

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: City Council
Meeting Date: 10-5-15
Transcribed by: mf No. of Pages: 12 Transcription Time: _____

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>mf</u>	<u>10-12</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: 10-19-15

Motion By: Pearce Seconded By: Rivera

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

CITY COUNCIL MEETING
Monday, October 5, 2015 – 7:00 PM

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

Mayor Ferreri called the City Council Meeting of Monday, October 5, 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 Rivera, Councilwoman
Peter A. Noble, Councilman
Judith Dugo, Councilwoman
Paula Bousquet, Councilwoman

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
Mike Porath, Director/Public Safety
Carlos Cedeño, Director/Public Works
Melody Larson, Assistant to the City Clerk

Attendees from Public: 7
Press: 1

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

Mayor Samuel J. Ferreri joined by the City's Youth Program participants, 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.

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

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

Motion carried: 5 - 0.

5. **Special Business.**

6. **Consent Agenda.**

A. Mayor Ferreri asked Council if they wished to pull any of the eight (8) Consent Agenda items. Councilwoman Dugo requested pulling Item 7 and Mayor Ferreri asked to pull Item 3. Mayor Ferreri called for a motion.

1. **Official Minutes:** City Council Meeting & FY 2016 Budget Hearing of September 3, 2015 – Denise McGrew, City Clerk.
2. **Official Minutes:** City Council Meeting & FY 2016 Budget Hearing of September 16, 2015 – Denise McGrew, City Clerk.
4. **Resolution No. 2015-27:** Providing notice of the 2016 Municipal General Election to be held on March 15, 2016, pursuant to the City Charter, Articles I through IV, and Chapters 97 through 106, Florida Statutes; designating the date, time and place to qualify and file for the offices of City Council District Seats II, III and IV for the 2016 General Election; setting the filing fees; authorizing the City Clerk to serve as the Filing Officer; authorizing the Canvassing Board for the City; and providing for the Supervisor of Elections to count the ballots and certify the results; pursuant to Staff Memo – Denise McGrew, City Clerk.
5. **Resolution No. 2015-37:** Approving Contract Number W1020 between the Florida Department of Corrections and the City of Greenacres for the purpose of providing work squad(s) to the City during Fiscal Year 2016; authorizing the appropriate City Officials to execute Contract Number W1020; providing for transmittal to the Department of Corrections; and providing for an effective date; pursuant to Staff Memo – Carlos Cedeño, Public Works Director.
6. **Resolution No. 2015-40:** Ratifying the Law Enforcement Operations Lieutenants Memorandum of Understanding (attached hereto as Exhibit “A”) between the City of Greenacres and the Palm Beach County Police Benevolent Association for the period of October 1, 2015, through February 1, 2016; and authorizing the appropriate City Officials to

effectuate the terms of the Memorandum of Understanding; pursuant to Staff Memo – Wadie Atallah, City Manager.

- 8. **Award of Bid No. 15-010:** Tennis Court Resurfacing; Award of Bid No. 15-010 to the lowest responsive, responsible bidder, Sports Surfaces, for the base bid amount of \$19,750.00; pursuant to Staff Memo and Bid Tabulation – Thomas A. Hughes, Finance Director.

MOTION: Deputy Mayor Pearce made a motion to approve Consent Agenda items 1, 2, 4, 5, 6 and 8, pulling Items 3 and 7. Councilwoman Dugo seconded the motion.

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

Motion carried: 5 - 0.

- 3. **Proclamation:** “Florida City Government Week” for October 18-24, 2015 – Samuel J. Ferreri, Mayor

City Clerk Denise McGrew read the proclamation. Mayor Ferreri called on Leisure Services Director Michele Thompson who explained the purpose of the annual Florida City Government Week, the youth activities involved and this year’s events. Mrs. Thompson introduced Tiana from Okeeheelee Middle School, Tamara from L.C. Swain Middle School, Michelle and Gabby from Greenacres Elementary and Rec Aide II Sasha Burrell, a former Hot Spot participant. Ms. Thompson and the children invited the Mayor, City Council and City Staff to attend Open House on October 23 and handed out invitations. The Mayor congratulated City Rec Aide Sasha Burrell for being a Hot Spot participant and becoming a City employee. He emphasized the importance of the City’s youth programs as being an excellent way to give back to the community.

