

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: Special City Council
Meeting Date: 6-8-15
Transcribed by: mf No. of Pages: 15 Transcription Time: _____

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>DMC</u>	<u>6-18-15</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: 7-6-15
Motion By: Bausquet Seconded By: Naule
Check One: ☒ Approved ☐ Tabled ☐ Denied Vote: 5/0

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

SPECIAL CITY COUNCIL MEETING
Monday, June 8, 2015 – 7:00 PM

1. Call To Order and Roll Call.

Mayor Ferreri called the Special City Council Meeting of Monday, June 8, 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
Jonathan G. Pearce, Deputy Mayor
Lisa M. Rivera, Councilwoman
Judith Dugo, Councilwoman
Peter A. Noble, Councilman
Paula Bousquet, Councilwoman

Staff Present:

Wadie Atallah, City Manager
Pamela S. Terranova, City Attorney
Denise McGrew, City Clerk/Admin. Services Director
Mike Porath, Director/Public Safety
Melody Larson, Assistant to the City Clerk

Attendees from Public: 3

2. Pledge of Allegiance to the Flag.

3. City Attorney Interviews:

Mayor Ferreri provided Council members with a brief synopsis of the interview selection process. Each Council member will introduce themselves, the applicant will provide them with a 5-minute presentation of their legal background and experience, followed by two questions from each Council member.

Discussion followed on the Mayor's right to participate in the attorney selection and Charter interpretations. The City Attorney was asked for her interpretation of the Charter which she provided. Deputy Mayor Pearce and Councilwoman Rivera objected to the Mayor voting in the attorney selection process.

City Attorney Pamela Terranova left the Chambers at 5:08 p.m.

A. 5:00 p.m. – Bradley W. Biggs

The Mayor and Council welcomed Mr. Biggs and provided their personal introductions.

Mr. Biggs reported that he is a board certified city/county government lawyer and a sole practitioner representing the Village of Golf, the Town of South Palm Beach, and a special district, South Central Regional Wastewater and Treatment Disposal, a joint-venture between Boynton Beach and Delray Beach. Mr. Biggs announced his marriage of 38 years to his wife who is a veterinarian. They live in Wellington and they have one son who is attending veterinary school at the University of Florida.

Past experience includes working with a law firm that represents 10 municipalities of various types and sizes. Issues included land use, development, and beaches. He mentioned knowing the late City Manager David Farber. Mr. Biggs stated that he prides himself in dealing with people and staying out of court; that is his main goal.

Councilwoman Bousquet asked if Mr. Biggs has conducted business, advised, or represented any member or organization with which any Council member is a principal affiliate or a member.

Mr. Biggs replied, "No."

Deputy Mayor Pearce had no questions for Mr. Biggs.

Councilwoman Dugo asked if he had personally conducted charter revisions or had he ever been required to seek outside legal opinions dealing with ambiguous areas of the Code.

Mr. Biggs recalled reviewing the charter for the Village of Golf that had never been changed since its inception in 1960, wherein the founder, Mr. Blunt, ensured that the Mayor was the Chief Executive Officer of the Village. Mr. Biggs explained that based on Chapter 166, F.S.; there are eight (8) things that cannot be changed in a charter. As a result, only updates at the time could be made. In the Town of South Palm Beach, charter changes that were housekeeping efforts were done through referendums with no legal opinions sought. Mr. Biggs cautioned that cities must pick and choose carefully any changes to the Charter since such amendments are placed at the end of the ballot.

Mayor Ferreri asked what type of experience did he have with Florida's code enforcement laws and asked if he had served as legal counsel to a code enforcement board or as a special magistrate.

Mr. Biggs confirmed that he was very familiar with Chapter 162, F.S. and its notice requirements. The notices and board orders must be handled in a very organized fashion in order for the procedures to work well and fair, just not fast.

Councilman Noble asked if he had represented any city during collective bargaining negotiations.

Mr. Biggs replied, "No, he has worked with their labor counsels."

Councilwoman Rivera asked how he would handle situations where you have 5 council members and a mayor creating split decisions.

Mr. Biggs replied that from a legal perspective it appears that the Mayor would vote in the case of a tie; where he has executive functions and occasional legislative functions and the other Council members have legislative functions. He compared the situation to the Village of Golf with the exception that the Mayor has voting power. If it is not stipulated in the Charter, he suggested seeking an Attorney General Opinion.

