



OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

CITY COUNCIL MEETING
Monday, July 17, 2017 – 7:00 P.M.

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

Mayor Flores called the City Council Meeting of Monday, July 17, 2017 to order at 7:00 p.m. Melody Larson, Assistant to the City Clerk called the roll.

ROLL CALL:

Council Present:

Joel Flores, Mayor
Paula Bousquet, Deputy Mayor
Peter A. Noble, Council Member
Judith Dugo, Council Member
Anderson Thelusme, Council Member

Attendees from Public: 34

Press: 2

Staff Present:

Andrea McCue, City Manager
James D. Stokes, City Attorney
Michael Grimm, Director/Building
Jim McInnis, Director/Finance
Mark Pure, Fire Chief/Fire Rescue Department
Suzanne Skidmore, Director/Human Resources
Michele Thompson, Director/Leisure Services
Kara L. Irwin-Ferris, Director/Plng. & Eng.
Carlos Cedeño, Director/Public Works
Teri Beiriger, Budget Analyst/Finance
Melody Larson, Assistant to the City Clerk
Major Mattino/PBSO
Sgt. Scott Spirn/PBSO

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

Mayor Joel Flores led the Pledge of Allegiance.

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

Mayor Flores 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 Flores inquired if there were any additions, deletions or substitutions to the Agenda.

1ST
MOTION: Council Member Noble made a motion to remove Regular Agenda Items 7.C and 7.E from the Agenda. No one seconded the motion.

Motion died for lack of a second.

Council Member Dugo suggested acting on the two agenda items separately.

2ND
MOTION: Council Member Noble made a motion to remove Regular Agenda Item 7.C, Ordinance 2017-15 from the Agenda.

Motion died for lack of a second.

3rd
MOTION: Council Member Noble made a motion to remove Regular Agenda Item 7.E, Resolution 2017-32 from the Agenda. Council Member Dugo seconded the motion.

VOTE ON
THE MOTION: **In Favor:** Deputy Mayor Bousquet, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 3 - 1. (Deputy Mayor Bousquet dissented)

Mayor Flores announced the removal of Consent Agenda Item 6.A.7, the replat of the Greenacres Target requested by staff. He called for a motion to approve the Agenda as amended.

MOTION: Council Member Dugo made a motion to approve the Agenda as amended. Council Member Noble seconded the motion.

VOTE ON
THE MOTION: **In Favor:** Deputy Mayor Bousquet, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 4 - 0.

5. Special Business.

A. Interviews and Temporary Appointment of District I Council Member: – James Stokes, City Attorney.

City Attorney James Stokes explained that based on the suspension of Council Member Lisa Rivera by Governor Rick Scott, a temporary vacancy on the Council was created. Pursuant to the City Charter, Council shall appoint a temporary

replacement within 30 days of such vacancy. The vacancy was advertised and three (3) applications were received.

Mayor Flores addressed the applicants and explained that they would be called upon individually to provide a statement, followed by questions from Council Members and himself. The first applicant called was Carole Portilla.

Applicant Carole Portilla

Ms. Portilla, a Greenacres resident since 1979, attended Greenacres Elementary and is a graduate of John I. Leonard High School. She completed a Master's degree in Organizational Leadership at Palm Beach Atlantic University. She stated that her work experience in government accounting, procurement and grant writing and her education uniquely qualify her for the position.

Mayor Flores called on Council Members for comments.

Q: Deputy Mayor Bousquet asked Ms. Portilla her definition of the role of a Council Member and asked what type of community service has she been involved in.

A: Ms. Portilla responded that from attending previous Council meetings, she noticed that Council Members decide what's best for the community. With regard to community service, she currently serves as the Community Outreach Co-Chair for the Palm Beach County Quilters Guild. She meets with leaders of many local organizations to donate quilts. She also served as a Budget Coach for Christ Fellowship in Royal Palm Beach teaching families on how to establish a budget and stay financially responsible. Other volunteer projects include Project Thanksgiving and internships with United Cerebral Palsy and Palm Beach County Senior Services. As an avid volunteer, she recommended that everyone volunteer.

Q: Council Member Dugo noted that with her extensive financial background and volunteer services, had she served on any Greenacres boards.

