



OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

CITY COUNCIL MEETING & FY 17 BUDGET WORKSHOP
Monday, June 20, 2016- 7:00 PM

1. Call To Order and Roll Call.

Mayor Ferreri called the City Council Meeting and FY 17 Budget Workshop of Monday, June 20, 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
Teri Beiriger, Budget Analyst/Finance
Melody Larson, Assistant to the City Clerk

Attendees from Public: 12

Press: 1

2. Pledge of Allegiance to the Flag.

Mayor Samuel J. Ferreri called for a Moment of Silence to remember the 49 people who lost their lives, their families and those still hospitalized in Orlando, Florida. He followed with 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. Deputy Mayor Pearce asked to add the abolishment of Council Policy No. 14 – City Council Communications with City Staff to the Regular Agenda. Mayor Ferreri added Council Policy No. 14 as Regular Agenda Item 7.I. Councilwoman Rivera asked to add the Greenacres Nissan mezzanine as a Discussion Item.

Assistant City Manager Thomas J. Lanahan clarified that the Greenacres Nissan item on this Agenda is a request to revise one of the site plan conditions of approval relating to the relocation of a power pole. He reported that the parking garage is still under review. The mezzanine had already been approved by Council through a Class III Site Plan Amendment process.

Councilwoman Rivera realized it was the parking garage she wanted to add as a Discussion Item.

Mayor Ferreri deferred her request to the City Attorney since that item was still going through the advisory board process.

City Attorney James Stokes stated there is no strict prohibition because the Zoning Board of Adjustments and Appeals' (ZBAA) decision is not appealable to Council since they are a quasi-judicial board and thus Council would not have a direct influence. However, he did advise Council not to discuss the project while it is still under consideration and to wait until the site plan comes before them for approval.

MOTION: Deputy Mayor Pearce made a motion to approve the Agenda as amended. Councilwoman Dugo seconded the motion.

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

Motion carried: 5 - 0.

5. Special Business.

A. PBSO Monthly Report – Captain Sean Murray

Capt. Sean Murray reported 1,960 Business Checks, 127 Field Information Reports and 1,056 Traffic Citations in May. He reported that 57% of all calls are self-initiated. Capt. Murray reported that vehicle burglaries are a countywide problem. Neighborhoods hit were Parkside Green, Fairway Isles, Olive Tree and Canalakes. Over 50% of the cases involved unlocked doors. Car accidents were down by 3 and averaging 39 per week. The total number of training days were 95 days. He reported receiving requests for more mobile speed trailers. Speeds of 107 mph were reported on South 57th Avenue.

The Street Team Narcotics Unit made an arrest on May 6th by conducting a buy bust outside of Wendy's on 6th Avenue South and Congress Avenue where 33.5 grams of heroin and crack cocaine, pills, money and a vehicle were seized. The incident originated in Greenacres. While conducting business checks for the sale of alcohol and cigarettes, 4 arrests were made. The South Florida Task Force conducted a robbery investigation in Pickwick Park. Suspects were identified and a statewide bulletin from Manatee County was received and the lead detective recognized the suspects as being wanted from the West Coast. On May 20th, the District Street Team developed information on a murder suspect who was arrested. On May 27th a prostitution sting yielded 11 arrests.

Capt. Murray reported that PBSO will continue conducting wolf packs and smaller traffic initiatives in the Original Section.

Councilwoman Rivera reported receiving positive feedback from the community.

Capt. Murray noted that PBSO now has a free app entitled, Connect and Protect and is tied in with "See Something, Say Something". He urged everyone to download the free app on their Apple and Android devices. "Harmony in the Streets" youth camp has received 12 applicants and has room for 65 kids. This is a free camp that runs from July 25 - 29. Flyers were handed out in Walmart and Cici's Pizza and posted on the City's website.

Councilwoman Dugo inquired about the total number of volunteers for the Citizens On Patrol (COP) program.

Capt. Murray reported receiving nine (9) applications to date and the need for 6 more. This program has been advertised in the Palm Beach Post.

He reported that on June 17th, 25 officers between the hours of 6:00 pm - 2:00 am wrote 130 traffic citations, 9 arrests (8 misdemeanors, and 1 felony) and 3 DUI's.

6. **Consent Agenda.**

- A. Mayor Ferreri asked Council if they wished to pull any of the six (6) Consent Agenda items. Councilwoman Dugo asked to pull Item No. 4 for review. Mayor Ferreri called for a motion.
1. **Official Minutes:** City Council Workshop of May 11, 2016 – Denise McGrew, City Clerk.
 2. **Official Minutes:** City Council Meeting of May 16, 2016 – Denise McGrew, City Clerk.
 3. **Proclamation:** "Parks and Recreation Month" for July 2016 – Samuel J. Ferreri, Mayor.
 5. **Resolution No. 2016-24:** Abandoning and vacating the public transit bus shelter boarding and alighting area easement located on the north side of Lake Worth Road east of South Jog Road, as recorded in Official Record Book 22987, Pages 89 and through 94 (Specifically Page 93) of the official

records of Palm Beach County, Florida, as requested by the Planning and Engineering Department; providing for repeal of conflicting resolutions; providing for severability; and providing for an effective date; pursuant to Staff Memo and Exhibit “A” - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

6. **Resolution No. 2016-25:** Authorizing the conveyance of a 10-foot utility easement at Gladiator Park; authorizing the appropriate City Officials to execute the Declaration of Easement; and providing for an effective date; pursuant to Staff Memo and Exhibit “1” – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

MOTION: Councilwoman Dugo made a motion to approve Consent Agenda Items 1-3, 5 and 6, pulling Item #4. 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.