Councilwoman Bousquet had no questions at this time.

Deputy Mayor Pearce asked how he would handle attending Greenacres meetings while continuing to represent the Village of Gulf and the Town of South Palm Beach.

Mr. Biggs noted that none of Greenacres' meetings overlap; he attends one Wednesday morning meeting a month for the Village of Golf and one meeting on the fourth Tuesday of the month for the Town of South Palm Beach.

Councilwoman Dugo asked if he would be available to Council members and staff for questions.

Mr. Briggs explained he takes pride in responding quickly to inquiries usually within no more than ½ day.

Mayor Ferreri noted that he was board certified in city/county/local government and asked him how he keeps up to date on newly passed legislation and how does he inform his clients of those changes.

Mr. Biggs explained that the Florida Bar provides certification in certain fields and through the Florida Bar, or the Florida Municipal Attorneys Association (FMAA) is where he receives legislative updates.

Councilman Noble pointed out that last week he attended a session on 175/185 pension reform law. He asked Mr. Biggs what his opinion is of Greenacres as an outsider.

Mr. Biggs stated that as an outsider he has only heard good things. He personally knew the late City Manager David Farber and with a long-time city manager that demonstrates stability and bodes well for any municipality; it means continuity and planning; it creates a nice picture for the municipality.

Councilwoman Rivera asked if he was familiar with Article II, Section I of the City Charter and asked for his opinion of that Section.

Mr. Biggs explained he would have to review the actual wording to see that there is no ambiguity; compare the wording to other places throughout the Charter, and lastly seek an Attorney General Opinion.

B. 5:35 p.m. – Gary M. Brandenburg

The Mayor and Council welcomed Mr. Brandenburg and provided their personal introductions.

Mr. Branderburg explained that he specializes in the practice of local government law. He started in 1979 as an assistant county attorney in Palm Beach County and worked up the ranks to zoning attorney. He moved to Indian River County for 5 years to set up an in-house county attorney's office. He was asked by Palm Beach County to return as the County Attorney of which he was in charge of 18 attorneys, and a staff of 40 people. He left the County in 1988, and was recruited by Gunster and Yokley as an associate for 3 years, then was offered a partnership with Carlton Fields where it started with one attorney and grew to 20 lawyers. He opened his own firm in 2003. He represented the Tri-County Commuter Rail Authority. In the last few years, he has represented local governments, served as special magistrate for West Palm Beach, Palm Beach County, Pahokee, Lake Park, Boca, Jupiter Island, etc. and even represented Greenacres on the assessment bond issue in the 1990's. He has served on both sides representing both developers and cities. When advising a city council, he does not get involved in the issues themselves, but gives straight forward legal advice; he does not play sides. His personal opinion is, "It is better to resolve any litigation in advance by accommodating both sides than wasting taxpayers' money in an inefficient court system."

Councilwoman Rivera asked if he would be comfortable working with a body of elected officials that has healthy debates.

Mr. Brandenburg stated that he has always welcomed healthy debates and has served as parliamentarian when necessary.

Councilman Noble asked if he had checked his schedule to ensure it does not conflict with City meetings.

Mr. Brandenburg verified he would have no conflicts and was confident he could meet the City's needs.

Mayor Ferreri noted that he also represents private clients. He asked how he would handle potential conflicts of interest with existing clients.

Mr. Branderburg explained that he would not represent a client that had any issues with Greenacres and he would inform his existing clients that he would be representing the City.

Councilwoman Dugo had no questions at this time.

Deputy Mayor Pearce spoke about the Chandler vs. the City of Greenacres public records case and asked if he would have any problem notifying Council members of potential legal issues.

Mr. Branderburg explained he would immediately notify everyone by providing a copy of the complaint and indicate the chances of prevailing or not on the legal issue. He stated that would be a decision made by the Council in a public setting or during an executive session, properly noticed and with a court reporter present to discuss the legal aspects of the case. The tape and the minutes are kept confidential by state law until the lawsuit is resolved at which time they become public. Mr. Branderburg noted that there are some citizens who are using the public records laws as a hammer to put the squeeze on cities. He explained that the City of Gulfstream has had thousands of public records requests which is harassing and must be dealt with by a court that will take hold of the issue and control what is appropriate for a public records request. He would absolutely notify Council of the lawsuit to determine how they wish to proceed.