A: Ms. Portilla said she had not; however, regardless of her appointment or not, she would pursue serving on a Greenacres board.

Q: Mayor Flores asked Ms. Portilla what her three (3) top priorities would be for Greenacres if selected.

A: Ms. Portilla stated she would first focus on improving the relationship between law enforcement and the community. With the recent merger with PBSO, she suggested holding more community events like Bicycle Safety Day, picnics, etc. Secondly, she would like to see the City's entryway signs beautifully landscaped. Thirdly, she would like to see more evening classes offered at the Community Center for the working person. It would also provide an additional revenue source.

Applicant Lori Ross

Ms. Ross, a 15-year resident, Director of Human Resources, and former employee of the City, talked about her work experience and the importance of good customer service and the importance of looking at all angles of an issue before making decisions that could affect many. As a Council Member these traits are necessary when making difficult decisions. Her career experience has allowed her to serve as the liaison between employees and management. Her volunteer services included mentoring students and teachers. As a District I Council Member, she welcomed the opportunity to bring local government to the constituents.

Mayor Flores called on Council Members for comments.

Q: Council Member Dugo questioned the length of Ms. Ross' City employment and as a former employee, explained that she would not qualify to serve as a Council Member. She asked if any Council Member had urged her to resign.

A: Ms. Ross explained she was employed by the City for three (3) years. She confirmed that no one on the Council had urged her to resign and that her resignation was due to a desire to return to a managerial position.

Q: Mayor Flores asked Ms. Ross what her three (3) top priorities would be for Greenacres if selected.

A: Ms. Ross stated that the budget and the bargaining unit negotiations would be her first priority and she would like to see a larger unassigned reserve for emergencies. Secondly, she agreed with focusing on economic development and utilizing the Community Center more effectively. Lastly, a review of the Code of Ordinances to ensure that business owners are not being impacted by unnecessary regulation.

Applicant John Tharp

Mr. Tharp described his former Council service from 2011 through 2015 and his Planning Commission experience from 2006 serving as Vice Chairman for two years. He believed that his prior elected official experience would be an asset to the Council.

Mayor Flores called on Council Members for comments.

Deputy Mayor Bousquet noted the difficulty in questioning his credentials since he had served on the Council and she was familiar with his abilities.

Mr. Tharp thanked the Deputy Mayor for her kind words. He explained he was originally appointed in 2011 replacing a very long-time serving Council Member Richard Radcliffe who had taken the prestigious position as Executive Director for the PBC League of Cities. He believed that his appointment brought stability to the official body and allowed government to continue. During his tenure, property taxes were not increased and the City's levels of service were maintained.

- Q: Council Member Dugo asked what changes had Mr. Tharp noticed in his district since 2015 and what would he like to see changed in District I.
- A: Mr. Tharp acknowledged the many accomplishments of former Council Member Rivera during her service representing District I, although he may not have agreed with some of her methodology. His approach is more long-term. The changes that have been initiated would continue through completion.
- Q: Mayor Flores asked Mr. Tharp what his three (3) top priorities would be for Greenacres if selected.
- A: Mr. Tharp stated that he would focus on the budget. He would like to see more patrolling by PBSO and have more PBSO participation. Employee retention is also important.
- Q: Council Member Thelusme asked, as a former Council Member, what do you see as the most important issue facing the City?
- A: Mr. Tharp replied, "the budget". He had noticed there is a budget deficit of \$300,000+. Taxpayer's money should be spent wisely.

Mayor Flores thanked all three (3) applicants for their interest in serving on the City Council.

Council Member Noble urged the applicants to consider serving on a City board.

MOTION: Deputy Mayor Bousquet made a motion to appoint John Tharp as Council Member for District I. Council Member Dugo seconded the motion.

Discussion on the Motion:

Council Members discussed the selection process; ballots being used in the past; using a ballot method of selection would make it a public record; using a ranking system to narrow down Council's selection.

Council Members believed the appointment of Mr. Tharp would provide for a smooth transition especially with his past Council experience and knowledge of the budget process.

Mayor Flores determined that a ranking system would not be used and reminded Council that a motion was on the floor. He called for a vote on the motion.

