

# CITY OF GREENACRES

## OFFICIAL MINUTES TRACKING

Council/Board: City Council

Meeting Date: 3-2-15

Transcribed by: mf No. of Pages: 8 Transcription Time: 2.5

## REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>Dmc</u>	<u>3-9-15</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

## APPROVAL OF MINUTES

Meeting Date: \_\_\_\_\_

Motion By: \_\_\_\_\_ Seconded By: \_\_\_\_\_

Check One: ☐ Approved ☐ Tabled ☐ Denied Vote: \_\_\_\_\_

Changes requested by Council or Board? ☐ Yes ☐ No

If yes, note changes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Scanned and Filed: \_\_\_\_\_ By: \_\_\_\_\_





## OFFICIAL MINUTES

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

**CITY COUNCIL MEETING**  
**Monday, March 2, 2015– 7:00 PM**

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

Mayor Ferreri called the City Council Meeting of Monday, March 2, 2015 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  
John Tharp, Deputy Mayor  
Judith Dugo, Councilwoman  
Peter A. Noble, Councilman  
Jonathan G. Pearce, Councilman  
Paula Bousquet, Councilwoman

Attendees from Public: 8

Press: 1

Staff Present:

Wadie Atallah, City Manager  
Pamela S. Terranova, City Attorney  
Thomas Lanahan, Asst. City Manager/P&E Director  
Denise McGrew, City Clerk/Admin. Services Director  
Michael Grimm, Director/Building  
Thomas Hughes, Director/Finance  
Michele Thompson, Director/Leisure Services  
Mike Porath, Director/Public Safety  
Carlos Cedeño, Director/Public Works  
Ted Kozak, Zoning Administrator  
Melody Larson, Assistant to the City Clerk

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

Mayor Samuel J. Ferreri led the Pledge of Allegiance.

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

Mayor Ferreri asked if there were comments from the public; hearing none, he continued with the Agenda.

**4. Agenda Approval.**

- A.** Additions, deletions, or substitutions to the Agenda.
- B.** Motion to approve and adopt entire agenda as set.

Mayor Ferreri inquired if there were any additions, deletions or substitutions to the Agenda; hearing none, he called for a motion.

**MOTION:** Councilwoman Dugo made a motion to approve the Agenda. Deputy Mayor Tharp seconded the motion.

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

**Motion carried: 5 - 0.**

5. **Special Business.** None.

6. **Consent Agenda.**

A. Mayor Ferreri asked Council if they wished to pull any of the nine (9) Consent Agenda items; hearing none, he called for a motion.

1. **Official Minutes:** City Council Meeting of February 2, 2015 – Denise McGrew, City Clerk.
2. **Resolution No. 2015-04:** Imposing liens against residential property, pursuant to Section 15-30, City of Greenacres Code; pursuant to Staff Memo – Thomas Hughes, Finance Director.
3. **Resolution No. 2015-05:** Urging members of the Florida Legislature to support issues of importance to Florida municipalities during the 2015 Legislative Session; pursuant to Staff Memo – Wadie Atallah, City Manager.
4. **Resolution No. 2015-07:** Authorizing the execution of the Fiscal Year 2014-2015 Interlocal Agreement between Palm Beach County and the City of Greenacres for the reimbursement of Emergency Medical Services Grant Equipment in the amount of \$50,100.00; and providing for an effective date; pursuant to Staff Memo – Michael L. Porath, Public Safety Director.
5. **Resolution No. 2015-08:** Authorizing the execution of the amended Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Agreement for Phases 4 and 5 of the 10th Avenue North Sewer Extension in the Original Section; and providing for an effective date; pursuant to Staff Memo – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.
6. **Resolution No. 2015-09:** Authorizing the execution of the amended Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Area of Hope Agreement for renovation of the Community Hall and 500 Perry Buildings in the Original Section; and providing for an effective date;

pursuant to Staff Memo – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

7. **Resolution No. 2015-10:** Satisfying certain liens imposed against residential property, pursuant to Section 15-32, City of Greenacres Code; pursuant to Staff Memo – Thomas Hughes, Finance Director.
8. **Purchase Approval:** Approval of the purchase to Stryker EMS for the purchase of EMS Stretchers for the Department of Public Safety in the amount of \$ 50,100.00; pursuant to Staff Memo – Michael L. Porath, Public Safety Director.
9. **Proclamation:** “Public Procurement Recognition Month” for March 2015 – Samuel J. Ferreri, Mayor.

**MOTION:** Councilwoman Bousquet made a motion to approve the nine (9) Consent Agenda items. Deputy Mayor Tharp seconded the motion.

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

**Motion carried: 5 - 0.**

**7. Regular Agenda:**

- A. **PUBLIC HEARING** **Ordinance No. 2015-01:** Second Reading; Amending the Capital Improvement Element of the City's Comprehensive Plan to reflect recent changes, as requested by the Planning and Engineering Department; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the Comprehensive Plan; and providing for an effective date; pursuant to Staff Memo, Staff Report and Exhibit “B” – Thomas J. Lanahan, Assistant City Manager/ Planning & Engineering Director.