MOTION: Deputy Mayor Pearce made a motion to approve Consent Agenda Item 3, the proclamation for Florida City Government Week. Councilwoman Dugo seconded the motion.

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

Motion carried: 5 - 0.

- 7. **RFP No. 15-008:** Specialized Debt Collection Services; Approving the Committee’s recommendation for the ranking of two (2) firms and requesting authorization to enter into negotiations with the top ranked firms in sequential ranking order; pursuant to Staff Memo – Thomas A. Hughes, Finance Director.

Councilwoman Dugo asked if both companies charged a 16% collection fee.

Finance Director Tom Hughes confirmed that both companies charge the same collection fee; however, it was negotiable.

Councilwoman Dugo asked if the collection fee represented an unlimited number of past due receivables. She asked if accounts were turned over at 90 or 90+ days.

Mr. Hughes stated the 16% collection fee represents an unlimited number of accounts. He explained that the City attempts collection the first 120 days at which time an account is then sent to Collections. He stated the City will exhaust all avenues and payment options.

Councilwoman Bousquet asked if an individual makes payment arrangements with the City that exceed 120 days, does the City continue to work with that individual.

Mr. Hughes said, "Yes, the City has numerous payment schedules and as long as the individual abides by the agreed upon schedule, the account is not sent to Collections."

MOTION: Deputy Mayor Pearce made a motion to approve Consent Agenda Item 7, approving the Selection Committee's ranking of RFP 15-008. Councilwoman Bousquet seconded the motion.

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

Motion carried: 5 - 0.

7. Regular Agenda:

- A. **Ordinance No. 2015-23:** First Reading; Amending Chapter 7 of the City of Greenacres Code of Ordinances, entitled Health, Sanitation and Nuisances, for the inclusion of a new Article VI to be entitled "Mortgage Foreclosure Registration"; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

Denise McGrew, City Clerk, read Ordinance No. 2015-23 into the record on first reading.

Building Director Michael Grimm reported that at the August 10, 2015 City Council meeting, Councilmembers discussed the benefit of a foreclosure registration program. He stated that the proposed Ordinance is similar to those adopted by other municipalities that have implemented such a program. He reported that it will require lenders to annually register foreclosed properties in the City from the time a Lis Pendens

is filed to the sale, County auction, or once the bank no longer owns the property. This Ordinance will impose other responsibilities onto lenders such as inspections, maintenance, and the posting of contact information.

Mr. Grimm stated that registration fees will be proposed by a separate Resolution and presented at the October 19, 2015 City Council Meeting, in conjunction with the second reading of this Ordinance; together with a Resolution approving a contract with an outside vendor to run the program.

He reported that 50% of the \$200 registration fee will be retained by the City. This program is expected to generate annual revenues of \$100,000; therefore, staff recommends approval of Ordinance No. 2015-23.

Mayor Ferreri called on Councilmembers for comments; hearing none, he called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2015-23 on first reading. Councilwoman Bousquet seconded the motion.

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

Motion carried: 5 - 0.

- B. **PUBLIC HEARING: Ordinance No. 2015-26:** Second Reading; Authorizing the sale of real property more particularly described as Greenacres Plat 2 Lots 15 and 16, Block 22 in the City of Greenacres, Florida, to the Greenacres City Post No. 258 of the American Legion, Inc., which currently leases said property under the Lease Agreement dated June 1999 between the City of Greenacres and Greenacres City Post No. 258 of the American Legion, Inc.; authorizing the termination of said lease agreement upon closing of sale, and authorizing the appropriate City Officials to close the sale; pursuant to Staff Memo – Wadie Atallah, City Manager.

Denise McGrew, City Clerk, read Ordinance No. 2015-26 into the record on second reading.

City Manager Wadie Atallah reported that the City was approached by representatives of American Legion Post 258 interested in purchasing the 2 adjacent City lots on which the Legion hall is located. The original lease agreement was adopted in 1999, and in 2000; the Legion built a small 1,500 sq. ft. meeting hall.