4. **Bid Award:** Award of Bid No. 16-009 for Jog Road Median Landscaping and Irrigation to OrchidMan Landscape Artisans Corporation as the lowest responsive responsible bidder in the amount of \$32,715.00; pursuant to Staff Memo – Thomas A. Hughes, Finance Director.

Councilwoman Dugo asked Mr. Lanahan if this had to do with the test median.

Mr. Lanahan reported that this project deals with the test median discussed on many occasions and includes new landscaping and irrigation for the median across from Community Park. The irrigation system well and pump will feed more than 1 median. Therefore, the irrigation costs are somewhat disproportionate and will allow to irrigate one more median to the north.

Councilwoman Dugo asked if Council wishes to irrigate other medians will additional pumps be needed?

Mr. Lanahan replied, “Yes, 5-6 irrigations systems will be required since water can only run so far due to pressure. For some intersections, it will be cheaper to drive a 2nd well than to create a separate system. He noted that not just intersections but turn lanes also need to be considered. Once installed, Council can decide from the 3 alternatives to make a comparison.

MOTION: Councilwoman Dugo made a motion to approve Bid Award 16-009 to OrchidMan Landscape Artisans Corporation. Councilwoman Bousquet seconded the motion.

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

Motion carried: 5 - 0.

7. Regular Agenda:

- A. **PUBLIC HEARING:** **Ordinance No. 2016-16:** Second 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.

Building Director Michael Grimm reported that Florida Statutes Chapter 205 authorizes cities to impose business taxes and allows increases up to 5% every 2 years. The City’s last increase was in 2013. Fees are used to offset services for zoning, police and fire. Staff researched other municipalities and found the City’s fees were below those charged by other cities. Therefore, staff proposes to increase business tax fees by the allowable 5% and estimates \$6,900 in additional revenue will be generated by the increase. He stated staff recommends approval Ordinance No. 2016-16.

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. 2016-16 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-16 on second reading. Councilwoman Bousquet 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.

- B. **PUBLIC HEARING:** **Ordinance No. 2016-17:** Second 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.

Building Director Michael Grimm reported that this Ordinance is a housekeeping measure based on the recent passage of House Bill 535 which goes into effect July 1, 2016. This measure prohibits agencies from charging additional fees to contractors for proof of licensure. Mr. Grimm noted that the City will continue to check proper licensure and insurance. The proposed Ordinance will create a loss of \$2,500 in revenue. He stated staff recommends approval of Ordinance No. 2016-17.

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. 2016-17 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-17 on second reading. Councilwoman Bousquet 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.

- C. **Ordinance No. 2016-21:** First Reading; Relating to the provision of fire services, facilities, and programs throughout the incorporated areas of the City of Greenacres, Florida; authorizing the imposition and collection of fire protection assessments against property; providing certain definitions including a definition for the term "Fire Protection Assessment"; establishing a procedure for imposing fire protection assessments; providing that fire protection assessments constitute a lien on assessed property upon adoption of the assessment roll; providing that the lien for a Fire Protection Assessment, collected pursuant to Sections 197.3632 and 197.3635, Florida Statutes, upon perfection shall attach to the property on the prior January 1, the lien date for ad valorem taxes; providing that a perfected lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles and claims; authorizing the imposition of interim assessments; providing a procedure for the collection of fire protection assessments; providing a mechanism for the imposition of assessments on government property; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo – Andrea McCue, City Manager.

City Manager Andrea McCue reported that on June 6, 2015, Council considered looking into establishing a City-wide non-ad valorem special assessment for fire services. On November 22, 2015, a Request for Proposal (RFP) was issued for professional consulting services. On February 1, 2016, the City contracted with Government Services Group (GSG) to provide a fire assessment fee study. GSG presented its study to Council at the June 2, 2016 Council Workshop during which Council exempted government and institutional properties. She reviewed GSG's methodology which included a 5-year projection based on property categories and which offered four (4) rate structures based on one year of call data. She reported

that the maximum amount to be funded is \$3,510,767. She stated staff recommends approval of Ordinance No. 2016-21 on first reading implementing the Fire Assessment Program. The second reading is scheduled for July 18, 2016, at which time this Ordinance will be accompanied with a Fire Assessment Rate Resolution.

Mayor Ferreri called on Council members for comments.

Councilwoman Rivera asked if this Ordinance passes on July 18th will the Palm Beach County Property Appraiser's office receive it by the July 28, 2016 deadline.

Mrs. McCue confirmed that it would be received by the deadline.

Councilwoman Dugo asked if that gives the City sufficient time to advertise. She asked if Council had decided on a \$60/unit assessment.

Mrs. McCue explained that in order to certify the fire assessment roll to the Tax Collector, it would have to be by September 15, 2016. She confirmed that Council had agreed on \$60 for single-family residential units, \$38 for multi-family units, \$0.12/sq. ft. for commercial properties, \$0.02 sq. ft. for industrial warehouses and \$0.10 sq. ft. for institutional properties. She emphasized that the first reading of this Ordinance deals strictly with implementing a Fire Assessment Program, not rates.