Denise McGrew, City Clerk, read Ordinance No. 2015-01 into the record on second reading.

Ted Kozak, Zoning Administrator, presented the annual Capital Improvement Element update to the City's Comprehensive Plan for second reading, pursuant to State Statutes and the interlocal agreement on School Concurrence. He reported that in 2008, a CIE update was completed as part of the Evaluation and Appraisal Report (EAR).

Mr. Kozak described the various updates to Table 1A, the City's Capital Improvement Program for 2015-2020, which include recreation, stormwater management, sewer extensions and transportation. Table 1B incorporates updates from the Palm Beach County 5 Year Road Program which include the widening of South Haverhill Road from the L-14 Canal to Lake Worth Road and the resurfacing of South Jog Road from



Hypoluxo Road to 10<sup>th</sup> Avenue North for FY 2016. Table 1C includes the Palm Beach County Water Utilities Department's improvements to water treatment plants 2, 3, 8 and 9. Table 8 is the Palm Beach County School District's 5-Year Capital Improvement Plan for FY 2015-2019. He reported that no new schools were being proposed. Mr. Kozak stated staff recommends approval of CPA-15-01 through the adoption of Ordinance No. 2015-01.

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. 2015-01 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilman Pearce made a motion to approve Ordinance No. 2015-01 on second reading. Councilwoman Dugo seconded the motion.

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

**Motion carried: 5 - 0.**

- B. **PUBLIC HEARING** **Ordinance No. 2015-02:** First Reading; Amending the Recreation and Open Space Element of the City's Comprehensive Plan to update projections and reflect recent changes, as requested by the Planning and Engineering Department; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the Comprehensive Plan; and providing for an effective date; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Denise McGrew, City Clerk, read Ordinance No. 2015-02 into the record on first reading.

Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director, presented the amendment to the Recreation and Open Space Element of the City's Comprehensive Plan that was previously updated in conjunction with the Evaluation and Appraisal Report in September 2008.

Mr. Lanahan explained that the amendment consists of two (2) main areas concerning revised population projections and a revised inventory of park land. He reviewed the numerous park types: mini parks/tot lots, neighborhood parks, community parks, open space and vacant land sites and the changes to each park category. He reported that the total acreage for recreation and open space City-wide is 116.09 acres. The amendment also includes an updated list of recreational amenity thresholds both public/private which deletes golf courses due to a current decrease in demand and required acreage needed for such an amenity.

Mr. Lanahan noted that in 2008, the City used adjusted population projections from the 2000 Census and the City's adopted Level of Service (LOS) of 3 acres per 1,000

residents. However, once the 2010 population counts were released, the method for calculating the projections increased the demand and created a shortfall in the out years of 6.21 acres by the year 2024.

Mr. Lanahan proposed several strategies to address the projected acreage shortfall such as acquiring more park area through land dedications from new development; transfers from other government agencies, and through direct purchase. He stated that the Local Planning Agency recommended approval of this item on January 21, 2015; therefore staff recommends approval of CPA-14-03 through the Ordinance No. 2015-02.

Mayor Ferreri called on Council members for comments.

Councilman Noble asked if the City is a 401(c)3 or 501(c)3 agency.

City Attorney Pamela Terranova noted that the City is a 501(c)3 and is recognized as an IRS deductible organization.

Councilman Noble suggested considering widows and widowers who would be willing to make monetary or land donations and include requests for donations in City publications.

Councilwoman Dugo was hopeful that the City was aggressively informing the state of the City's many communities with their own amenities for their future consideration.

Mr. Lanahan explained that the LOS standard of 3 acres per 1,000 in population was a City standard established in 2008 by Council for recreation and open space following the completion of Bowman Park and Freedom Park.

Mayor Ferreri explained that in 2008, the City Council set the LOS standard to pursue Florida Recreation Development Assistance Program (FRDAP) grants which helped build many City parks. With public parks and amenities from private developments, there are plenty of amenities. The City was very successful in securing grant funding for such projects.

Mr. Lanahan reported that FRDAP grants have been reinstated but are now somewhat more competitive. He explained that qualifying factors have changed based on the needs identified by the State, and current City projects would not qualify. However, if the property south of Freedom Park became available, FRDAP funding could be considered.

Mayor Ferreri opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2015-02 to come forward. Seeing no one come forward, he closed the meeting to the public.

Councilman Pearce called on resident Roxana Hunt-Gale to talk about a parcel at the end of Sherwood Forest Boulevard in her community. He voiced his concern over the dense vegetation possibly posing a fire and smoke hazard.

Mr. Lanahan explained that the parcel is currently identified as a neighborhood park but is being proposed as a passive preserve.

Mrs. Hunt-Gale reported that the inside of the preserve is actually quite sparse and residents have been meeting with City staff to discuss having community residents remove invasive species a little at a time and replacing them with Florida native plants. She explained there is a fire hydrant located within 50 feet of the preserve and did not believe the preserve would pose a fire threat.

Mayor Ferreri reported visiting the preserve in October 2014 and observing typical Florida wildlife like burrowing owls and blue herons.