Mr. Atallah reported that the American Legion contacted a real estate appraisal firm who pointed out that due to the existence of the current lease with the City, the market value would only be \$40, since 40 years still remained on the Lease. A second appraisal was sought which pointed out that ignoring the lease, the market value was estimated at \$52,000. The PBC Property Appraiser's Office has assigned a land value of \$47,710.

The Legion indicated that \$47,710 is the amount the American Legion is willing to pay to purchase the 2 lots.

Mayor Ferreri called on Councilmembers for comments.

Councilmembers questioned the term of the lease; did the City have a copy of the appraisal; when did the American Legion approach the City about purchasing the lots; Council's short notice of the sale by staff; contacting the Inspector General regarding procedures; the City Attorney's non-involvement relating to the sale; was the intent to buy made verbally, or in writing; the \$47,710 versus \$52,000 purchase price; Council authority to dispose of assets; the \$4,000-\$5,000 difference in market versus appraised value; the City Manager's lack of communication to Council concerning the sale; the lease impacting the sale; ordinances and the public process; the upcoming workshop on Council's role and responsibilities; should the sale price be included in Ordinance No. 2015-26; a suggestion to stipulate the closing costs in the Ordinance, and concern for constituents.

Deputy Mayor Pearce stated that the price should be between \$48,000 and \$52,000. "That's where the negotiations gotta go and we should sit down and haggle that out. We'll give some direction to our Attorney."

Joseph Clements, representative for the American Legion Post 258, stated, "We'll pay your \$52,000; you bury our dead. You go to the grave sites, you stand there when veterans who have fought...the \$52,000 is fine, but you know something, we'll still bury your dead."

Mayor Ferreri opened the meeting to the public. He asked if anyone was in favor of, or opposed to, Ordinance No. 2015-26 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2015-26 at the appraised value of \$52,000; the City will pay the closing costs. Councilwoman Rivera seconded the motion.

Discussion on the motion:

Mayor Ferreri sadly noted that Council's actions were sending a bad message to the community. He reminded Council that American Legion Post 258 has been involved in community activities since time immemorial, every Memorial and Veteran's Day and we are losing veterans at an alarming rate. These are good people that have done a great deal for the City, including past Mayor Wally Tietboehl. For a few thousand dollars, it looks bad and looks like the City is taking advantage.

Councilwoman Dugo stated Mr. Clement's offer was high and with the City paying the closing costs, it would net \$48,000, which was the original offer. As a wife of a retired Army Colonel she felt a little uncomfortable with the higher price.

Deputy Mayor Pearce reminded Councilmembers they have a responsibility to the people of this City. He stated, "this is strictly business and for you to come up here ...and the way you acted, I have to answer to 39,000 people here including you and your brother. I did not think this was done the proper way by our City Manager. Now we could've tabled this and we could've gone through a long process, okay. We're still gonna net, and there's going to be closing costs, we're still gonna net about, like Ms. Dugo said. You know, the property is going up. Three years ago it was a lot less, so in four years from now you're gonna see this property, it's gonna eliminate all your problems when it comes to refinancing. We could've asked for a premium."

Mr. Clements understood from Deputy Mayor Pearce' comments that he was insinuating that the veterans were getting a "sweetheart deal", when in his opinion, fair would have been to sell the property to the American Legion for \$26,000. With a \$39 million budget, and veterans being constituents too, he didn't believe Mr. Pearce' constituents would be concerned over a \$4,000-\$5,000 difference in the sale price.

Councilwoman Dugo thought it was too high.

Councilwoman Bousquet exclaimed she was appalled at Council's bickering over a few thousand dollars. If the property is quit-claimed, the filing fees become the closing costs. She wanted to see the City sell this property at \$47,710. Veterans have fought and died for our country and our still serving our country.

Councilwoman Rivera asked Mr. Clements if he would be willing to negotiate between \$52,000 and \$48,000.

Mayor Ferreri reminded Ms. Rivera the motion that was on the floor. There is a motion on the floor for \$52,000 less closing costs. "We are not going to negotiate from the dais."

