

# CITY OF GREENACRES

## OFFICIAL MINUTES TRACKING

Council/Board: city Council Meeting

Meeting Date: 7-20-15

Transcribed by: mf No. of Pages: 19 Transcription Time: 12.5

### REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>mf</u>	<u>7-30-15</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: 8-10-15

Motion By: Noble Seconded By: Pearce

Check One: ☒ Approved ☐ Tabled ☐ Denied Vote: 4/0

Changes requested by Council or Board? ☐ Yes ☐ No

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

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





## OFFICIAL MINUTES

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

**CITY COUNCIL MEETING**  
**Monday, July 20, 2015– 7:00 p.m.**

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

Deputy Mayor Pearce called the City Council Meeting of Monday, July 20, 2015 to order at 7:00 p.m. Denise McGrew, City Clerk/Administrative Services Director, called the roll.

#### **ROLL CALL:**

##### Council Present:

Jonathan G. Pearce, Deputy Mayor  
Councilwoman Lisa Rivera  
Peter A. Noble, Councilman  
Judith Dugo, Councilwoman  
Paula Bousquet, Councilwoman

##### Absent:

Samuel J. Ferreri, Mayor

Attendees from Public: 134

Press: 2

##### Staff Present:

Wadie Atallah, City Manager  
James D. Stokes, 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  
Michael L. Porath, Director/Public Safety  
Carlos Cedeño, Director/Public Works  
Melody Larson, Asst. to the City Clerk

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

Deputy Mayor Jonathan Pearce led the Pledge of Allegiance.

Following the Pledge of Allegiance, Deputy Mayor Pearce introduced State Representative hopeful David Silvers, candidate for House District 87. Mr. Silvers confirmed his race as the State Representative for District 87 and welcomed citizen input on issues of importance to them.

### **3. Agenda Approval.**

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

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

Councilman Noble asked Mr. Stokes for clarification on the Deputy Mayor's voting status during this meeting, specifically in cases of a tie vote.

City Attorney James Stokes explained majority rules and in the event of a 2-2 split vote, the Deputy Mayor would be the tie breaker.

Deputy Mayor Pearce asked about a Councilmember abstaining.

Mr. Stokes explained that a Councilmember would have to have a legal reason for abstaining and would have to file a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

**MOTION:** Councilwoman Dugo moved to add the Palm Beach Sheriff's Office (PBSO) proposal as Item 7.A of the Regular Agenda. Councilwoman Rivera seconded the motion.

Discussion on the Motion:

Councilwoman Bousquet asked for clarification on whether the Council would be voting on, or simply reviewing, the proposal since they were not provided sufficient time to thoroughly review it. She also asked if it was being placed on the Agenda as a Discussion Item.

Discussion followed on adding the PBSO proposal as a Discussion, versus Regular Agenda Item.

<b>VOTE ON THE MOTION:</b>	<b>In Favor:</b> Councilwoman Dugo and Councilwoman Rivera. <b>Opposed:</b> Councilman Noble and Councilwoman Bousquet.
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**Motion tied: 2-2.** (*Deputy Mayor Pearce voted in favor of the motion and broke the tie, motion then passed 3-2.*)

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

Deputy Mayor Pearce asked if there were comments from the public on an Agenda item.

Sandra Bernstein, a 19-resident of River Bridge, talked about how pleased she is with the City's Public Safety Department and the personal interest they take in serving Greenacres citizens. She cited statistics from the Palm Beach Post and Channel 25 related to PBSO deputies using lethal force. Since 2000, there have been 123 related to PBSO deputies using lethal force. Since 2000, there have been 123 shootings, 114 victims, 45 killed, 38 injured and in only 8 cases, deputies used non-lethal force. One in every three shooting victims is black. She asked if this is what the citizens want. Greenacres Public Safety personnel have not shot anyone. She added, "Greenacres is a great place to be, let's keep it that way." She urged citizens to say "No" to PBSO.

Marcia Grobman-Patane, residing at 603 Harbor Point Way since 1988, and former PBSO employee, talked about her disabled daughter who lives in a nearby unit next to a neighbor with a drug addiction problem. Public Safety was called numerous times day and night for altercations, shouting, and domestic violence. Only until the PBSO assigned a special deputy to work with Public Safety was the problem mitigated. She stated that Greenacres needs PBSO.

Benjamin Wade, a 35 year resident of 3550 South 57<sup>th</sup> Avenue, urged Council to really think about this. He supports Greenacres Public Safety due to their excellent response time.

Emily Robarts, resident of 6223 Pond Tree Court, stated that after meeting with members of her community, the feeling was to keep Greenacres Public Safety because of their excellent response time. She urged Council to obtain a 5-year projection from PBSO and weigh the financial costs carefully.