Councilwoman Bousquet congratulated him on his rating in Martindale Hubble and asked if he has conducted business, advised, or represented any member or organization with which any Council member is a principal affiliate or a member.

Mr. Brandenburg stated he was unaware of the organizations the Mayor or Council are members and he was unaware of any organizations to which they may belong that he has litigated for or against.

Councilwoman Rivera had no questions at this time.

Councilman Noble had no questions at this time.

Mayor Ferreri asked Mr. Branderburg how he keeps appraised of the changing laws that affect cities, and how does he inform the Mayor and Council of those changes.

Mr. Brandenburg stated the Municipal League is a good source of information, also a service he subscribes to that highlights and pinpoints cases or legislation related to local government in Florida. He would advise them at Council meetings of such changes.

Councilwoman Dugo asked if he would be available to staff and for all City meetings.

Mr. Brandenburg responded, "Absolutely".

Deputy Mayor Pearce asked if he was aware that Greenacres is a city council-city manager form of government and noted that the Mayor only votes in the event of a tie. He asked Mr. Branderburg if he is aware that he would be an employee of the Council, not the Mayor, and that it is a political position.

Mr. Brandenburg noted that the mayor serves as the ceremonial head and votes when there is a tie, approves all votes and conducts all meetings. All ordinances and resolutions are approved by the Mayor and approved by at least 3 votes of

the Council. He understands he would be serving as an attorney at will hired by the City Council.

Councilwoman Bousquet asked if he had his own secretarial support.

Mr. Brandenburg confirmed he has a great assistant with him for the past 25 years who has extensive experience dealing with the various cities and the County. He closed by saying he would be honored to work on behalf of the City. The City is progressive, and he would like the opportunity to take it further. He can bring a lot of experience and know-how and thanked them for their consideration.

Mayor Ferreri called for a short 5-minute break.

C. 6:10 p.m. – Lisa M. Conforti

The Mayor and Council welcomed Ms. Conforti and provided their personal introductions.

Ms. Conforti thanked the Mayor and Council for the opportunity and provided an overview of her qualifications of 16 years as a licensed attorney in California, Ohio, and Florida. For the past 11 years she worked in Florida municipal law of which 9 were served as the interior/exterior Assistant City Attorney for the City of West Palm Beach. She provided a range of legal advice to the Mayor, City Commission, city departments, board members and staff. She drafted ordinances, resolutions, attended all board meetings, and served as a key member of the city's litigation team. She processed forfeitures, bankruptcies, code enforcement liens, bid protests and served on the nuisance abatement board. She also had a significant appellate practice. She stated she has extensive knowledge of issues unique to Florida law, has a strong demonstrative interpersonal ability, strong written and oral advocacy skills and believed her skills would benefit the City. Accomplishments included working with an internal auditing department; served as the primary contact for public records requests; FEMA appeals, in charge of in-house class action lawsuit that brought the City \$600,000. She also provided advice to the City of Lake Worth, Village of Palm Springs, and the City of Belle Glade. She served as in-house counsel for the red light camera company. With her diverse municipal experience she stated she believed she could provide a benefit to the City.

Councilwoman Bousquet asked if Ms. Conforti has her own law library and support staff.

Ms. Conforti confirmed she has access to an on-line law library and does not have a secretary as she performs her own work.

Deputy Mayor Pearce asked how her experience dealing with police and fire departments could benefit the City's Public Safety Department. He asked Ms. Conforti to explain the seizure laws and elaborate on how the process works related to vehicles and drugs.

Ms. Conforti reported serving as general counsel to the police and fire departments and attended their bi-weekly meetings wherein she processed forfeitures from drug busts conducted by the police department. She explained there is a notification process that ends up in Circuit Court.

Councilwoman Dugo asked how she would make herself available to Council and staff.

Ms. Conforti said she can be contacted 24/7 by cell phone.

Mayor Ferreri asked Ms. Conforti to elaborate on her experience with Florida code enforcement laws or as special magistrate. He asked how she stays current with changes in the law.

Ms. Conforti explained there is not much difference between a board and a special magistrate and the laws governing code enforcement have not changed much.

Councilman Noble asked if she currently represents any other city, and if so, would her representation pose a conflict with the City's schedule.

Mr. Conforti stated it would not.