Councilman Noble strongly opposed this assessment and emphasized that this is a tax on every home, condo, and business every year to pay for something that should not be taxed. Greenacres has been a financially sound City for many years and in FY 2017, the City expects to receive \$1-2 million in property tax revenues due to increased property values, and if the proposed 1 cent sales tax being proposed on the November ballot passes, the City will receive an additional \$2 million. This is a tax that will start out moderate and is beholden to the Council's discretion; it can be raised at any time. He emphasized this tax does not have to be imposed. "As a financially sound City, we can provide for the needs of the Fire Rescue Department; we do not need this tax."

Councilwoman Bousquet pointed out that in addition to Councilman Noble's statement, it is a regressive tax that hurts those individuals who cannot afford it. This tax will represent a 30-40% increase in citizen's taxes and as such she is opposed.

MOTION: Councilwoman Dugo made a motion to approve Ordinance No. 2016-21 on first reading. Deputy Mayor Pearce seconded the motion.

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

Motion carried: 3 - 2.

- D. **Ordinance No. 2016-25:** First Reading; Amending Chapter 4, entitled “Buildings and Building Regulations”, of the City of Greenacres Code to include the “2016 Revised Amendments to Chapter One of the Florida Building Code 5th Edition” and therein revise the membership of the Building Board of Adjustment and Appeals, 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.

Building Director Michael Grimm reported that the City’s Building Board of Adjustments and Appeals (BBAA) was established through amendments to Chapter 1 of the Florida Building Code that is adopted every 3 years by reference in City Code Section 4-2. The BBAA is a 7-member board requiring various professionals such as an architect, an engineer, a general contractor, a realtor, a layperson and electrical, plumbing subcontractors who are responsible for hearing appeals of decisions made by the Building Official. Mr. Grimm noted that the Fire Prevention Code also utilizes the BBAA for appeals of the Fire Prevention Code. Recently passed House Bill 535 allows the BBAA to hear appeals of the Fire Protection Code but a member of the BBAA must be a fire protection contractor, fire protection design professional or fire code professional. Mr. Grimm noted that the City would like to continue using the BBAA as the Fire Board. This Ordinance adopts by reference a new 2016 Revised Greenacres Amendments to Chapter One of the Florida Building Code. Therefore, staff recommends approval of Ordinance No. 2016-25.

Mayor Ferreri called on Council members for comments. He pointed out the difficulty in finding qualified board members to serve on this Board and asked how difficult will it be to find a fire protection professional.

Mr. Grimm explained that fortunately the City has not used this Board in many years; however, he wanted to include a fire protection professional on the Board in the event their services are needed and noted that board members do not have to be residents.

Discussion followed on advertising to serve on the BBAA, if this Ordinance was needed, either pass this Ordinance or change the Fire Prevention Code and create a new board.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-25 on first reading. 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.

- E. **Ordinance No. 2016-26:** First Reading; Amending Chapter 8 of the City of Greenacres Code entitled “Licenses and Business Regulations”, Article II (“Alcoholic Beverages”) to add Section 8-29 (“Public Possession or Consumption”); incorporating by reference the Palm Beach County ordinance on public possession or consumption of alcoholic beverages; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date; pursuant to Staff Memo – James D. Stokes, City Attorney.

City Attorney James Stokes reported that at the last Council meeting, Council members questioned the status of an open container ordinance. The proposed Ordinance covers the possession or consumption of alcohol in public; an area of the law that is not included in the City Code. Following the PBSO merger, Council decided it would be easier to adopt the County’s Open Container Ordinance and allow PBSO to enforce same. This Ordinance simply adopts the County Ordinance by reference with a provision that if the County amends their Ordinance, the amendment will not automatically be incorporated into the City’s Ordinance; at which time the issue would have to be revisited.

Mayor Ferreri called on Council members for comments. He noted that there are restrictions of consumption within 500 feet of a commercial establishment and asked what about functions in a park.

Mr. Stokes explained that Section 8-26 addresses the City’s Special Events Ordinance and still allows the City Manager to issue special event permits .

MOTION: Councilwoman Bousquet made a motion to approve Ordinance No. 2016-26 on first reading. 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.

- F. **Site Plan Amendment (SP-15-02B):** Site plan amendment for the Greenacres Nissan located at 5385 Lake Worth Road; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Assistant City Manager Thomas J. Lanahan reported that Nissan received site plan approval on September 3, 2015. Condition #33 was added to relocate an existing overhead utility pole that provides cable, phone and power to the home at 130 Martin Avenue. He explained that Condition #33 requires the relocation of the pole prior to the issuance of a building permit to construct the dealership.

Mr. Lanahan reported that the developer has been working with FPL on this matter which requires four (4) new utility poles to be erected. This requires time to coordinate. He noted that Nissan currently has their site work underway and would like to begin construction of the showroom and service building. Nissan is

requesting Council approval to create a “No Work Zone” around the pole and along the east property line. Mr. Lanahan pointed out that the goal of Condition #33 was to protect service to the residence at 130 Martin Avenue and avoid disruption. This proposed amendment would accomplish that goal. Therefore, staff recommends approval of SP-15-02B which amends Condition #33 by replacing it with new Condition #4.

Mayor Ferreri called on Council members for comments.

Councilwoman Rivera questioned where would the power pole be located.

Mr. Lanahan explained it would be replaced with a series of poles within the right-of-way of Martin Avenue, north of the dealership property line offsite. It looks like FPL is setting new poles along the west side of Martin Avenue in utility easements and platted alleyway.

Mayor Ferreri called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve SP-15-02B amending Condition #4. Councilwoman Bousquet 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.

- G. **Charter Review Committee:** Ratification of the Charter Review Committee; pursuant to Staff Memo – Andrea McCue, City Manager.