VOTE ON THE MOTION: In Favor Deputy Mayor Bousquet, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 4 - 0.**B. Oath of Office of District I Council Member: – James Stokes, City Attorney.**

City Attorney Stokes administered the oath of office to John Tharp as Council Member for District I.

Council Member Noble pointed out that because Council Member Tharp may not be familiar with all the items included in tonight's agenda, he has the ability to abstain from voting. City Attorney Stokes agreed.

C. Presentation: GFOA Distinguished Budget Award – James McInnis, Finance Director.

Ed Fry, Finance Director for the City of Port St. Lucie and state representative for the Government Finance Officers Association (GFOA), explained that the GFOA is a national association that promotes excellence in state and local government financial management. The Distinguished Budget Award was established in 1984 and consists of 4 categories: the budget serves as a policy document, a financial plan, an operations guide, and as a communications device. Greenacres has received this award for the past 23 consecutive years; a true testament to the City's commitment to budget excellence. For FY 2016-FY 2017, the City is being presented this award for its 24th consecutive year. Finance Director Jim McInnis gave a special thanks to Budget Analyst Teri Beiriger for her assistance in preparing the City's budget.

D. Presentation: Building Heights – Kara Irwin-Ferris, Planning and Engineering Director.

Planning and Engineering Director Kara Ferris reported that during the Council Workshop of October 24, 2016, Council Members identified the need for economic development opportunities for professional offices, employment centers, Adult Congregate Living Facilities (ACLF's) and retail uses.

The Planning Commission reviewed ZTA-16-05 on February 1, 2017 and was in support of proper buffering and setbacks for the proposed additional height requirements and had concerns about the changes not matching the existing character of the City, creating irregular building heights, proposed gradual height increases and recommended holding a visioning workshop.

The following height limitations for each zoning district were proposed:

Zoning District	Max Height	Limits per Code	Proposed Changes
Residential High(RH)	35'		Max 4 stories (44')
Office, Professional Institutional (OPI)	35'	2 stories	No changes
Commercial General (CG)	35'		No changes
Commercial Intensive (CI)	35'		Permitted as a Special Exception. Max 6 stories in Lake Worth Road Corridor Overlay.

Mixed Use Development-Office (MXD-O)	35'	3 stories	Permitted as a Special Exception with a max 4 stories.
Mixed Use Development-Original Section (MXD-OS)	35'	2 stories	No changes.
Government Use (GU)	35'		No changes.
CI within Lake Worth Rd Corridor Overlay	60' - 75'		Requires Special Exception with limitations.

Director Ferris noted that the City currently does not have industrial or light industrial districts. Some parcels in the MXD-O district along South Jog Road will be allowed up to 4 stories. The Lake Worth Road Corridor (LWRC) consists of 600 ft. in depth on the north and south sides and is the busiest in the City. The proposed amendment would include professional offices, medical and dental offices/clinics, Planned Unit Development (PUD's), financial institutions and hotels. Increased setbacks for adjacent residential uses are also being proposed.

The City will be seeking approval by the Business Development Board (BDB) and the Central Palm Beach County Chamber of Commerce (CPBCCC) certifying that this amendment will promote economic development and provide jobs in the community.

For non-residential uses, for every foot of additional building height, an additional foot of setback will be required. The depth of the lot will dictate the height of the building.

For residential uses, 5 ft. will be added to the front, side and rear setbacks, for each story in excess of 2 stories.

Issues to be addressed are the impact on the Fire Rescue Department for additional equipment to meet level of service (LOS) demands caused by higher buildings and Floor to Area Ratio (F.A.R.) limits in the City's Comp Plan, and preserving land use patterns and types of uses that characterize the City.

Director Ferris noted that a review of similar bedroom communities was conducted consisting of corridors that have successfully integrated taller buildings adjacent to residential while maintaining property values. This was accomplished by incorporating increased landscaped buffers and providing access corridors.

Case ZTA-16-05 is scheduled for review by the Planning Commission on August 16, 2017. The first reading of Ordinance 2017-03 is scheduled for a September Council meeting with a second reading in October.

Mayor Flores called on Council Members for comments.