SUBSTITUTE MOTION: Councilman Noble made a substitute motion to sell the 2 lots to the American Legion Post 258 at the assessed value of \$47,710. Councilwoman Bousquet seconded the motion.

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

Motion carried: 4 - 1.

- C. **Resolution No. 2015-39:** Repealing Resolution No. 2012-24 and adopting a schedule of filing fees for matters pertaining to Chapter 12, Subdivision and Land Development Regulations and to Chapter 16, Zoning Regulations, of the City of Greenacres Code of Ordinances and pertaining to other land development application reviews; providing for repeal of conflicting resolutions;

and providing for an effective date; pursuant to Staff Memo – Thomas J. Lanahan, Assistant City Manager/Planning & Engineering Director.

Denise McGrew, City Clerk, read Resolution No. 2015-39 into the record.

Assistant City Manager Thomas J. Lanahan reported that a periodic review revealed that processing fees were last updated in November 2012. He reported that staff used the Consumer Price Index (CPI) for Palm Beach, Ft. Lauderdale and Miami (MEMSA) for 2013-2015. The comparison resulted in a 3.94% increase. He presented Council with a table of proposed fees and explained that some rounding was done for ease of administration. Based on the case load for 2016, the Planning and Engineering Department will generate \$2,320 in additional application fees. He stated staff recommends approval of Resolution No. 2015-39.

Councilwoman Rivera asked if these fees were comparable to what other cities charge.

Mr. Lanahan explained that a comparison was done in 2012, and the City’s fees were found to be in line at the time; however, this year’s increases were based on the CPI. He reported that some jurisdictions have lowered their fees; however overall, there is much variety among other municipalities. Mr. Lanahan noted that the proposed increase was for inflationary reasons.

Councilwoman Rivera asked for a comparison of all 38 municipalities in Palm Beach County.

MOTION: Councilwoman Bousquet made a motion to approve Resolution No. 2015-39 as presented. Councilman Noble seconded the motion.

Discussion on the Motion:

Mayor Ferreri asked when would fees be compared with other cities.

Mr. Lanahan explained that there is no set schedule for review. With the proposed 3.9% increase, it equates to 1-2% annually. He added there is an administrative burden when compiling the data for analysis and requires forms to be updated.

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

Motion carried: 4 - 1.

D. **Council Policy No. 19: City Attorney Responsibilities.**

City Manager Wadie Atallah presented the rescinded policy in strikethrough format as directed by Council.

Mayor Ferreri called for a motion.

MOTION: Deputy Mayor Pearce made a motion to abolish Council Policy No. 19. Councilwoman Rivera seconded the motion.

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

Motion carried: 3 - 2.

8. **Comments from the Public.**

American Legion Post 258

Robert Clements, a 33-year resident of 429 Swain Boulevard thanked Mr. Atallah for his assistance with building the American Legion Hall. He reminded Council that the American Legion also has its priorities and programs. He recalled that one of the things he was forced to do with much regret was donate \$32,800 to Lake Worth High School because John I. Leonard High School does not have an ROTC program. That donation will provide scholarships for the next 15 years. He noted how he would have loved to have donated it to the City instead.

Mr. Clements apologized for his earlier outburst. He thanked City staff and long-time City officials who in the last 20 years have helped and supported the American Legion. He commended City staff for their expertise and cooperation.

General Employee Retirement Plan

Sgt. Matt DeJoy, current Chairman of the Retirement Plan Board of Trustees and boardmember and PBA union representative for the past 10 years, gave a synopsis of how the Board has worked with the City during the recent economic downturn and how the Board lowered the rate of return, which in turn lowered the City's contributions to the Retirement Plan. Now with the PBSO merger, the pension issue has not yet been settled and the Mayor has suggested possibly abolishing the Retirement Plan. He urged Council that prior to making any decisions on the matter, to consider working once again with the Board to reach a fair resolution and review all options.

Councilwoman Dugo explained that the Mayor and Council have not yet discussed the details of the Retirement Plan but are planning on holding a future workshop on the matter. She asked if the Retirement Plan were to be abolished, at the time of retirement,

there would be no loss of funds correct?