City Manager Andrea McCue reported that the appointment period to select members to the Charter Review Committee (CRC) ended on May 27, 2016; therefore, staff is requesting ratification of the six (6) applicants presented to date:

Toni Willey
Ada Harris
Larry Tronco
Frank Simon
Dannette Fitzgerald
Arthur Harrell

Other Appointees: Aileen Hernandez and Luis Torres.

Councilwoman Dugo asked about a representative from Local 2928 IAFF Union.

Mrs. McCue reported being in communication with the City’s IAFF Union Rep who has advised that a board member has not yet been identified to serve on the CRC.

Mayor Ferreri asked about the remaining vacancies.

Mrs. McCue offered to extend the open period to fill the vacancies.

Discussion followed on rushing to fill vacancies, frequency of meetings, City Attorney involvement, code changes, meetings should not begin until all vacancies are filled.

Mrs. McCue offered to send out another memo providing another open period with a closing date at the end of July and not proceeding until all vacancies are filled.

MOTION: Councilwoman Bousquet made a motion to ratify the six (6) Charter Review Committee members 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.

- H. **Board Appointments:** Reappointments and/or appointments to the Public Safety Officers and Firefighters Board of Trustees; pursuant to Staff Memo – Andrea McCue, City Manager.

Mrs. McCue reported that the nomination period of June 15, 2016 had passed with no new applications received. She noted that the two current full members have expressed an interest in continuing to serve; therefore, staff recommends the reappointment of Jose Rendon and Anderson Thelusme with new term expiration dates of June 25, 2020.

MOTION: Councilman Noble made a motion to reappoint Jose Rendon and Anderson Thelusme to the Board of Trustees with new term expiration dates of June 25, 2020. Councilwoman Bousquet seconded the motion.

Discussion on the Motion:

Deputy Mayor Pearce wanted to make separate reappointments.

SUBSTITUTE MOTION: Deputy Mayor Pearce made a motion to reappoint Jose Rendon to the Board of Trustees with a new term expiration of June 25, 2020. Councilwoman Dugo seconded the motion.

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

SUBSTITUTE MOTION: **Opposed:** Councilman Noble and Councilwoman Bousquet.

Motion carried: 3 – 2.

MOTION: Councilwoman Bousquet made a motion to reappoint Anderson Thelusme to the Board of Trustees with a new term expiration of June 25, 2020. Councilman Noble seconded the motion.

Discussion on the Motion:

Councilwoman Rivera stated she had spoken with Mrs. McCue regarding Mr. Thelusme and the BOT changing their attendance policy since Mr. Thelusme has missed many meetings.

Mayor Ferreri asked if the City keeps the attendance records for the BOT meetings.

City Clerk Denise McGrew explained that the Florida League of Cities (FLC) keeps the attendance records.

Mrs. McCue reported recently meeting with an FLC representative and the member appointee from Fire Rescue who confirmed that the BOT would be considering a motion regarding attendance due to attendance issues.

Discussion followed on confirming Mr. Thelusme's lack of attendance, this being hearsay and tabling this item until the attendance records could be obtained.

Deputy Mayor Pearce stated he could tell Council exactly Mr. Thelusme's record. "This individual ran against me and I have the attendance records from the person who kept them. He's missed half the meetings one year and 25% of the meetings another year and this year, he has a difficult time doing this. He was appointed to this for some reason unknown to me. The Chair has complained about Mr. Thelusme."

Councilwoman Dugo stated that she contacted BOT Chair Matt DeJoy and asked about the attendance of both Mr. Rendon and Mr. Thelusme. He has the minutes on record that Anderson did not attend more than 50% of the meetings. They meet quarterly. It was her belief that it doesn't benefit the City to place someone on the BOT that cannot attend. This gentleman obviously works and cannot attend the meetings. "That is not hearsay. Mr. Noble."

Councilwoman Bousquet stated she was trying to make this non-political and pointed out that she too had concerns with someone recently appointed to the Charter Review Committee (CRC), but felt she should honor their volunteer service and the Councilperson who recommended them. She was very

disappointed that Council is considering this.

Councilwoman Dugo stated, "We understand, you contributed \$250, we know you think highly of this person.

Mayor Ferreri pointed out that this is definitely political, and for the last three months there has been political retribution against those who serve. This is my last term as a mayor. As Mayor, I have always been open to those who are willing serve. Many Council members served on City boards including his opponents. This is about volunteers wanting to serve this community; it is not political. If this person has failed to attend meetings and the records show that then it is not hearsay. He suggested tabling this matter until the records can be obtained.

MOTION TO POSTPONE: Councilwoman Dugo made a motion to postpone the reappointment of Anderson Thelusme pending receipt of the attendance records from the Florida League of Cities (FLC). Councilwoman Bousquet seconded the motion.

Discussion on the Motion to Postpone:

Deputy Mayor Pearce stated he has the records at home.

Mr. Stokes explained that the motion to postpone is mute because State law precludes that this BOT board member serves until he is replaced. If Council does not provide another nominee or does not reappoint, he continues to serve.

Councilwoman Dugo questioned why then do board members have term expiration dates?

Mr. Stokes explained that every board member who is appointed has a term; however, State law states until a board member is replaced, if their term expires, they will continue to serve until replaced or removed. In the case of removal, the BOT could serve the violating board member with a notice, a hearing would follow with subsequent removal.