Claudia Bennett, residing at 1031 Island Manor Drive, stated that as a single parent with 2 children, she has had nothing but positive, excellent service from Greenacres Public Safety personnel. As a property manager for multiple communities she has had the opportunity of dealing with both agencies. Although PBSO is well equipped, Greenacres Public Safety's response time is much better. She feels safe and secure in her community and urged Council to reconsider pending more information. She said, "Don't fix what's not broken."

Chuck Shaw, a long-time resident of 2252 Soundings Court, pointed out that since this item was not properly noticed, it would preclude Council from taking any action. It was his belief they could hear this item but did not have the authority to take action at this time.

Discussion followed among Councilmembers and the City Attorney on the procedures for adding items to the Agenda, Council Policies relating to additions and/or revisions to the Agenda, Discussion versus Regular Agenda item, public notice not required for contracts, Council's ability to vote on the PBSO proposal and questions related to the PBSO proposal.

Roxana Hunt-Gale, resident of 5950 Sunland Court, said she was very confused by the Agenda. She stated that Council is choosing to increase the millage rate to pay for more officers and at the same time is looking to have PBSO take over our Public Safety Department which is very contradictory. Ms. Hunt-Gale urged them to think the process through when looking to make major changes to the City. In her 26 years as a resident and with such an important issue as a PBSO takeover, it is not fair to not provide notice to the public; emphasizing, "that is wrong."

## **5. Special Business.**

- A. **Presentation:** Institute for Elected Municipal Officials – Certificates of Completion to Councilwoman Judith Dugo and Councilwoman Lisa Rivera – Jonathan G. Pearce, Deputy Mayor.

Deputy Mayor Pearce recognized Councilwoman Dugo and Councilwoman Rivera for completing their Elected Municipal Officials training held in Ft. Lauderdale on June 5-7, 2015 and presented them with Certificates of Completion.

B. **Presentation:** Greenacres Kiwanis - Recognition of City Manager.

Estelle Friedman, President of the Greenacres Kiwanis, presented City Manager Wadie Atallah with a plaque in recognition of his professional expertise, managerial skills, and dedication to the City of Greenacres.

6. **Consent Agenda.**

A. Deputy Mayor Pearce asked Council if they wished to pull the five (5) Consent Agenda items; hearing none, he called for a motion.

1. **Official Minutes:** City Council Meeting of July 6, 2015 – Denise McGrew, City Clerk.
2. **Board Reappointment:** Reappointment of Donald Radd to the Building Board of Adjustments and Appeals – Samuel J. Ferreri, Mayor.
3. **Florida League of Cities (FLC) Annual Conference Voting Delegate:** Designating Councilwoman Judith Dugo as Voting Delegate for the 89<sup>th</sup> Annual FLC Conference to be held in Orlando, FL on August 13-15, 2015; pursuant to Council Memo – Samuel J. Ferreri, Mayor.
4. **Resolution No. 2015-25:** Authorizing the termination of the Lease Agreement between the City of Greenacres and MetroPCS California/Florida, Inc., as requested by MetroPCS pursuant to the terms and conditions of the lease of real property consisting of approximately 200 square feet of land located at Veterans Park; repealing Resolution 2004-21 authorizing said lease agreement; authorizing the appropriate City Officials to effectuate the termination of the lease agreement; and providing for an effective date; pursuant to Staff Memo – Wadie Atallah, City Manager.
5. **Resolution No. 2015-26:** Authorizing the Third Addendum to renew the Agreement between the City of Greenacres and Lake Worth Sharks, Inc. for the organization, management and operation of the City's Co-Ed Recreational Youth Soccer League and use of the City's soccer fields and facilities; and authorizing the Mayor to sign the agreement and City Officials to effectuate implementation of the terms of the Agreement; pursuant to Staff Memo and Scope of Services – Michele Thompson, Leisure Services Director.

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

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

**Motion carried: 4 - 0.**

**7. Regular Agenda:**

**A. PBSO Proposal**

Chief Deputy Michael Gauger and Deputy Director George Forman of the Palm Beach County Sheriff's Office (PBSO) submitted their proposal for Council review and questions.

Councilwoman Bousquet noted her concern over just receiving this document prior to the commencement of this meeting. She believed the residents deserve Council's open, objective, and serious review of this item.

Q: Councilwoman Dugo asked PBSO to clarify that the City will in fact keep all of its employees and would just wear a different colored uniform.

A: Mr. Gauger explained that is true; however, all officers would be required to go through the Sheriff's hiring process. He reported that most agencies retain 100% of their officers.

Q: Councilwoman Dugo asked what PBSO's response time is.

A: Mr. Gauger explained that it depends on the call and the area. For emergencies, less than one (1) minute, for non-emergencies it can be longer. Multiple cars can respond including off-duty officers.