**MOTION:** Councilwoman Bousquet made a motion to approve Ordinance No. 2015-02 on first reading as presented by staff. Deputy Mayor Tharp seconded the motion.

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

**Motion carried: 5 - 0.**

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

9. **Discussion Items:** None.

10. **Staff Comments:**

A. **City Manager's Report.** None.

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

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

**Civil Rights Ordinance**

Councilwoman Bousquet distributed a short handout to the Mayor and Council members proposing to clarify the City's discrimination policy and placement of a civil rights ordinance as a future agenda item. She explained the proposed ordinance and introduced Meredith Ockman, Director of the Southeast Region of the National Organization for Women (NOW).

Ms. Ockman stated she was also representing the Palm Beach County Human Rights Council (PBC HRC) as well as NOW and explained that an ordinance simply addresses non-discrimination. She reported that similar ordinances had been adopted by Boynton Beach and Lake Worth and it was time for Greenacres to move forward.

Councilwoman Bousquet asked Ms. Ockman to explain the economic benefits of adopting such an ordinance.

Ms. Ockman noted that surrounding municipalities are successful in supporting the Lesbian, Gay, Bisexual and Transvestite (LGBT) and women's groups. By including these groups it would increase attendance at City events thus, increasing the bottom line.

Councilman Pearce asked if the City currently has adopted a civil rights ordinance and if so, how long has it been in place, and is it vague?

City Manager Wadie Atallah reported that the City has a non-discrimination policy that follows Federal and State laws; the handout appears to expand on what currently exists. He explained that because it is Federal law, the City abides by those laws. He gave the Americans with Disabilities Act (ADA) as an example.

Discussion followed among Council members on whether it would be necessary to expand on a policy that already exists.

Councilwoman Bousquet reiterated that an ordinance would codify the non-discrimination law.

Mayor Ferreri pointed out that City agreements have inclusive language and events are open to all races, creeds, and religious denominations, and suggested that the handout be reviewed further by the City Attorney.

City Attorney Pamela Terranova noted that this topic has been discussed several times in the past. She pointed out that the City does not have a formal written policy; however, it does have a policy statement on the City's website. She emphasized that the City is forced to follow these laws otherwise the City would be subject to potential liability. The issue is codification and the handout may expand same sex issues in relation to the approval of gay marriage in the State.

Councilman Pearce addressed a person in the audience asking if they were taping the discussion.

Ms. Terranova explained that the woman could tape the meeting, pointing out that this is a public forum. Returning to the discussion topic, Ms. Terranova pointed out that the issue the City dealt with the PBC HRC before was over same sex and sexual preference. She noted that an ordinance is not required; it could be written as a Council Policy. The difference is that an ordinance is more recognized by the outside world as our local governing law.

Councilwoman Dugo stated that she did not see a need for further codification since the City is already following Federal and State standards.

Councilman Noble asked for clarification on gender identity and expression, or genetic information; these are areas that appear cloaked and he would like to see interpretations clarifying those areas.

Mayor Ferreri recommended further review of the language by staff and that this item be placed on a future agenda as a discussion item.



Ms. Terranova offered to review the ordinances adopted by the Cities of Lake Worth and Boynton Beach to compare terms and welcomed input related to definitions.

**12. Adjournment.**

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 7:43 p.m.

**CITY COUNCIL**

\_\_\_\_\_  
Samuel J. Ferreri  
Mayor



/mel

Attachment

Respectfully submitted,

\_\_\_\_\_  
Denise McGrew,  
City Clerk/Administrative Services Director

Date Approved: 3-16-15

## **GREENACRES CIVIL RIGHTS ORDINANCE**

**Section 1: Purpose:** The Greenacres City Commission desires to secure for its citizens freedom from discrimination because of race, color, national origin, religion, sex, gender identity or expression, genetic information, sexual orientation, disability, marital status, pregnancy, familial status, or age, and thereby to protect their interest in personal dignity; to make available to the city their full productive capacities; to secure the city against domestic strife and unrest; to preserve the public safety, health and general welfare; and to promote the interests, rights and privileges of individuals within the city. The City Commission also desires to adopt an ordinance which is consistent with federal, state and local laws and which affords its citizens a clear channel of access to remedies in the case of alleged discrimination, to wit, the Equal Employment Opportunity Commission, the Florida Commission on Human Relations and the Palm Beach County Office of Equal Opportunity.

### **Section 2. - Adoption of Greenacres Civil Rights Act.**

The Florida Civil Rights Act of 1992, Chapter 760, Sections 760.01 through 760.11 and section 509.092; Florida's Fair Housing Act, Chapter 760, Sections 760.20 through 760.37; the Palm Beach County Equal Employment Ordinance, Chapter 2, Article VI, Division 1, Sections 2-251 through 2-313; and the Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accommodation, Chapter 15, Article III, Sections 15-36 through 15-67 are collectively adopted by reference as the Greenacres Civil Rights Ordinance Act, subject to and including by reference such amendments, corrections and additions as shall occur therein or as may appear in this Chapter.