Council Member Dugo congratulated Director Ferris on a great presentation and inquired about addressing the impact of lighting on adjacent residential buildings. She agreed that the Comp Plan requires revisions.

Council Member Noble asked how the Nissan garage structure received approval. Additionally, regarding fires in taller buildings, what are City Codes regarding sprinkler systems.

Director Ferris pointed out that Nissan's garage met the City's setback requirements. She explained that Nissan originally proposed increasing the height for the garage however, it was withdrawn due to objections by neighboring property owners. Regarding sprinkler systems, 3-story buildings and higher are required to provide sprinkler systems.

6. Consent Agenda.

A. Mayor Flores asked Council if they wished to pull any of the remaining six (6) Consent Agenda items; hearing none, he called for a motion.

1. **Official Minutes:** City Council Meeting of June 19, 2017 – Joanna Cunningham, City Clerk.
2. **Official Minutes:** City Council Budget Workshop of June 26, 2017 – Joanna Cunningham, City Clerk.
3. **Bid Award 17-009:** Award of Bid No. 17-009 for Soccer League Services Provider to Lake Worth Sharks as the responsive and responsible bidder; pursuant to Staff Memo – James McInnis, Finance Director.
4. **Resolution No. 2017-30:** Satisfying certain liens imposed against residential property, pursuant to Section 15-32, City of Greenacres Code; pursuant to Staff Memo - James McInnis, Finance Director.
5. **Florida League of Cities (FLC) Annual Conference Voting Delegate:** Designation of the Voting Delegate for the 91st Annual FLC Conference to be held in Orlando, FL on August 17-19, 2017; pursuant to Staff Memo – Andrea McCue, City Manager.
6. **Board Appointment and Re-Appointment:** Appointment of Ms. Claudia Bennis to Full Member on the Planning Commission; and re-appointment of Mr. James Paglialungo to the Zoning Board of Adjustments and Appeals pursuant to Staff Memo – Joel Flores, Mayor.
7. **Re-Plat of Greenacres Target:** Approval of the re-plat of the Greenacres Target, located at 5900 Lake Worth Road at the northwest and northeast corners of the existing Target site; pursuant to Staff Memo - Kara Irwin-Ferris, Planning and Engineering Director.

REMOVED FROM
THE AGENDA

MOTION: Deputy Mayor Bousquet made a motion to approve the six (6) Consent Agenda items as amended. Council Member Thelusme seconded the motion.

**VOTE ON
THE MOTION:**

In Favor: Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

7. Regular Agenda:

- A. FY 2018 Budget - Proposed Millage Rate and Announcement of the Public Hearing Dates:** Approving the setting of the proposed millage rate and setting the public hearing dates for September 7, 2017 and September 19, 2017; pursuant to Staff Memo – Andrea McCue, City Manager and James McInnis, Finance Director.

Finance Director Jim McInnis explained that the statutory Truth in Millage Rate (TRIM) process begins with the receipt of the certified taxable values from the Palm Beach County Property Appraiser's Office (PAPA) that were received on June 28, 2017. Upon receipt of the certified taxable values, Council is required to set the proposed millage rate, schedule the TRIM hearing dates, and notify the Property Appraiser no later than August 2, 2017.

The certified taxable values for FY 17 is \$1,683,539,009 which is \$159,612,184, or 10.5% more than last year's final gross taxable values of \$1,523,926,825. The 10.5% increase is due to an increase in property values and new construction.

Staff recommends maintaining 6.0854 mills for FY 18. This will result in a budget deficit of \$408,000 for FY 18 and will be managed by using unassigned fund balance reserves while maintaining a minimum unassigned fund balance in excess of 25% of FY 18 operating expenditures as required by Council Policy 18.

Director McInnis emphasized that by maintaining the current millage rate of 6.0854, this will generate \$905,378 in additional ad valorem revenues over FY 17. This is 8.5% higher than the roll back rate and would generate \$799,849 in revenue.