Discussion followed on opening up a nomination period, waiting for the attendance records, the City Manager obtaining the attendance record from the FLC administrator, placing the nomination period on the July 18, 2016 Agenda.

MOTION TO RECONSIDER: Deputy Mayor Pearce made a motion to open a nomination period for a BOT member with selection to be placed on the July 18, 2016 Council Agenda. Councilwoman Bousquet seconded the motion. Councilwoman Rivera seconded the motion.

Discussion on the Motion to Reconsider:

Councilman Noble believed it was unnecessary to open a new nomination period since Council would be waiting to review the attendance records. Mr. Thelusme is well qualified to serve on the BOT.

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

Motion carried: 3 - 2.

I. **Council Policy No. 14 – City Council Communications with City Staff**

Deputy Mayor Pearce wanted to revisit this policy since its abolishment and subsequent reinstatement after one year. He stated Council members are aware they cannot instruct or give direction to employees. It was his belief that following the year of its abolishment, it worked well.

Mayor Ferreri pointed out that the reinstatement of this policy was for one (1) year and believed that only one of the Council members who voted in favor of reinstatement could bring the issue back for consideration. He deferred to the City Attorney.

Mr. Stokes confirmed that is correct and under Roberts Rules of Order, the Motion to Reconsider would have had to take place at that same meeting or the next meeting, which that time has since passed. Additionally, there is the issue of a specific timeframe (one year). It is similar to a moratorium.

Councilwoman Rivera reminded Mr. Stokes that he was to prepare something for Council Policy No. 14 for tonight's meeting.

Mr. Stokes reported that he is still researching alternatives to what other cities have done. All of the cities he had researched to date have similar policies in their Charters that deal with non-interference with employees and non-interference with city managers with respect to hiring, board appointments and personnel actions, etc. He is working on an 8-page memo but it was not yet finalized. In response to the Mayor's question concerning reconsideration, again, under Roberts Rules of Order, the Motion to Reconsider has to be made by a member of the prevailing side and must be made at that same meeting or the next meeting. He emphasized that Robert's Rules of Order do not always align with State law with respect to meeting procedures.

Discussion followed between Mayor Ferreri and Deputy Mayor Pearce on following Robert's Rules of Order, the Chair's right to move on, Council's right to ignore the City Attorney's interpretation of the law, the Mayor chairs Council meetings pursuant to the City Charter and parliamentary rules, placing specific timeframes on abolishing policies, Council Policy No. 14 being an intimidating gag order against employees speaking to Council about anything, Draft Policy No. 3 and the reason for revisiting Council Policy No. 14.

Councilwoman Dugo asked Mr. Stokes if he was the one that mentioned that items could be walked onto an agenda as a discussion item for a vote.

Mr. Stokes explained that State law on regular and special meeting procedures allows any business to be "walked onto the agenda", which is what has been done in the last several months for discussion or for a vote.

8. Comments from the Public.

Resident Cindi Jones stated she was surprised when Council Policy No. 14 was brought back for consideration. She emphasized that this policy was created in 1997, ancient times, it needs to be revised, not brought back. She agreed with Robert's Rules of Order and a vote should not have happened that night. As a voter, social media is getting the word out to the voters.

9. Discussion Items: None.

10. FY 2017 Budget Workshop:

A. Capital Improvement Projects Follow-up - Andrea McCue, City Manager.

Mrs. McCue noted that this is a continuation of the May 16, 2016 discussions on CIP projects for FY 2017. Some new items have been researched and included pursuant to Council direction.

- Dillman Road Sidewalk Project (Pg. 128)

Mayor Ferreri had requested the possibility of completing this project before the next school year, funds permitting. Staff is currently working on the land acquisition phase.

- Swain Boulevard Sewer Feasibility Study (Pg. 129)

This is a large project. In FY 2017, the selection of a consulting engineer is budgeted to provide construction plans. Preliminary plans have been reviewed by the City's engineer and Palm Beach County Water Utilities Department on April 22, 2016 and pump station visits have also been conducted. Staff recommends deferring consideration of the \$435,000 until FY 2018.

Councilman Noble asked what about the \$3,325,000 for FY 2018?

Mr. Lanahan explained that following the engineer's draft feasibility study, the numbers were substantial. Swain Boulevard alone is estimated at \$3 million; the entire Original Section is estimated at \$15 million. Given the magnitude of the project, it becomes a legitimate policy question for Council to consider whether or not to proceed. Upon receipt of a revised report for Council review, they will see the different options available. The costs are similar i.e., \$2.8 million, \$3 million, \$3.2 million. There is no urgency at this time.

Discussion followed on the Original Section being on septic tanks, the cost to property owners to connect to sewer, availability of federal funding, estimated average hook-up fees for property owners, using the 1 cent sales tax to help fund this project, creating a special district for mandatory hook-up, City would charge an annual charge, the two (2) homes on 10th Avenue North have the possibility to hook-up, the advantage of spending these funds, the sewer system increasing property values and improving the ability to sell, commercial projects require sanitary sewer, and this project allows for future home expansions.

Council agreed to defer this item to FY 2018 per staff's recommendation.

- 303-198 Community Center Expansion

Mrs. McCue reported that the \$225,000 budgeted for FY 2017 were reserved for the purchase of adjacent parcels to the site. Council had recommended further discussion.

Mayor Ferreri reminded Council that these funds were budgeted in the event the properties became available.

Deputy Mayor Pearce stated, "The City needs staffing; we don't need money put away for a hope and a prayer down the road. I want to put that money back in the budget to use."