Sgt. DeJoy stated that he could not answer that question since he is not legal counsel. He stated that it is his understanding that since the City entered into a contract, that the Pension Plan could not be abolished or dissolved. He stated that at a bare minimum, the standard has to remain the same as when the Plan was first implemented based on state law. He deferred to the City Attorney.

Mayor Ferreri suggested not discussing this subject matter further since the City Attorney is currently preparing documentation for the Mayor and Council. He clarified that his comment to abolish the Plan was made during PBSO negotiations because it needed to be taken care of and was based on the vote at the time. Mayor Ferreri pointed out that this Plan will affect not only the lives of those preparing to retire, but will affect many lives for the next 50-80 years including survivor benefits. He agreed with Sgt. DeJoy that it has to be a fair plan and a decision should not be reached until the options are known.

Sgt. DeJoy offered his experience and knowledge on the subject matter but noted that the ultimate decision lies with Council. He urged Council to not make any rash decisions.

Deputy Mayor Pearce asked if this matter could be resolved within the next 30 days.

City Attorney James Stokes stated it could not. Once Council decides which way to go, actuarial studies must be done, an ordinance must be passed on first reading then sent to the Division of Retirement for their approval, prior to making a decision. He stated that the process could take 2-3 months.

Deputy Mayor Pearce insisted that Sgt. DeJoy be involved.

Mr. Stokes reported that he had met with Sgt. DeJoy and the PBA. He explained that this situation falls into a gray area. The City has the right to contract out work. Pension benefits however are mandatory subjects of bargaining. In essence, the City is abolishing a department in favor of outsourcing and in the crossroad is the Pension Plan.

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.**

Council Policy No. 7

Councilwoman Dugo questioned no visual audio transmissions being allowed unless mandated.

Mayor Ferreri explained the origin that prompted the policy.

Reports to Council

Councilwoman Dugo referred to a recent article in the Palm Beach Post about a new Dollar Store that was opening in the City. She was not aware of the opening and understands that Council's role is as policymaker; however, she believed Council should be more informed and asked the City Manager or Assistant City Manager to provide a report.

Mr. Atallah explained that all new projects are reported in the Planning and Engineering Department report as are items from other City departments.

Council E-mails

Councilwoman Bousquet announced that she would no longer be opening e-mails from fellow Councilmembers due to the Sunshine Law.

Mayor Ferreri reported consulting with the City Attorney about including the Sunshine Law as part of the workshop he is preparing for the Mayor and Council.

South Haverhill Road Improvements

Councilwoman Rivera reported that she has been working closely with County Commissioner Paula Burdick on improving the appearance of South Haverhill Road and is pleased with the results. There is one empty lot across from Centurian Way that remains unresolved.

Hats for Public Works Employees

Councilwoman Rivera asked the City Manager about the status of the work hats for Public Works employees that cover the ears and neck.

Mr. Atallah reported that the employees are given the option of choosing baseball cap-style hats or bucket hats and sunscreen. It is his understanding that most choose the bucket hats.

Shop-With-A-Cop Program

Deputy Mayor Pearce reported that this annual event is scheduled for December and welcomed any donations.

Chief Michael Porath reported that due to the PBSO merger, the holidays, and the need for a minimum of 20 volunteer officers for this event, he was unsure if the program would take place. He reported that he would be meeting with staff to make a determination based on their commitment.

Deputy Mayor Pearce asked the Chief if he had spoken to PBSO about this event and asked if the application had been submitted to Wal-Mart.

Chief Porath replied, no, because of the fact they would soon be transitioning over; however, he did mention he was planning on discussing it with them for next year. He would contact Officer Rick Warren and verify the status.

Fire Chief Position

Councilwoman Dugo asked Chief Porath the status of the Fire Chief and Assistant Fire Chief positions. Chief Porath reported that focus now is on hiring and interviewing for three of the seven new Paramedic/EMT positions just approved with the budget.

12. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 8:41 p.m.

CITY COUNCIL

Respectfully submitted,

Samuel J. Ferreri
Mayor



Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: 10-19-15



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