Q: Councilwoman Dugo said of the 51 total Police Officers, 32 of which are Road Patrol, she didn't need two (2) training supervisors and asked for PBSO's recommendation on the total number of officers needed.

A: Mr. Gauger stated that 51 officers is an accurate number without the added expense of including more officers.

Q: Councilwoman Dugo noted that she did not find any credit being provided for any of the City's existing equipment.

A: Mr. Forman pointed out there are articles in the contract that address the transition of capital equipment as a long-term allocation. He noted that the proposal is all inclusive.

Q: Councilwoman Dugo noted that all are combined in the first year and are amortized for three (3) years.

A: Mr. Forman explained that the recommendation is for ten (10) years and includes a fixed price escalator not to exceed 7%. He reported that in the past five (5) years, their larger municipalities have been under 3%. He emphasized that this proposal

does not represent a single year budget. When looking at operating costs, long term pension liabilities, etc., PBSO is required to do the same.

Q: Councilwoman Dugo noted the proposed February 2016 transition date and asked if there were other timeframes available.

A: Mr. Gauger confirmed it would occur in January or February 2016 to ensure a smooth transition.

Q: Councilwoman Dugo asked how does PBSO handle coverage when officers call out sick. Are officers pulled from other areas to provide the needed coverage?

A: Mr. Gauger noted there are four (4) rotations of seven (7) officers each, in addition to a sergeant on patrol. This includes comp, sick and vacation time. If any shortages arise, it is absorbed in over-time costs. This leaves 5 deputies/officers at all times plus backup personnel if needed.

Q: Councilwoman Bousquet noted that the PBSO's budget is part of the County's General Fund. As such, our residents pay into that fund and can access those services if needed. Looking at Articles 1-9, specifically 7, 8, and 9, are in addition to that; however, Articles 1-6 are already covered. She asked if the \$9 million/year provides a level of service in addition to, or equal to, what the City already provides.

A: Mr. Foreman explained the Florida Supreme Court determined it was not a clear-cut calculation. The City is looking for improvement, a different type of service level model. Mr. Gauger explained that a portion of those funds are allocated to the County Jail that currently houses 2,400 inmates.

Q: Councilwoman Rivera noted that Greenacres does in fact have holding cells where prisoners are ultimately transferred to the County Jail. She asked if the 7% on Pg. 12 of Article 6.2, is negotiable.

A: Mr. Foreman again noted that in reviewing the contracts of the nine agencies they currently represent, the cost does not exceed 3%, some years it is 1%, some years it is 2%. He noted that there will always be a reasonable amount of risk by both parties.

Councilwoman Rivera disclosed that her husband is a Deputy Sheriff with PBSO and asked Mr. Stokes if that fact posed a conflict of interest.

Mr. Stokes noted that it does not pose a particular and unique benefit to her or her husband.

Q: Councilwoman Rivera inquired about the Citizens On Patrol (COP) program as this is one service the City does not currently benefit from.

A: Mr. Gauger reported that the COP program consists of 2,000 volunteers trained by PBSO as the eyes and ears at shopping plazas and throughout communities with direct radio contact to PBSO. They are a tremendous asset in keeping neighborhoods safe. This is a true community policing model.

Q: Councilwoman Rivera asked if COP would patrol Greenacres neighborhoods allowing our officers to stay visible where needed until they are called on to respond to a call.

A: Mr. Gauger explained they are an added incentive to deter crime.

Q: Councilwoman Rivera asked if the officers assigned to Greenacres would be provided take home vehicles as a crime deterrent.

A: Mr. Gauger said that is correct.

She referred to an article in the Palm Beach Post naming Greenacres as having the highest number of homicides in 2015 exceeding West Palm Beach and Riviera Beach combined.

Q: Deputy Mayor Pearce wanted to confirm that PBSO staff would be working from the existing Greenacres Public Safety Headquarters.

A: Mr. Gauger explained that the City will still have a dedicated police department. The Captain or Lieutenant of choice will attend Council meetings and homeowner associations building a network and the only difference is that the City will have more available resources.

Deputy Mayor Pearce clarified for the audience that the only difference is that the uniforms will be blue instead of green plus additional services will be made available.

Q: Deputy Mayor Pearce asked if the City signs a contract with PBSO, the funds currently allocated for Public Safety operations would not be derived from taxpayer dollars thus ultimately increasing the County's budget, correct.

A: Mr. Foreman explained that the County's budget is \$4 billion, with the General Fund at \$1 billion. If the City merges with PBSO, the PBSO's revenues will rise as well as the expenditures when good decisions are made in managing resources, and there is positive growth.