Mr. Lanahan pointed out that these are parks and recreation capital funds that can only be used for parks, not in the operating budget, since they are derived from impact fees. Councilwoman Rivera asked the Mayor to poll Council.

Discussion followed on these funds simply serving as a placeholder in the event the properties become available, why would the City purchase those properties, why do any funds need to be in the 303 Fund, if the \$225,000 remains unspent it will automatically revert back to the 303 Fund, and the Council Contingency Fund.

Mayor Ferreri polled Council members:

Councilwoman Dugo: Opposed.

Councilwoman Rivera: Return funds to the Parks and Recreation Fund (303).

Councilman Noble: In favor of leaving the funds.

Councilwoman Bousquet: [no recommendation was made]

- **304-088 Vehicle Replacement Program**

Mrs. McCue reported that the budgeted amount of \$55,000 to refurbish a Leisure Services 60-passenger bus, purchase a F-350 truck for Public Works and the refurbishment of a trash truck had changed to \$97,500 to also include the refurbishment of a fire truck in the amount of \$42,000.

Discussion followed on if the fire assessment rate of \$60 per residential unit passes, the expense of the tower truck, and the FY 2017 Budget taking into consideration adoption of a fire assessment rate.

Mrs. McCue noted that all other remaining CIP projects were discussed at the April 18, 2016 Council Workshop with the exception of 3 new items requested by Council.

- **301-888 City Information Signs Upgrade**

This is to upgrade the City's manual changeable marquis signs. The vendor suggests changing out the double-sided manual sections for electronic ones at \$22,000 per sign for a total of \$50,000. This would include multi-hued single colored signs of yellow or red. A full color spectrum would add \$9,000 per sign. The signs would be computer-controlled. As a side note, Mr. Lanahan noted that the City will need to amend its Sign Code in order to accommodate these signs since current Code does not allow them. He cautioned that when doing so to be cognizant of negative aesthetics. One challenge is that school sites have the same zoning as City property which could create regulatory challenges.

Discussion followed on what happens to the remaining funds, Barclay Square business owners fearful of the City's Sign Code, consider placing a marquis at City Hall, budget for 2 or 3 marquis signs, and add a prohibition against animated signs.

- **303-777 Rambo Park Parking Expansion**

Rambo Park is a very active park with parking overflow. This project proposes adding 12 new spaces along the north of the existing spaces along the entire park frontage.

Discussion followed on drainage challenges, following the same soil profile only in asphalt, some neighboring residents wanting, and others not wanting more spaces, and parking on the grass. Mayor Ferreri polled Council.

Councilwoman Rivera: In favor.

Councilman Noble: In favor.

Councilwoman Dugo: In favor.

Deputy Mayor Pearce: Opposed.

Councilwoman Bousquet: In favor.

➤ **304-666 5985 10th Avenue North Parking Expansion (W.I.C. Building)**

Mr. Lanahan reported that this simple project would add 14 new parking spaces to the 57 existing ones at an estimated cost of \$25,000. WIC customers are parking on the grassy areas due to parking overflow.

Discussion followed on the current lease amount and raising an American flag.

Mrs. McCue reported that the current lease agreement expires on November 30, 2018 and the cost per square foot is \$20. For the period December 1, 2016 through November 30, 2017, the cost will increase to \$20.61/sq. ft. at an annual cost of \$223,762.77. She provided average square footage costs charged by other municipalities: West Palm Beach \$18.32, Lake Worth \$17.48, and Palm Springs \$13.16.

Council and staff discussed renewals and recouping the \$25,000 in FY 2018.,

➤ **301-??? City Hall & Community Center Handicap Door Openers**

Mr. Lanahan reported being in the process of gathering information for City Hall. The Community Center pricing to alter the entryway would be \$12,000 to install a push button electric arm.

Discussion followed on not recommending this type of door for the Community Center, legal requirements, 5-lb pull test and not being a required feature of the Code.

Mayor Ferreri called for a consensus for a handicap door at City Hall only:

Councilwoman Bousquet: In favor.

Councilwoman Rivera: In favor.

Councilwoman Dugo: Opposed.

Deputy Mayor Pearce: In favor.

Councilman Noble: Opposed.

Future Items for Consideration

Lockdown Button for Government Buildings

Councilwoman Dugo asked Mr. Lanahan to provide Council with the cost of installing a lockdown button for City Hall, Community Hall, and other public buildings.

Flat Screen TV

Deputy Mayor Pearce asked to look into purchasing a flat screen TV for Administration.

B. **FY 2017 General Overview** – Thomas A. Hughes, Finance Director.

Finance Director Tom Hughes reported that the Preliminary Budget for FY 2017 is based on several assumptions:

- The current millage rate remaining the same at 6.0854 mills.
- Adding a fire assessment of \$60 per single-family residential unit estimated to generate \$1,009,098 in revenue.
- A 4% Fire Rescue contractual increase.
- A 1.5% Cost of Living Adjustment (COLA) and a 2.5% merit increase.
- A 5% increase in health insurance.
- A 2% PBSO increase as of November 1, 2016.
- The addition of 3 employees at a cost of \$302,000 for a total of 8 new positions totaling \$557,992.

Mr. Hughes provided a budget calendar from June – October. He reported that on July 1st, the Palm Beach County Property Appraiser will provide a Certification of Taxable Values. The TRIM hearing dates are tentatively scheduled for September 8th and September 13th.