Councilwoman Rivera explained that the City does not have LexisNexis and asked if that would pose a problem or should the City consider becoming a subscriber. She asked her to elaborate on her experience with construction defect law.

Ms. Conforti explained having LexisNexis is very beneficial although it is very expensive even though government entities receive a discount. Her construction defect experience was in California. In West Palm Beach, there were issues with the Florida Department of Transportation (FDOT) contractors during road construction projects and with contractors during the construction of the new waterfront City Hall.

Councilwoman Bousquet had no further questions.

Deputy Mayor Pearce stated he was impressed with her education and diversification.

Councilman Noble had no further questions.

Ms. Conforti emphasized her diverse background and experience with small and large firms for the past 11 years. She urged the Mayor and Council to contact her references. Being named one of South Florida's top attorneys, she believed she could do a great job for the City and thanked them for the opportunity to be interviewed.

At 6:30 p.m., Mayor Ferreri called for a 15-minute recess since the next applicant had not yet arrived.

D. 6:45 p.m. – Matthew F. Lupardo

The Mayor and Council welcomed Mr. Lupardo and provided their personal introductions.

Mr. Lupardo stated that he started out as a financial analyst on Wall Street, and later returned to law school. After graduating law, he worked with 2 different law firms and then moved to Florida where for the past 16 years he worked as a real estate attorney. He currently has an office in Royal Palm Beach with the majority of his clientele being from Wellington. He stated that most of his clients are affluent and include a major league baseball team owner and a very successful realtor in the country. His practice consists of real estate litigation and negotiations.

Councilwoman Rivera asked him about his Saving Homes Program.

Mr. Lupardo explained that in 2005, the housing market crashed, prices fell, and many lost their jobs. For a period of 5-7 years, the federal government created various remediation programs. The Saving Homes Program was different from the H.A.R.P. Program that was a federally-initiated and funded program, where major banks for every home remediation they processed, the federal government would pay a varying fee. As a general rule, the federal government would create a baseline based on 31%-38% of a person's gross income. If the amount of the modified loan did not exceed that percentage, the remediation was approved. Prior to 2011, these programs were extremely chaotic.

Councilman Noble asked Mr. Lupardo if his current clientele would conflict in any way with the City's meeting schedule.

Mr. Lupardo noted that he represents a long-time client in Greenacres that he would have to withdraw his services from.

Mayor Ferreri asked Mr. Lupardo to elaborate on his experience with Florida code enforcement laws or as special magistrate. He asked how he stays current with changes in the law.

Mr. Lupardo stated he keeps up with current changes on a day-to-day basis. His main reputation is with code enforcement issues. For example, in Wellington, there were speculators that would over-mortgage high end properties and when the market bottomed out, code enforcement issues began to arise. One of his closings consisted of a property with over \$123,000 in code enforcement liens. He negotiates with the Village of Wellington's Code Enforcement Officer for presentation to the special magistrate. He has a long track record where he escrows the total amount owed and negotiates a settlement.

Councilwoman Dugo asked, other than Wellington, what other municipalities do you work for?

Mr. Lupardo named Greenacres, Royal Palm Beach, Wellington, and Flagler County.

Deputy Mayor Pearce asked Mr. Lupardo that as the attorney working for the Council, would he have a problem presenting Council with a monthly/quarterly spreadsheet on the current cases being litigated.

Mr. Lupardo said he would not have a problem providing Council with such a list.

Councilwoman Bousquet asked Mr. Lupardo if he knew anyone on this Council. She recalled seeing him present at the May 20, 2015 Council Meeting and asked if he was the attorney Deputy Mayor Pearce wanted to put in place when he tried to fire City Attorney Pamela Terranova.

Mr. Lupardo said he knew Mr. Pearce for a long time; he met Ms. Dugo at a campaign function and he spoke with Ms. Rivera a couple of times by phone. In answer to her question of the firing, he was present at the invitation of Mr. Pearce even though her firing did not happen.

Councilwoman Rivera asked if he had his own secretary.

Mr. Lupardo said he has a secretary, a title searcher, a paralegal, and is currently in the process of hiring a litigation attorney.

Councilman Noble had no further questions.

Mayor Ferreri noted that most of his experience is from dealing with municipalities from the other side of the table, but he has no municipal experience as an assistant city attorney or city attorney. How would you make yourself aware of new legislation that could impact the City?

