3) Council members in favor of a \$60 fire assessment rate, and one Council member opposed. He instructed staff to contact Government Services Group and ask them to calculate the rate at \$60 with a 5-year projection to determine the revenue it would generate and the amount needed to be maintained in the budget.

B. City Attorney's Report.

Open Container Ordinance

City Attorney James Stokes reported that the open container ordinance had been placed on hold due to the PBSO merger. He noted the two possibilities of either the City enacting

its own ordinance or adopting the County's existing ordinance. He pointed out that Council does not want to surrender its Home Rule power in the event certain aspects of the County ordinance are undesirable. If after adopting the County ordinance the City finds it doesn't work well in Greenacres, Council can repeal the County ordinance and enact its own ordinance. He requested Council direction for the June 20, 2016 meeting.

Mayor Ferreri urged Council to consider adopting the County ordinance for consistency.

Deputy Mayor Pearce agreed to go with the County ordinance.

Councilwoman Dugo recalled agreeing to use the County ordinance and thought it had already been adopted.

Mr. Stokes agreed with adopting the County ordinance.

PBSO Captain Sean Murray agreed that it was his recommendation as well.

Mr. Stokes pointed out that what had to be decided was to adopt the County ordinance by resolution or ordinance.

City Attorney Absence

Mr. Stokes reported that he would be out of town on vacation the week of June 13th but would be accessible by phone or email.

11. Mayor and City Council Reports.

Councilwoman Dugo

Councilwoman Dugo noted that the transition was complete and asked Capt. Murray what could Council do better.

Capt. Murray emphasized "advanced training".

Councilwoman Dugo asked Mrs. McCue her thoughts on how the City Council could improve.

Mrs. McCue reported that her initial time was spent getting to know her staff and learning the ins and outs of each department. She has had discussions with the Finance Director regarding more frequent Requests for Proposals, resources, leases versus purchasing. She is also considering looking at the City's healthcare benefits and conducting a cost analysis. She noted that policies and procedures also require updating. With the new position of a Human Resources Director, this could be accomplished. She had identified the need to update the City's Emergency Management Plan and was looking forward to doing so by the end of the year.

Deputy Mayor Pearce

Deputy Mayor Pearce requested the amount of revenue generated to date from the City's Foreclosure Registration Program. He agreed with looking into the

City's healthcare benefits and would be contacting Mrs. McCue to exchange ideas on that subject.

Mayor Ferreri

Emergency Management Plan

Mayor Ferreri pointed out that with already three named storms since June 1st, he was focused on the Emergency Management Plan. In the past when implementing curfews, issues arose with adjacent municipalities.

Mrs. McCue noted that during department head meetings these type of issues are discussed frequently with respect to department emergency responses and their individual roles.

Florida Municipal Insurance Trust (FMIT)

Mayor Ferreri reported attending a recent FMIT meeting and the only change was to the City's dental provider. He reported that there would be no rate change and the coverage would remain the same, only the dentist network would be larger.

He reported that there would be a small increase in health insurance due to some catastrophic losses in the Trust. Property insurance was expected to decrease by 4-5%. Liability suffered a 30% increase in occurrences. Property insurance pools take the members and divide them statewide; however reinsurance will help keep rates down.

12. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he called for a motion to adjourn. Councilwoman Dugo made a motion to adjourn, seconded by Councilwoman Rivera. The meeting adjourned at 7:58 p.m.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferreri
Mayor

Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: _____

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