F.S. 200.0651 requires the City to calculate a roll back millage rate that would generate the same property tax revenue as levied in FY 17. *(There was an online error in the millage rate that was discovered and will be corrected with the County).* The actual roll back rate of 5.6103 mills would generate \$9,445,159 before discounting property tax revenues. Using the roll back rate in FY 18, would increase the projected budget deficit by \$799,849, increasing the deficit from \$408,000 to \$1.2 million. Once the proposed millage rate is advertised, the rate can be lowered, but not raised. Staff proposes scheduling the TRIM hearing dates for September 7th and 19th, 2017 and maintaining the millage rate of 6.0854 for FY 18. The proposed TRIM hearing dates cannot and do not conflict with the Board of County Commissioners or the School Board's hearing dates.

Mayor Flores called on Council Members for comments.

City Manager Andrea McCue noted that since the last Budget Workshop, some personnel costs and an interfund transfer to the 304 Fund from the General Fund

were reduced. These items can be discussed at the August 3, 2017 Budget Workshop.

She noted that staff is recommending to maintain the current millage rate of 6.0854 mills and reminded Council that once the millage rate is set it can only be lowered, not raised. Council can tentatively raise the millage to 6.6794 mills which would increase the revenues by \$1 million, or to 6.9764 mills increasing revenues by \$1.5 million. She reminded Council that the millage could be lowered prior to adopting a millage rate. The City is committed to continually improving services and the costs are reflective of the increase in expenditures. Projected deficits are anticipated in future years and staff is looking at new ways of generating revenue.

MOTION: Council Member Noble made a motion to approve the millage rate of 6.0854 mills and set the T.R.I.M. hearing dates for September 7th and 19th, 2017 as proposed by staff. Council Member Dugo seconded the motion.

VOTE ON THE MOTION: In Favor: Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

- B. Ordinance No. 2017-11:** First Reading; Amending the City of Greenacres Code of Ordinances, Chapter 4, Building Regulations, Article III, Floodplain Management; to update the date of the Flood Insurance Study and Flood Insurance Rate Maps; providing for applicability; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in the Code; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

Melody Larson, Assistant to the City Clerk, read Ordinance No. 2017-11 into the record on first reading.

Director Grimm reported that in August 2016, the City Council adopted new model flood plain regulations that allow the City to continue participation in the National Flood Insurance Program (NFIP) wherein residents and businesses can obtain flood insurance coverage. At the time of adoption, the City was located in FEMA Map Zone X, which was not part of a special flood zone area. Soon after, FEMA began remapping all of Palm Beach County. The City actively participated by approving LYDAR mapping and some of the City's affected areas were removed.

Director Grimm reported that new FEMA maps will take effect October 5, 2017, and several areas of the City now fall within special flood zones. Staff recommended approval of Ordinance 2017-11 on first reading.

Mayor Flores called on Council Members for comments.

Council Member Dugo asked how does the City inform residents of the change.

Director Grimm explained through City Link; the County is also conducting extensive advertising. He confirmed receiving calls from residents wanting to know if their property is located in a flood zone. Property owners with Freddie Mac or Fannie Mae mortgages will be required to obtain flood insurance.

Council Member Dugo asked if the FEMA maps could be placed on the Web.

Director Grimm explained that digital maps have been received; however, the City is waiting for the County to provide the maps in GIS format for subsequent placement on the City's website.

Council Member Tharp asked what sections of the City are affected.

Director Grimm explained that properties south of Lake Worth Road are not affected; the main areas are the Original Section and some properties north of Lake Worth Road. An estimated 1,000-3,000 City properties will be affected. Until the actual GIS maps are made available it is difficult to pinpoint properties with accuracy.

Council Member Tharp wanted residents to be well informed.

Director Grimm added that residents would receive a City mailing informing residents of the changes.

MOTION: Council Member Dugo made a motion to approve Ordinance 2017-11 as presented by staff. Council Member Thelusme seconded the motion.

VOTE ON THE MOTION: **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

- C. Ordinance No. 2017-15:** First Reading; Amending Article III, "Business Taxes" of the Code of Ordinances, by providing for the repeal of a business tax receipt for any provider engaging in the practice of conversion therapy on minors; providing for conflicts, severability, codification and an effective date. – James Stokes City Attorney.

Melody Larson, Assistant to the City Clerk, read Ordinance No. 2017-15 into the record on first reading.