Mr. Lupardo said he had no municipal experience as mentioned and noted that he would learn by attending conventions, Florida Bar publications, CLE, and receiving slip sheets on advanced law.

Deputy Mayor Pearce asked Mr. Lupardo to talk about his education from 1980 forward, specifically his economic business background.

Mr. Lupardo stated he was raised on Long Island, graduated from New York University majoring in finance and economics. After graduating, he worked for a large bank where he analyzed liabilities for bank product lines, worked 2 years downtown, managed up to 30 Rock and managed the corporate reporting for custody cases. Prior to graduation he spent 6 months in Italy then returned to law school. In terms of business, his clients purchase large real estate parcels and it his job is to make sure his clients make money.

Councilwoman Bousquet pointed out that one of the minimum requirements of the position is to possess 5 years of municipal experience of which you have none. Therefore, why do you think your business experience will compensate for your lack of municipal knowledge?

Mr. Lupardo stated that although it is true that he does not possess code enforcement experience nor served as a special magistrate; he believed he has

dealt with such issues from the outside and can get up to speed becoming an asset.

Councilwoman Bousquet asked if he had ever written an ordinance.

Mr. Lupardo said he had not.

Councilwoman Bousquet asked if he had conducted business, advised or represented any member or organization with which any Council member is a principal, affiliate or a member of.

Mr. Lupardo replied, "Absolutely not". He closed by stating he has been dealing with local municipalities from the outside and believed his experience could be an asset to Greenacres.

E. 7:20 p.m. – Elizabeth S. Murphy

The Mayor and Council welcomed Ms. Murphy and provided their personal introductions.

Ms. Murphy stated she is a third generation Floridian and resident of Greenacres for the past 15 years. She believes she is the best choice because: 1) She is qualified, 2) committed to public service, and 3) free of conflicts. She earned her juris doctorate from Cornell Law School and graduated Phi Beta Kapa from the University of Florida. She worked as a litigator in banking and commercial transactions in Miami for 3 years; worked 6 years in London and Rome as in-house counsel and one year in Manhattan. Ms. Murphy returned to Florida 15 years ago where she opened an office on Palm Beach Island where she specializes in labor and employment law, real estate and intellectual property and litigation. After carefully reviewing the City's policies and budget, she is confident that she is equipped to assume the duties outlined in the City's job description. Her familiarity with codes and budgets and her years of working with the City of West Palm Beach and Town of Palm Beach attorneys' offices qualify her for the job. Ms. Murphy stated that she plans to become board certified in city/county/local government law within the next 90 days. Her lifetime of public service and excellent personal references, her service on many boards and commissions also qualify her for the position. Ms. Murphy stated she is conflict free and will work for the City to the exclusion of all other municipalities. If selected, together with her co-counsel, they will merge her firm to offer low rates on a case-by-case basis to save taxpayer money. It would be her honor to serve the City.

Councilwoman Bousquet asked if she would be available 24/7.

Ms. Murphy confirmed she would be available.

Deputy Mayor Pearce asked her to elaborate on how her experience would benefit the City's Public Safety Department.

Ms. Murphy explained as an early graduate of the Palm Beach Citizens Police Academy of 2002, the program engenders good will between citizens and police by teaching residents how law enforcement officers think.

Councilwoman Dugo had no questions at this time.

Mayor Ferreri asked her to elaborate on her experience dealing with code enforcement law and special magistrates. He asked her how she keeps abreast with legislative changes.

Ms. Murphy reported handling several code enforcement cases in several municipalities in Palm Beach County and has counseled clients on such issues.

Councilman Noble asked her to repeat the cities she has worked with in the past.

Ms. Murphy named the City of West Palm Beach, Town of Palm Beach and the Village of Palm Springs.

Councilwoman Rivera asked what did Mr. Atallah provide her with that she had mentioned earlier. Under labor and employment, you mentioned hostile work environment and advising on OSHA. Do you have anything in writing about hostile work environments?

Ms. Murphy explained that Mr. Atallah simply guided her to the City's website where the policies and operations are communicated through the City's budget. Ms. Murphy stated that she reviews her in-house client's personnel handbooks and provides them with updates on labor law. She has provided training on sexual harassment and hostile work environment.

Councilwoman Bousquet had no questions at this time.