Deputy Mayor Pearce noted that over time, municipalities are ultimately faced with the reality of having to merge with a larger law enforcement agency due to the rise in millage rates. As for the cost of vacation and sick leave, he stated that monies had been allocated and included in the 2015 Budget. He pointed out that the State requires the City's pension to be funded at 80%; it is currently funded at 104%.

Mr. Foreman noted that PBSO will take sick leave and vacation balances (Not comp time) with \$1.2 million in compensated absences. He then explained PBSO's vehicle take-home policy. Vehicles are issued at the discretion of the Sheriff. The Bargaining Agreement establishes the boundaries in and outside of the County.

Q: Deputy Mayor Pearce asked if the City's Dispatchers would also be included in the transition, working with the same patrol officers.

A: Mr. Gauger confirmed that is true.



Q: Councilwoman Dugo remarked that with this proposal not to exceed 7%/year in costs; considering a possible 4% salary increase for both Bargaining Unit and General Employees, in addition to upcoming negotiations with the Lieutenant's Bargaining Unit, the City of Lake Worth awards 3% increases and still maintain a 5% decrease in their crime rate due to PBSO's resources. She urged PBSO to sharpen their pencils and reduce their offer to 50 officers. She asked what happens to the ranking officers.

A: Mr. Forman clarified that 3-4 full-time positions would fall outside of the contract even though they would be part of the merger; however they would fall within PBSO's structure. In the transition, the positions of Chief and Captain would go down to Lieutenant positions, Lieutenants would become Sergeants, and Sergeants would become Deputies. Based on PBSO's pay scale, those officers would have more opportunities for professional growth and advancement.

**MOTION:** Councilwoman Dugo moved to have the City Attorney meet with PBSO to establish a tentative agreement prior to the August 10, 2015 Special City Council Meeting. Councilwoman Rivera seconded the motion.

Discussion on the Motion:

Councilman Noble suggested that the City Manager participate in the agreement review process.

Councilwoman Rivera strongly disagreed, stating that the City Manager was Council's employee and that he works for Council and has no vote.

City Attorney James Stokes disagreed, noting that there are management decisions to be made beyond his legal scope of expertise.

**1<sup>st</sup> MOTION TO AMEND:** Councilwoman Dugo amended her original motion to include the City Manager and a Council liaison to the agreement review process. Councilwoman Rivera seconded the motion.

Discussion on the 1<sup>st</sup> Amended Motion:

Councilman Noble disagreed with the idea of a Council liaison participating in the review process, since the City Manager would present the results to Council once finalized.

Councilman Noble asked when has the City Manager failed to inform Council on every issue. This City has been run effectively and efficiently for many years due to his efforts, and for someone to insinuate that he does not do so, something is wrong.

Councilwoman Dugo agreed to amend her motion to include the City Manager, the City Attorney and the PBSO. She refused to have a contract handed to her 2 days before a Council meeting.

Councilwoman Bousquet agreed they should be given time to review the contract and give PBSO the courtesy of reviewing it after August 10<sup>th</sup>. Councilwoman Bousquet stated that the citizens deserve a thorough review by Council since it represents 1/3 of the City's annual budget and noted that her constituents do not want PBSO.

**2<sup>nd</sup> MOTION  
TO AMEND:**

Councilwoman Dugo amended her original and amended motions to include the City Manager, the City Attorney and the PBSO in the review process and present a tentative agreement to Councilmembers prior to the August 10, 2015 Special City Council Meeting. Councilwoman Rivera seconded the motion.

**VOTE ON THE  
MOTION:**

**In Favor:** Councilwoman Dugo and Councilwoman Rivera.  
**Opposed:** Councilman Noble and Councilwoman Bousquet.

**Motion failed: 2-2.** (*Deputy Mayor Pearce voted in favor and broke the tie, motion then passed 3-2.*)

- B. **PUBLIC HEARING** **Resolution No. 2015-14:** Approving the application for a Special Exception to allow a house of worship in a Commercial Neighborhood (CN) zoning district, located at the northwest corner of Wellman Trail and Melaleuca Lane at 4615 Melaleuca Lane, as requested by the petitioner, Robert Kuoppala, agent for the owner, Beulah Church of God 7th Day, Inc., providing for repeal of conflicting resolutions; 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 Resolution No. 2015-14 into the record.