1. General Fund – Revenues

He reported that the rolled-back rate of 5.6469 or a 7.21% reduction in the current millage would generate an additional \$46,525. The current millage rate of 6.0854 mills would generate \$685,632 in ad valorem tax revenues.

Deputy Mayor Pearce asked if that figure includes the anticipated increase of \$800,000 from the Property Appraiser.

Mr. Hughes said, “Yes, the increase in property taxes translates to 8.4%.”

Mr. Hughes pointed out that 65% of the City’s total revenues received are set by Florida Statutes or supplied by the State. On Pg. 13, the figures shown in the “General Fund Revenue and Expenditure Summary” will change since the numbers from the State have not yet been received and the ad valorem numbers will be received on July 1, 2016. Under “Charge for Services”, he reported an increase of \$602,000, the majority of those funds are the result of two EMS transport fee increases.

The fire assessment falls under “General Fund Revenue Detail” - “Permits and Fees” on Pg. 14.

General Fund – Expenditures

Personnel Services

Personnel Services decreased by \$1,074,684 due to the law enforcement services merging with PBSO offset by the 4% wage increases and the rise in health insurance. The Firefighter’s Pension costs rose 48% (approximately \$400,000) due to a poor return on investments; they rose from \$446,253 in FY 2016 to \$832,994 in FY 2017. Some of these costs will be offset by \$160,000 from insurance premiums.

Council discussed bringing in a representative from the Plan Administrator to explain the pension changes, the accounting for the law enforcement side of the pension, PBSO paying the lesser of the FRS actuarial and the 185 monies, the 2% PBSO wage increase and \$300,000 for 3 additional contractual positions that were lost in the merger for a total increase of 5%, a salary/COLA increase for the Mayor and Council, Mayor and Council increases set by Ordinance and will take effect following the re-election of those who signed the Ordinance, and the need to change language in the Charter regarding salary increases for the Mayor and Council.

Mr. Hughes report that 7 new positions have been included in the FY 2017 Budget (3 in the Leisure Services Department and 4 in the Building Department) and a subsequent request for 2 Maintenance Workers and 1 Mechanic for a total of \$170,000.

Operating Costs

Mr. Hughes reported that the increase of \$2,743,084 for this line item is attributed to the PBSO contract being in place for a full 12-month period plus the proposed 2% salary increase which totals \$3,114,000. This does not include the 3 new positions being requested.

Interfund Transfers

Interfund transfers decreased by \$2,763,381 due to reductions in the Reconstruction and Maintenance Fund (304).

Mayor Ferreri called for a 10-minute recess until 9:35 pm. He reconvened the meeting at 9:45 pm.

Personnel Summary

Mr. Hughes referred the Mayor and Council members to Pg. 10, Personnel Summary, which shows the increased full-time staffing in the General Fund by 6 and decreased by 2 due to a reduction of 1 F/T Mechanic that merged with PBSO and 2 P/T Park Attendants scheduled for transfer to Leisure Services in FY 2017. In Leisure Services, 3 F/T staff positions are being proposed: 1 Custodian, 1 Recreation Specialist and 1 Youth Development Specialist. The Building Department is requesting 2 Code Enforcement Officers, 1 Plans Examiner and 1 Code Enforcement Tech and Public Works is requesting 2 Maintenance Workers I and 1 Mechanic.

Councilwoman Dugo recalled former City Manager Wadie Atallah being concerned about losing a F/T Mechanic position and now we are looking to hire a Mechanic?

Mrs. McCue explained that with the PBSO merger and the transfer of a number of City vehicles, the City still maintains and repairs 47 vehicles and 182 pieces of equipment. There are currently two (2) employees in that Division and when there is an absence it affects the level of service.

Deputy Mayor Pearce pointed out the following:

Projected ad valorem tax revenues in FY 17		\$685,632
8 new positions (3 Leisure Services and 4 Building)	-	<u>\$558,000</u>
		\$127,632

3 new positions in Public Works \$172,000,
(An additional \$50,000 is needed)

Councilwoman Dugo asked why the City so graciously gave away a Mechanic that is now needed.

Mr. Lanahan pointed out that the Adopted FY 2016 Budget funded the Mechanic position for 4 months. It was believed that a third mechanic was not needed because most of the City's fleet was going to PBSO. Since February 1, 2016, with leaves, absences, and light duty assignments, it was determined that another Mechanic was needed.

Council discussed another budget workshop, adding positions, Council's wish lists, and looking at filling 6 additional positions (3 Public Works, 3 PBSO).

Mrs. McCue explained that the excess expenditures of \$84,651 assumes the 8 proposed positions, the fire assessment and maintaining the same millage rate of 6.0854 mills.

Mayor Ferreri asked Mrs. McCue to provide the cost to fill the 3 Public Works positions and 3 PBSO positions.

Mrs. McCue reported that the cost would be \$472,000.

Mr. Hughes reminded Council that the revenue numbers would be changing.

Discussion followed on adding 6 Fire Rescue personnel, 3 Paramedics and 3 EMT's, what would the millage rate be to raise \$300,000 to cover those positions. A new millage rate of 6.3 mills to generate the additional \$300,000 was determined.

Mayor Ferreri asked Council if they were in agreement with adding the 6 positions: 3 for Public Works and 3 for PBSO.

Mrs. McCue confirmed that the 6 positions (3 Public Works, 3 PBSO) would be added and asked if at the July 18th meeting additional positions would be discussed.