Deputy Mayor Pearce explained the City's form of government and asked her if she would be willing to adhere to the Charter and keep the Mayor in check when he oversteps his powers and role.

Ms. Murphy stated she would ensure that the parliamentary process was followed.

Councilwoman Dugo had no questions at this time.

Mayor Ferreri asked how she would review the Charter and who would she look to when making changes.

Ms. Murphy explained that she likes to absorb the perceptions of the City. She would make a broad review and ask other municipalities and colleagues for suggestions. She would also consult with Council and employees.

Councilman Noble had no further questions at this time.

Councilwoman Rivera asked if she knew anyone or had dealt with anyone at the dais prior to coming here tonight.

Ms. Murphy stated not before this evening. In closing she stated she is at a point in her life where she is looking for a long-term change and has been contemplating this type of move and she is very flexible.

Mayor Ferreri called for a recess.

Mayor Ferreri reconvened the meeting at 7:40 pm. He called for discussion on the next steps of the selection process. He suggested ranking the top two or three applicants and run their background and reference checks followed by negotiations. He asked if the Council wanted the candidate to have a contract, work at will, have vacation time, etc. He suggested creating a contract.

Discussion followed about items to be included in the contract: vacation, health, dental, vision,, cell phone, guidelines, salary, adding Lexis, pension, consistency, Council Policies, annual review, and salary adjustments. Councilwoman Bousquet was chosen to negotiate the contract.

The Mayor and Council decided to rank the top three.

F. 7:55 p.m. – James D. Stokes

The Mayor and Council welcomed Mr. Stokes and provided their personal introductions.

Mr. Stokes stated he was excited to be here. He has been an attorney for the past 20 years serving in the Florida public sector. His experience includes serving as a deputy sheriff in California for 12 years where he was active in the union; he worked for the L.A. Attorney's Office immediately following the Rodney King case. He transitioned to a law firm in Pasadena, California, got married and moved to Florida. He worked in Miami Beach, Coral Gables, Dade and Broward counties where he dealt with labor and employment law which was great experience. He likes being part of a team and being proactive. He worked 5-6 years for the City of Pompano Beach as Assistant City Attorney where he expanded his municipal experience. He moved to Palm Bay in Brevard County six years ago to take on a newly created position. He stated that when he was asked to compromise ethics, he left Palm Bay and was later asked to serve as their outside counsel.

Councilwoman Rivera asked about his job as a deacon.

Mr. Stokes explained he and his wife were teaching a Sunday School class. He was a deacon for 5 years and later became an ordained minister in 2008. It consists of weekends and evenings and he enjoys it.

Councilman Noble questioned if he did not have a permanent address; and was serving as a deacon in Orlando, how would Council communicate with him.

Mr. Stokes explained how the Catholic Church is organized and stated he is now living in Palm Bay approximately 90 miles north. He explained both he and his wife are looking to relocate south.

Mayor Ferreri asked Mr. Stokes to elaborate on his experience with Florida code enforcement laws or as special magistrate. He noted he was certified in city/county/local laws and asked how he stays current with changes in the law.

Mr. Stokes described his extensive code enforcement experience and service as special magistrate for several communities. He has dealt with code enforcement issues in West Melbourne and Palm Bay. Palm Bay adopted an ordinance that gave code liens priority over any other property liens which came into play on foreclosures. Palm Bay started asserting liens in Circuit Court which upset the mortgage industry and banks. Approximately \$300,000-\$400,000 were collected. A case was recently filed against Palm Bay in Supreme Court and it lost its ability to force payment since the City was not holding a 2nd public hearing to impose the lien. As for board certification, it requires additional training; certification must be continued with 60 hours per year.

Councilwoman Dugo asked if something is ambiguous in the Charter, who do you look to for a second opinion. How many charter revisions have you been involved with?

Mr. Stokes explained he was involved with two charter revisions for the City of West Melbourne and Palm Bay. He explained that the Attorney General will not get involved in interpreting a local charter or ordinance; it falls to the local government's attorney. They will only give an opinion on state law. Attorneys have their own camaraderie of professionals for other opinions.

Deputy Mayor Pearce asked Mr. Stokes to explain what "absolute immunity" means for council members and mayors in their respective roles.

Mr. Stokes explained it is an interesting myriad of rights. Mayors and council members wear many hats: legislative, quasi-judicial, or administrative roles in the same meeting. There is a difference in immunity for each. As long as they stay within their respective realms, 95% of such cases on immunity end favorably when the officials were found to be acting within their duties.