City Attorney Stokes noted that at the last Council meeting he was directed to prepare an ordinance repealing business licenses for conversion therapists in the City. In his 20 years of local government experience, he has had difficulty in proposing legislation restricting state licensed businesses. He therefore took the approach of focusing on what local government can regulate i.e. City business tax receipts. Any therapist that engages in conversion therapy as defined, their City

license will be revoked for a period of 6 months. This sends the message that the City does not want conversion therapists practicing in the City. Similar ordinances simply fine the therapists, whereas the language in Ordinance 2017-15 states the business would be temporarily closed.

Deputy Mayor Bousquet asked if the ordinance specifically focuses on minors.

Attorney Stokes confirmed that the same definitions, prohibitions and exemptions of other municipal ordinances were included as provided by the Human Rights Council.

Council Member Dugo asked how does the City know that this practice is not being conducted.

Attorney Stokes explained that all cities have the same problem and there is only so much a local government can do. Only patients can report such activity. By restraining trade and shutting businesses down permanently, it could make the City vulnerable to legal attack.

Dr. Rachel Needle, a licensed and certified sex therapist, explained that being gay, lesbian, bi-sexual, or transgender is not a mental disorder or defect that must be cured. Efforts to cure an LGBTQ person are based on theories of questionable scientific validity. The American Psychological Association has stated, no conversion therapist has produced any scientific studies to support their claims of a cure. Efforts to change a person's gender identity or sexual orientation lead to a number of mental health issues for a minor such as shame, guilt, depression, decreased self-esteem, self-hatred, anger, betrayal, hostility, self-harm, substance abuse and more. Attempting to change a person's gender or sexual orientation can have a devastating effect on a minor. Passing Ordinance 2017-15 will send an important message and protect LGBTQ youth in Greenacres.

Mayor Flores called on Council Members for comments.

Council Member Noble noted that the City is two miles wide by four miles long. By passing this ordinance, a therapist could easily open an office right outside the City's boundaries; therefore, it was his belief this ordinance would be ineffective.

Council Member Dugo hoped the City could stop these professionals from operating anywhere.

Deputy Mayor Bousquet noted that Greenacres is a City that focuses on its youth and this is very important to protect our children.

MOTION: Deputy Mayor Bousquet made a motion to approve Ordinance 2017-15 on first reading. Council Member Dugo seconded the motion.

**VOTE ON
THE MOTION:**

In Favor: Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

- D. **Resolution No. 2017-31:** Supporting the Countywide Office of Inspector General, and further supporting the funding of said office through County ad valorem tax dollars; providing for an effective date; and for other purposes. – Andrea McCue, City Manager.

Melody Larson, Assistant to the City Clerk, read Resolution No. 2017-31 into the record.

City Manager McCue informed the Mayor and Council that on July 19th, a joint meeting will be held between the Board of County Commissioners (BCC) and the Palm Beach County League of Cities (PBCLoC). Although the PBCLoC has not yet taken a position on this issue, the PBC City Management Association (PBCCMA) met to discuss the matter. Municipalities support the creation and existence of the Office. On December 21, 2016, the 4th District Court of Appeals issued an opinion stating that the County's efforts to force municipalities to pay for the IG Program were in violation of the doctrine of municipal sovereignty. The budget and staffing of the program is controlled by the BCC, making the service a County one, not a municipal service. Municipal taxpayers pay for 75% of the County's ad valorem taxes and represent 56% of the population. City taxpayers should not have to pay additional for the IG Program. She stated staff recommends approval of Resolution 2017-31.

Mayor Flores called on Council Members for comments; hearing none, he called for a motion.

MOTION: Deputy Mayor Bousquet made a motion to approve Resolution 2017-31 as presented. Council Member Tharp seconded the motion.

**VOTE ON
THE MOTION:**

In Favor: Deputy Mayor Bousquet, Council Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

- E. **Resolution No. 2017-32:** A Resolution to protect and enhance the quality of life for all those who live, learn, work and play in our community; and in support of the goal of the Paris Agreement; and authorizing joining the Climate Mayors Network; and participation in monthly coordination calls to share progress and best practices; and providing for an effective date - Andrea McCue, City Manager.