Zoning Administrator Ted Kozak described the request for special exception approval to allow a house of worship in a Commercial Neighborhood (CN) zoning district. The .84-acre site is located at the northwest corner of Melaleuca Lane and Wellman Trail. The concept plan proposes to convert an existing single-family residence into a 74-seat house of worship in two (2) phases. The proposal provides one access point off of Melaleuca Lane, 48 parking spaces including 2 handicap spaces, a 6 ft. wall on the north and west sides with landscaped buffers. The main building will provide 1,190 sf. of assembly area, 74 seats, 2 classrooms and a welcome area. Phase 2 will consist of an additional 1,785 sf. to include a kitchen, office, and 2 classrooms. Mr. Kozak reported that the proposal meets concurrency, it meets Palm Beach County Traffic Performance Standards and has been reviewed by the City's traffic engineers for compliance. The proposed hours of operation for the office were revised to 7 am – 8 pm daily and the church hours were revised to 7 am - 9 pm daily (per handout). He stated the proposal meets the twelve (12) special exception criteria, therefore, staff recommends approval with SE-15-01 through the adoption of Resolution No. 2015-14, subject to staff's seven (7) conditions of approval as amended.

Deputy Mayor Pearce called on Councilmembers for comment; hearing none, he called on the applicant.



Bob Kuoppala of Kuoppala and Associates, agent for the owner, stated he was in agreement with the change in the hours of operation and staff's seven (7) conditions of approval as amended.

Deputy Mayor Pearce opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Resolution No. 2015-14 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilwoman Bousquet made a motion to approve Resolution 2015-14 subject to the seven (7) conditions of approval as amended. Councilwoman Rivera seconded the motion.

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

**Motion carried: 4 - 0.**

- C. **Site Plan (SP-15-01) Approval – Beulah Church:** Site Plan approval for a house of worship located at 4615 Melaleuca Lane; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Mr. Kozak described the companion item to the Special Exception just approved. As stated, the project will be constructed in two (2) phases. Phase 1 will consist of a 1,190 sq. ft. sanctuary with 74 seats, 2 classrooms, restrooms and a welcoming area. A total number of 48 parking spaces include two (2) handicapped spaces. Phase 2 will consist of an additional 1,785 sq. ft. and include 2 additional classrooms, an office, kitchen and gathering room. Access will be off of Melaleuca Lane, Site lighting, utilities, and landscaping requirements meet City Code. Water, drainage, and sewer will be connected to the main on Melaleuca Lane. The proposed office hours of operation are from 7 am to 8 pm daily; the assembly hours from 7 am – 9 pm daily. He stated staff recommends approval of SP-15-01 with staff's twenty-nine (29) conditions of approval as amended.

Deputy Mayor Pearce called on the applicant for comment.

Mr. Kuoppala stated he was in agreement with staff's (29) conditions of approval as amended.

**MOTION:** Councilwoman Dugo made a motion to approve SP-15-01, subject to staff's (29) conditions of approval as amended. Councilwoman Rivera seconded the motion.

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



**Motion carried: 4 - 0.**

- D. **PUBLIC HEARING Ordinance No. 2015-11:** Second Reading; Annexing one parcel of land totaling approximately 2.73 acres, located approximately 630 feet west of South Jog Road adjacent to Ramblewood Court, as requested by the petitioner, Jon E. Schmidt and Associates, agent for the owner, Buena Vista Homes of the Palm Beaches, Inc.; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's Official Boundary Map; providing for repeal of conflicting ordinances; providing for severability; 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. 2015-11 into the record on second reading.

Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director, stated that the proposed voluntary annexation request is accompanied by a land use amendment and a request to rezone. The site is 2.73 acres in size and is located on the south side of Ramblewood Court, and southwest of the existing Ramblewood neighborhood. He noted that the site is currently vacant and is contiguous to the City's boundaries on the north, south and east sides. The site is within the City's Future Annexation Area and annexing this property would reduce an existing pocket and would not create an enclave. The proposal meets the six (6) annexation criteria and the City has received a Letter of No Objection from Palm Beach County. The Planning Commission recommended approval by a vote of 6-0; therefore, staff recommends approval of ANX-15-01 through the adoption of Ordinance No. 2015-11.

Deputy Mayor Pearce called on Councilmembers for comment.

Councilman Noble asked Mr. Lanahan to explain the ownership of Lot No. 1. He asked if sidewalks would be provided around the perimeter of the site. He also asked to see the floor plans.

Mr. Lanahan explained that the northeast corner of Lot No. 1 would be cut out of the site and dedicated to the City for a road. As for sidewalks, he explained that the project includes an internal sidewalk system that will connect to Ramblewood Court. He explained there would be no pathway leading out to Wry Road or to the west of the site.

Deputy Mayor Pearce called on the applicant for comment.

Josh Nichols of Jon E. Schmidt and Associates, agent for the owner, provided a short presentation of the project. The 2.73-acre vacant site would consist of 14, 2-3-4 bedroom single-family detached homes, with 2-car garages and conventional setbacks. Sidewalk connections will be seamless and tied into Ramblewood Court. Mr. Nichols stated the proposed dry retention area surrounded by proposed Cypress trees will help mitigate drainage. A shadowbox wood fence is proposed for the western property line separating the existing mobile home park. Construction fencing is also being proposed for the south and east.