Mayor Ferreri asked Council for their wish lists:

- Deputy Mayor Pearce wanted costs for 3 Paramedics and 3 EMT's.
- Councilwoman Bousquet had no requests.
- Councilwoman Dugo was in favor of adding 1 Mechanic, but questioned the need for 3 Leisure Services personnel.

Leisure Services Director Michele Thompson explained the new F/T custodial position would cover Wed-Sunday to assist the existing Mon-Fri custodial position to provide continuous staffing. The Recreation Specialist would work with the custodial staff and

handle banquet functions. The 3rd F/T position would be in the Youth Programs Division to help with the national accreditation materials and quality improvement system. Mrs. Thompson noted that she was willing to lose one P/T Child Care Assistant (CCA) in the Youth Programs Division. She reported losing 3 F/T Recreation Supervisor positions due to attrition and the economy in 2008. With the completion of the Community Center she hoped to have a full staff to maintain the building as well as provide a safe working facility 7-days a week for the community to enjoy.

- Councilman Noble had no requests.
- Councilwoman Rivera referred to the 6 Fire Rescue personnel proposed earlier by Deputy Mayor Pearce. She explained that there is currently no room to house those individuals. She wanted to add a Fire Rescue Secretary and inquired about extrication. She asked Chief Pure what other needs he might have to be discussed. Councilwoman Rivera also wanted to add a Code Enforcement Officer to work weekends; the other 3 positions for the Building Department were a Code Enforcement Technician, 2 Code Enforcement Officers and a Plans Examiner.

Building Official Michael Grimm explained with a total of 4 Code Enforcement Officers, they would have the capability of doubling weekend coverage.

Mrs. McCue reminded Council that both Code Enforcement Officer positions are not being budgeted for a full year, they will be staggered.

Councilwoman Dugo asked if the Building Department had a sufficient number of vehicles.

Mr. Grimm reported that the 2 new Code Enforcement Officers would require 1 new truck that is being budgeted.

Mrs. McCue noted meeting with Chief Pure who agreed that the position could be included in the FY 2017 Budget based on the completion date of the renovations. Chief Pure was to look into grant funding for extrication equipment.

Deputy Mayor Pearce pointed out that with the completion of the Community Center additional revenues were anticipated that would help offset some of the expenditures. He agreed with hiring a Mechanic.

Councilwoman Dugo asked how Mrs. Thompson planned on marketing the new facility.

Mrs. Thompson reported that a brochure for banquet rental packages is being designed for the various functions such as baby showers, weddings, etc. complete with vendor information.

Deputy Mayor Pearce requested an itemized list by Department with the number of additions and associated costs from the City Manager.

Mrs. McCue offered to create a comprehensive spreadsheet listing positions for Council's review.

Returning to the topic of 3 Paramedics and 3 EMT's, Mayor Ferreri asked if more vehicles were needed.

Chief Pure reported that no additional ambulances or engines would be needed; however, the hiring of 1 Paramedic and 1 EMT would provide the Department with a 3rd person on the rescue truck and engine.

2. Special Revenue Funds

Forfeitures Fund (102)

Pursuant to State Statutes, the City cannot budget or forecast revenues for forfeiture funds. The total Fund Balance is budgeted as an expenditure for flexibility with any requests going before Council for approval.

Councilwoman Dugo questioned the projected fund balance of \$3 million that can only be used for law enforcement items like capital.

Arboreous Fund (103)

This fund has been reduced by \$7,000.

Donations Fund (104)

Budgeted expenditures are equal to the Fund Balance. The combination of law enforcement and Fire/EMS funds are earmarked for the Fire Rescue Department. The law enforcement balance was used in FY 2016.

Youth Programs Fund (105)

Mr. Hughes reported one additional position is being requested. The majority of changes are for wages and benefits.

3. Debt Service Funds.

This consists of revenues transferred in to cover the bank note in the amount of \$3,018,531 (principal only) with interest at \$610,809 for a total of \$3,629,340. He reported a substantial prepayment penalty that changes every year.

C. Concluding Remarks. None.

11. Staff Comments:

A. City Manager's Report:

Ignite the Nite

Mrs. McCue invited everyone to attend the City's annual "Ignite the Nite" event July 4th starting at 5:30 pm – 10:00 pm at Community Park.

B. City Attorney's Report. None.

12. Mayor and City Council Reports.

Councilwoman Rivera

Councilwoman Rivera inquired the status of moving the Veteran plaques on Swain Boulevard.

Mrs. McCue reported that the owners did not have an interest in moving them and were planning to spruce up the area.

Councilman Noble

Councilman Noble urged Council members to add the TRIM hearing dates to their calendars.

Councilwoman Bousquet

Councilwoman Bousquet explained the reason why she reinstated Council Policy No. 14 and noted that language from draft Council Policy No. 31 could be added.

Deputy Mayor Pearce

Deputy Mayor Pearce requested a budget workshop. Mayor and Council discussed July 11th or 14th. Revenue numbers would not be available until July 8th. Council decided on July 28th at 7 pm.

Mrs. McCue asked if the purpose of the workshop was to discuss the budget.

Deputy Mayor Pearce explained it was to strictly discuss staffing.

Mrs. McCue pointed out that the revenue numbers would be needed and Budget Analyst Teri Beiriger would be out on vacation July 11-15th, she therefore suggested July 28th at 7:00 pm to allow staff time to prepare the numbers.

13. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he called for a motion to adjourn. Councilwoman Rivera made a motion to adjourn seconded by Councilwoman Bousquet. The meeting adjourned at 10:58 pm.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferreri
Mayor

Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: _____

/mel