REMOVED FROM
THE AGENDA

F. YMCA Letter of Endorsement – Andrea McCue, City Manager.

City Manager McCue recapped the YMCA presentation at the June 19th City Council Meeting and their request for support for the expansion of the 18-acre Edwin W. Brown Branch facility in Palm Springs. As part of the revitalization efforts a world-class skate park would serve as a regional training and qualifying facility for the U.S. Olympic skate team. Council directed staff to prepare a letter of endorsement for approval.

MOTION: Council Member Noble made a motion to approve the YMCA letter of endorsement as presented by staff. Council Member Thelusme seconded the motion.

VOTE ON THE MOTION: In Favor: Deputy Mayor Bousquet, Council Member Tharp, Council Member Noble, Council Member Dugo, and Council Member Thelusme.

Motion carried: 5 - 0.

8. Comments from the Public. None.**9. Discussion Items:****A. PACE Program Discussion: – Michael Grimm, Building Director.**

Kate Wesner of YGreen Energy Fund, a PACE provider, explained the acronym for PACE - Program Assessed Clean Energy (PACE), a state authorized non-ad valorem assessment financing program established in 2010, designed to help property owners finance improvements such as window replacements, reroofs, A/C replacements and solar panels, any type of improvement that saves or creates energy or protects their property. Improvements can be made to all building types, commercial, churches, and residential units. Ms. Wesner reported that over 50% of the state participates in PACE. Palm Beach County adopted the PACE program at their June meeting allowing all 39 cities to participate. There are 4 local PACE providers. She explained there is no action needed by the City and PACE would work directly with the Building Department.

Mayor Flores called on Council Members for comments.

Council Member Dugo inquired on the finance rates and were they competitive with commercial or credit union financing.

Ms. Wesner reported interest rates run between 5-8% and are not based on credit scores but on the length of the assessment 5, 10, 15 and 20 years, the lower the term, the lower the interest rate.

Council Member Noble asked what are the contractual agreements if any, and what about liability.

Ms. Wesner explained the City is not required to enter into any agreement with PACE since it is a County program and there is no liability. Residents can begin participation following the execution of the agreements with the County and the local providers scheduled for August 15th.

Ms. Wesner explained that the City can adopt an ordinance to opt out of the program or to establish its own stipulations. Cities can participate without taking any action. The cities of West Palm Beach, Delray Beach, Lake Worth, Lake Clark Shores adopted ordinances prior to the County taking action.

Council Member Dugo asked how the program was being marketed.

Ms. Wesner explained that PACE and the local providers would work with the City to schedule meetings with homeowner associations and hold community center meetings to inform residents of the program. This program would assist with addressing code violations. Payments would be escrowed through property assessments.

B. Charter Review Committee Recommendations Discussion: - James Stokes, City Attorney.

City Attorney Stokes recapped the CRC presentation of June 19th, during which Council desired further discussion and was considering holding a joint meeting with the CRC. Council discussed reviewing this item tonight or holding a roundtable. He reported that these recommendations would be placed on the March 2018 ballot. An ordinance will be required and final language would be ready sometime in late December or early January.

Mayor Flores called for a consensus on holding a joint Council/CRC workshop:

Deputy Mayor Bousquet	Yes
Council Member Tharp	Yes
Council Member Noble	Yes
Council Member Dugo	Yes
Council Member Thelusme	Yes

City Attorney Stokes offered to meet with the City Manager and City Clerk to set a date.

C. Wage Discrimination Discussion: – Paula Bousquet, Deputy Mayor.

Deputy Mayor Bousquet announced her desire to remove prior wage information from the City's job applications and used the hiring of the City Manager as an example. It perpetuates wage discrimination against women and minorities.

Mayor Flores called on Council Members for comment.

Council Member Dugo believed that to date no one had been discriminated against. When negotiating contracts for City Manager or City Attorney, these are long-term contracts and include other benefits not offered to staff. She believed it was more of an HR practice. What do other city applications ask for?

Deputy Mayor Bousquet disagreed and believed it was a policy issue. Just the knowledge of prior positions can affect the decision-making.

Mayor Flores asked the City Attorney if there is a Council Policy that prohibits Council from interfering due to the existence of the Civil Service Board (CSB).