Deputy Mayor Pearce called on Councilmembers for comment.



Councilman Noble asked for confirmation that Wry Road would not be a through road. He commended Mr. Nichols for this project and pointed out that this project would resolve two concerns: drainage and Wry Road.

Mr. Nichols stated that Wry Road is an unimproved limestone road.

Deputy Mayor Pearce opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2015-11 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilwoman Dugo made a motion to approve Ordinance No. 2015-11 as presented by staff. Councilwoman Bousquet seconded the motion.

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

**Motion carried: 4 - 0.**

- E. **PUBLIC HEARING** **Ordinance No. 2015-12:** Second Reading; Amending the Future Land Use Map of the Future Land Use Element of the City's Comprehensive Plan, to change the future land use designation of one parcel of land totaling approximately 2.73 acres, located approximately 630 feet west of South Jog Road adjacent to Ramblewood Court, from a Palm Beach County designation of High Residential 8 (PBC HR 8) to a City of Greenacres designation of Residential-Medium Density (City RS-MD), as requested by the petitioner, Jon E. Schmidt and Associates, agent for the owner, Buena Vista Homes of the Palm Beaches, Inc.; 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. 2015-12 into the record on second reading.

Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director, described the companion item to the annexation just heard. The request is to change the future land use designation from a County to a City designation. The proposal is compatible with the surrounding area, the density is a stepdown to a lower density to the north; it meets concurrency, and the Local Planning Agency recommended approval on June 17, 2015. Therefore, staff recommends approval of CPA-15-05 through Ordinance No. 2015-12.

Deputy Mayor Pearce called on Councilmembers for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2015-12 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.



**MOTION:** Councilwoman Rivera made a motion to approve Ordinance No. 2015-12 as presented by staff. Councilwoman Dugo seconded the motion.

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

**Motion carried: 4 - 0.**

- F. **PUBLIC HEARING Ordinance No. 2015-13:** Second Reading; Approving the application for a zoning change for one parcel of land totaling approximately 2.73 acres, located approximately 630 feet west of South Jog Road adjacent to Ramblewood Court, from a Palm Beach County zoning designation of Agricultural Residential (PBC AR) to a City of Greenacres zoning designation of Residential Medium-2 (City RM-2), as requested by the petitioner, Jon E. Schmidt and Associates, agent for the owner, Buena Vista Homes of the Palm Beaches, Inc.; providing for changes to the Official Zoning Map; providing for repeal of conflicting ordinances; providing for severability; 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. 2015-13 into the record on second reading.

Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director, described the companion rezoning to the annexation and future land use amendment just heard. The request is to change from a County zoning designation to a City designation. Mr. Lanahan stated that the proposal is consistent with the approved residential land use and meets the ten (10) zoning change criteria. He stated that the proposed zoning designation allows for both multi-family or single-family development. The concept plan shows 14 single-family detached homes. The Planning Commission recommended approval on June 17, 2015; therefore, staff recommends approval of ZC-15-05 through the adoption of Ordinance No. 2015-13, subject to one (1) condition of approval.

Deputy Mayor Pearce called for comments from Councilmembers; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2015-13 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilwoman Rivera made a motion to approve Ordinance No. 2015-13, subject to staff's one (1) condition of approval. Councilman Noble seconded the motion.

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

**Motion carried: 4 - 0.**

- G. **Site Plan (SP-15-03) Approval – Las Ramblas Subdivision:** Site Plan approval for a single family subdivision located approximately 630 feet west of South Jog Road adjacent to Ramblewood Court.; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director, described the proposed site plan for a single-family residential development consisting of 14 single-family detached dwelling units with conventional setbacks. Access will be from Ramblewood Court and Ramblewood Circle out to South Jog Road. A 50 ft. road right-of-way is proposed with sidewalks flanking both sides, a stormwater retention area, and public water and sewer. The design consists of 2-story units with 2-car garages, each lot will be individually landscaped with trees and shrubs. A shadowbox wood fence will be placed along the west property line to separate the existing mobile home park. Road and drainage will be dedicated to the City. Staff determined that a homeowner association would not be viable due to the low number of units being built. Mr. Lanahan stated that the Planning Commission recommended approval on June 17, 2015; therefore, staff recommends approval of SP15-03, subject to staff's twenty-five (25) conditions of approval. Mr. Lanahan noted that if Council desires to accept the applicant's offer to add a construction fence along the east and south sides during construction, they would need to modify Condition No. 14 of the Staff Report.

Deputy Mayor Pearce called on Councilmembers for comments.

Councilwoman Dugo asked for staff's recommendation regarding the construction fence.