Councilwoman Bousquet asked what law service he uses and if he has support staff.

Mr. Stokes stated he has a subscription with Westlaw that he uses for his research and does not have secretarial support; he types his own documents.

Councilwoman Rivera asked if he was comfortable working with a body of officials that has healthy debates.

Ms. Stokes said, "Yes." He noted that even the most well intentioned bodies can have different opinions and direction. There will be times you may not hear what you want; he sticks with the law and does not play politics.

Councilman Noble asked Mr. Stokes if he had given it serious thought about relocating and to where.

Mr. Stokes stated that he and his wife had been considering relocating for several years. Ideally, he would want to be close to the City for which he works.

Mayor Ferreri noted that he enjoys teaching and asked if he would think of pursuing it further.

Mr. Stokes replied only if the opportunity presented itself and if it did not conflict with his employment with the City.

Deputy Mayor Pearce pointed out that half of the City's employees consist of Public Safety personnel. He asked his opinion about the current law enforcement events.

Mr. Stokes pointed out that in his opinion, it is one of the saddest times for law enforcement and public perception has changed over the years.

Deputy Mayor Pearce asked about forfeitures and seizures.

Mr. Stokes reported that one of his newer functions at Palm Bay is to establish a seizure program. It is not a different area of law but only allows for short time limits for filing.

Councilwoman Bousquet asked what his travel time is during rush hour.

Mr. Stokes replied an hour and a half. In closing he hope he had answered their questions thoroughly and understands his day does not end at 5:00 pm. He stated he does not mind getting calls as it is part of the job. He stated he would like the opportunity to serve Greenacres.

Mayor Ferreri called for a short recess.

4. Discussion and Selection of City Attorney.

Mayor Ferreri reconvened the meeting at 8:27 pm. City Attorney Pamela Terranova returned to the Chambers. He explained that he would call on each Council member to voice their highest three choices with the first being the best.

Mayor Ferreri pointed out that only three of the applicants possessed municipal experience and met the ad requirements. Mr. Stokes appeared knowledgeable and intelligent but was concerned with traveling to attend meetings. The other two had a lot of municipal experience and know other attorneys in the County.

Councilwoman Rivera stated that she was eliminating Biggs and Lupardo as candidates.

Councilwoman Dugo was also uncomfortable with the last applicant's driving distance to attend meetings.

Deputy Mayor Pearce was looking for someone to grow with the City that possesses a business background. He viewed the first two applicants as seasoned, but using the City as a stepping stone. He was looking for value.

Councilwoman Bousquet believed Mr. Lupardo was not a good candidate; he has no municipal experience and didn't believe the City should have to train their attorney. Her choices were Biggs, Brandenburg and Stokes.

Mayor Ferreri called for names for first, second, and third choices.

Councilwoman Bousquet:	Biggs, Brandenburg, Stokes.
Deputy Mayor Pearce:	Stokes, Conforti, Murphy.
Councilwoman Dugo:	Stokes, Branderburg, Biggs.
Mayor Ferreri:	Biggs, Murphy, Stokes.
Councilman Noble:	Biggs, Brandenburg, Stokes.
Councilwoman Rivera:	Stokes, Conforti, Murphy.

Mayor Ferreri instructed staff to conduct background and reference checks on Stokes and Biggs, and prepare a general contract. He offered a Florida League of Cities standard contract to serve as a base document. City Attorney Pamela Terranova urged Council members to get all their comments to the City Manager. City Clerk Denise McGrew requested authorization to send releases for background checks to the top 2 candidates. Ms. Terranova pointed out that the contract should be contingent upon the applicant passing a physical and a drug test.


Discussion followed on whether to also conduct background and reference checks on Murphy and Brandenburg.

It was agreed that a total of 4 background/reference checks would be done.

5. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 8:42 p.m.

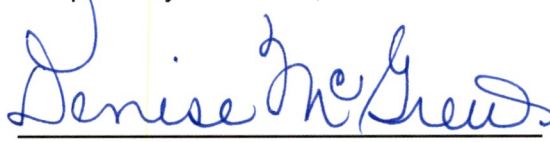
CITY COUNCIL



Samuel J. Ferreri
Mayor

/mel

Respectfully submitted,



Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: 7-6-15