Attorney Stokes reported that he and the HR Director have been tasked with re-writing the City's 20-year old personnel manual. As it currently stands, revisions require CSB approval prior to Council adoption; however, the CSB is currently inactive. A Council Policy could be written independent of the CSB, if needed, or approval could be deferred to staff. He had an idea on how to accomplish that before the Charter amendments are placed on the ballot.

Deputy Mayor Bousquet suggested postponing this item until the CSB is addressed.

10. Staff Comments:

A. City Manager's Report.

- LED Lighting

City Manager McCue reported participating in a conference call with the Public Works Director and FPL representatives to discuss an LED lighting conversion program being offered to municipalities. FPL is currently working with the County converting lighting along County roads. Staff will gather additional information.

- Surtax Funding

The PBC League of Cities Surtax Oversight Committee met last week to review the FY 17 and FY 18 projects submitted by the 15 participating municipalities. The City received authorization to move forward with all of the Council-approved projects.

- City Events

July 26th: Food Truck Invasion at Samuel J. Ferreri Community Park at 5:30 p.m.

Aug. 5th: Back-to-School Block Party with a DJ, games, and food at the Community Center Gym from 10:00 am to 1:00 pm.

B. City Attorney's Report.

Medical Marijuana

City Attorney Stokes reported that with the passage of the constitutional amendment on the sale of medical marijuana, the State was directed to draft legislation granting local government the authority to ban or allow dispensaries. Dispensaries could be restricted to commercially zoned districts. He noted that the one state restriction is that medical marijuana cannot be sold within 500 feet of a school.

The challenge is that marijuana is still a Schedule 1 drug under federal law, meaning it is a crime to smoke, grow, own, or sell it. Many cities are banning the dispensaries based on that provision and are refusing to create zoning classifications for a business that is a federal crime. He asked for Council direction in drafting an ordinance. He opined that because it is federally prohibited he recommended banning dispensaries in the City. The map provided to Council identifies the zoning districts where dispensaries could be allowed.

Mayor Flores called on Council Members for comments.

Council Members questioned how other states are taking advantage of these assets if they are prohibited by law; allowing dispensaries in specific zoning districts; how does law enforcement determine if a person is permitted or not to use medical cannabis; the PBC League of Cities discussing this issue; problems with making bank deposits in other states; charging dispensaries an impact fee; the state legislature discouraging, more than promoting, dispensaries.

Attorney Stokes reminded Council that the moratorium ends in September and offered to add this as a discussion item at the August 7th City Council Meeting.

The Mayor and Council agreed.

11. Mayor and City Council Reports.

Council Member Thelusme

Council Member Thelusme asked Public Works Director Cedeño why there is no parking available at Burrowing Owl Park on Sherwood Forest Boulevard. During a recent visit he noticed people were parking on the streets with children and ongoing traffic posing a safety concern.

Public Works Director Cedeño explained that Burrowing Owl Park was created as a neighborhood park within walking distance of surrounding residential development. There are signs indicating that parking is available at the WIC building and PBSO often responds to calls about parking at the park.

Council Member Dugo

Council Member Dugo asked how can Council review the Comprehensive Plan.

City Manager McCue explained there are annual updates. She reported that staff recently conducted a parks assessment with and without amenities that will be presented at the August 3rd budget workshop.

Council Member Tharp

Council Member Tharp thanked Council Members for their trust and for his recent re-appointment to the City Council.

Council Member Noble

Council Member Noble recognized members of the Charter Review Committee and the work they performed on the Charter amendments and urged them to consider themselves as candidates for Council.

Mayor Flores


Mayor Flores welcomed Council Member Tharp to the dais and was looking forward to working with him. He acknowledged the recent ribbon cutting ceremony of the new C.A.R.E.S. playground and encouraged everyone to visit the City's Facebook page.

Mayor Flores wanted Council to focus on the road ahead. He looked forward to working with this dynamic team of professionals.

12. Adjournment.


Council Member Dugo moved to adjourn the meeting, seconded by Deputy Mayor Bousquet. The meeting adjourned at 9:03 p.m.

CITY COUNCIL



Joel Flores
Mayor

Respectfully submitted,



Joanna Cunningham, MMC
City Clerk

Date Approved: 8/7/17

/mel