Mr. Lanahan believed it would be a positive option and would help buffer the subject site from the surrounding properties.

Deputy Mayor Pearce called on the applicant for comment.

Mr. Nichols agreed to staff's twenty-five (25) conditions of approval and modification to Condition No. 14 to provide a construction fence along the east and south sides of the subject site during construction.

**MOTION:** Councilman Noble made a motion to approve SP-15-03 subject to staff's twenty-five (25) conditions of approval and modification to Condition No. 14 to provide a construction fence along the east and south sides of the subject site during construction. Councilwoman Dugo seconded the motion.

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

**Motion carried: 4 - 0.**

- H. **FY 2016 Budget - Proposed Millage Rate and Announcement of the Public Hearing Dates:** Approving the setting of the proposed millage rate at 6.0854

mills and setting the public hearing dates for September 3, 2015 and September 16, 2015; pursuant to Staff Memo – Thomas Hughes, Finance Director

**MOTION:** Councilman Noble made a motion to lower the millage rate to the roll-back rate of 4.9671 mills. Councilwoman Bousquet seconded the motion.

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

**Motion tied: 2-2.** (*Deputy Mayor Pearce voted against the motion and broke the tie, motion then failed 3-2.*)

Finance Director Thomas Hughes reported that each year the Truth in Millage (TRIM) process begins with the issuance of the Certified Taxable Values by the Palm Beach County Property Appraiser's Office, which this year, were received on June 25, 2015. As part of the budgeting process, Council must set a proposed millage rate and establish TRIM adoption hearing dates in September. The deadline to notify the Property Appraiser's Office is July 24, 2015 in order to facilitate notification to taxpayers.

The certified taxable values for FY 2016 is \$1,401,140,341; a 9.6% increase over last year's gross taxable value attributed to increased property values and new construction. Mr. Hughes reported that FY 2016 will be the third year property values have increased following the 47% decline of 2008-2013.

Pursuant to Chapter 200.65, F.S., the calculated roll-back rate or, the ad valorem rate that generates the same amount of property tax revenue is 4.9671 mills and would generate \$6,959,604 in revenue prior to discounting. During the Budget Workshops and Council meetings of May, June and July, Council directed staff to provide calculations for 19 additional personnel in FY 2016, and asked staff to calculate the millage rate needed to cover the added costs. Council also requested that ambulance transport rates be matched to those of the County, which will generate an additional \$87,000 in revenue for FY 2016. The shortage created by adding 19 new personnel and vehicles included in the CIP through an interfund transfer is \$1,204,284. Excluding the capital cost for vehicles, which can be funded through anticipated savings in FY 2015, and the additional revenues from ambulance transport rates, the millage rate increase to cover the shortfall for the additional 19 personnel, would be .657 mills. Thus, the proposed rate for FY 2016 would be 6.0854 mills, or a 12.10% increase over the existing rate. This increase represents a 22.51% increase over the roll-back rate of 4.9671 mills.

Mr. Hughes reminded Council that once the rate is advertised through the TRIM process, it can be lowered, but not increased. The TRIM dates they choose cannot conflict with the meetings of the Board of County Commissioners or the School District. Therefore, staff proposes Thursday, September 3, and Wednesday, September 16, for the TRIM hearing dates and a millage rate of 6.0854 mills for FY 2016.

Deputy Mayor Pearce called on Councilmembers for comments.

Councilwoman Bousquet asked how would the PBSO proposal affect the City.

Mr. Hughes explained that the costs associated with the PBSO proposal were not incorporated into the FY 2016 Budget.

Councilwoman Dugo noted that the millage rate is based on what the bare minimum needs are for Public Safety and does not take into consideration the PBSO proposal. She pointed out that the millage could be lowered, not increased, in September.

Discussion followed between Councilwoman Dugo, Mr. Atallah, and Mr. Hughes about the number of replacement vehicles needed in FY 2016 in addition to what the PBSO proposal included for 19 new employees and the need to increase the millage rate to compensate.

Councilwoman Rivera read in an email that in order to hire 19 people, it would take 2 years. She criticized the fact that even though the City hires many Public Safety officers, they do not stay; they leave for better opportunities. For 19 people not needed, to set a millage rate at 6.0854 and not need the Dispatch Center or the added costs in CIP, she believed those funds could be placed elsewhere, thus lowering the millage; based on what Council decides where to allocate them.

Mr. Hughes confirmed there would be no restrictions on the revenues for Public Safety; they could be allocated to other projects.

Councilman Noble proposed the roll-back rate of 4.9671; the same amount that taxpayers paid in FY 2015. He pointed out that with a millage rate of 6.0854 mills, the citizens would be paying \$1.5 million more in taxes. He is concerned that the \$8,185,000, represents only 1/3 of the revenues needed. The City's budget is \$24 million. This is just one source of revenue that we have no control over. In the event that property taxes were to decline, a fixed expense of adding 19 new employees would force another tax increase. The danger is in hiring all 19 employees in the same year. He emphasized that it should be done in phases.

Discussion followed among Councilmembers on the City being short-staffed; the City not having sufficient space to house the proposed 19 new employees and the cost of \$2 million to hire them, the recent recession being the reason for the shortage in personnel; being monetarily cautious in wanting to overspend; the Community Center expansion versus allocating additional funding to Public Safety; suggestion to delay the Community Center expansion for one year; the elimination of the Dispatch Center CIP project if the PBSO proposal is accepted; increasing the millage by .75 mills and lowering it if necessary; the City's surplus earning a 7% return on investment, the \$2 million from revenues not spent; and not including code enforcement officers as part of the 19 new personnel;

Deputy Mayor Pearce proposed a millage rate of 6.1784 mills (a 0.75% increase) with the understanding the City can roll back. He asked Mr. Hughes to calculate the increase based on this millage.

Mr. Hughes reported it would be a \$125,094 increase.

Councilman Noble pointed out that you need to add \$2 million to that figure for a total of \$2,125,094 to hire 19 new personnel.

Councilwoman Rivera suggested keeping the current millage rate at 6.0854 mills and then deciding at the August 10, 2015 City Council meeting whether to roll-back or not.

Councilwoman Bousquet stated it would be acceptable for her to raise taxes if a logical explanation was being provided; however, there are many conflicting issues. Therefore, she opposes raising taxes.

**MOTION:** Councilwoman Rivera made a motion to keep the current millage rate at 6.0854 mills. Councilwoman Dugo seconded the motion.

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

**Motion tied: 2-2.** (*Deputy Mayor Pearce voted in favor of the motion and broke the tie, motion then passed 3-2.*)

Deputy Mayor Pearce stated that concluded the Regular Agenda items.

Mr. Hughes reminded him that the TRIM hearing dates need to be determined.

Deputy Mayor Pearce called for a motion.

Discussion followed on holding Budget Workshops prior to the September TRIM hearings to prioritize and discuss the PBSO proposal. Dates discussed: Aug. 10, 11, 12, 13, 17, 18, 19, 20 and 24. Councilmembers decided on August 18 and August 24 at 7:00 p.m. to hold Budget Workshops.

**MOTION:** Councilwoman Dugo made a motion to set the TRIM hearing dates for September 3 and 16, 2015. Councilwoman Rivera seconded the motion.

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

**Motion passed: 4-0.**

#### **8. Comments from the Public.**

Estelle Friedman, who resides at 3820 South 55th Avenue, voiced her concerns over the lack of respect by Councilmembers toward employees, procedures inappropriately discussed in public, and the newly tarnished image of the City's reputation. She was unconcerned with what agency provides emergency services whether it is the City or PBSO, but wanted to ensure that the citizens receive proper protection. She urged Councilmembers to work together on behalf of the citizens.

Roxana Hunt Gale residing at 5950 Sunland Court, agreed with Councilman Noble's



comments about citizens recovering from the recent economic downfall and reminded Councilmembers that many residents live on fixed incomes. Greenacres is not a wealthy population and more than 50% are condo owners. She urged them to stop and think before they decide to increase the millage rate. She had no idea that PBSO would be at tonight's meeting and asked how Public Safety personnel knew since it was announced in the newspaper for August 10th. She stated that people need to be informed. "This is our community, none of you have mentioned receiving complaints about Public Safety. There must be a balance between the needs of Public Safety and what is best for the citizens."

Benjamin Wade pointed out that Mr. Atallah provided Council with the means to finance the expansion of the Community Center. He commented on how this was the most confusing meeting he has ever attended related to a City budget.

**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.**

**Foreclosure Registration**

Deputy Mayor Pearce requested that foreclosure registration be placed once again on the August 10, 2015 agenda as a discussion item.

Councilmembers discussed who pays the fees (the banks) and how the costs ultimately get passed onto the buyers; bringing this issue back for review and consider hiring the same company to conduct the survey and the review process.

Deputy Mayor called for a consensus.

Councilwoman Rivera: Yes.

Councilwoman Dugo: Yes.


Councilwoman Bousquet: Yes.

Councilman Noble: No.

**12. Adjournment.**

Deputy Mayor Pearce inquired if there were any additional comments; hearing none, he adjourned the meeting at 10:14 p.m.

**CITY COUNCIL**

  
\_\_\_\_\_  
Jonathan G. Pearce  
Deputy Mayor

Respectfully submitted,

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

Date Approved: 8-10-15



/mel