

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: city Council

Meeting Date: 10-19-15

Transcribed by: muf No. of Pages: 18 Transcription Time: 8.25

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>One</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: 11-2-15

Motion By: Rivera Seconded By: Bousquet

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 19, 2015– 7:00 PM

1. Call To Order and Roll Call.

Mayor Ferreri called the City Council Meeting of Monday, October 19, 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. Svcs. 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: 4
Press: 1

2. Pledge of Allegiance to the Flag.

Mayor Samuel J. Ferreri led the Pledge of Allegiance.

3. Comments From the Public for Agenda Items Only.

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

4. Agenda Approval.

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

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

MOTION: Councilman Noble 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.** None.

6. **Consent Agenda.**

A. Mayor Ferreri asked Council if they wished to pull any of the four (4) Consent Agenda items. Deputy Mayor Pearce asked to pull Item #4. Mayor Ferreri called for a motion to approve Items 1-3.

1. **Official Minutes:** City Council Meeting of October 5, 2015 – Denise McGrew, City Clerk.
2. **Award of Bid No. 15-011:** Printing Services for City Publications; Award of Bid No. 15-011 to the lowest responsive, responsible bidder, Printing Corp of the Americas, Inc., for the bid amount of \$26,100; pursuant to Staff Memo and Bid Tabulation – Thomas A. Hughes, Finance Director.
3. **Resolution No. 2015-42:** Authorizing the termination of the Interlocal Agreements between the City of Greenacres and Palm Beach County for the Public Safety Trunked Radio System Direct Access Agreement and Maintenance Agreement; authorizing the appropriate City Officials to effectuate the termination of the agreements; providing for repeal of conflicting resolutions; and providing for an effective date; pursuant to Staff Memo - Thomas A. Hughes, Finance Director.

MOTION: Deputy Mayor Pearce made a motion to approve Consent Agenda Items 1-3, pulling Item 4 for review. Councilwoman Rivera 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.

4. **National League of Cities (NLC) Annual Conference Voting Delegate and Alternate:** Designating Mayor Ferreri as Voting Delegate for the Annual Business Meeting to be held in Nashville, TN on November 7, 2014; pursuant to Council Memo – Samuel J. Ferreri, Mayor.

Deputy Mayor Pearce asked if the Mayor was the only member of Council attending the conference. City Manager Wadie Atallah confirmed that he was.

Mayor Ferreri reminded Council that as an FLC boardmember, FLC reimburses the City for his travel expenses.

MOTION: Deputy Mayor Pearce made a motion to approve Consent Agenda Item 4. 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. **Regular Agenda:**

- A. **PUBLIC HEARING:** **Ordinance No. 2015-23:** Second 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 second reading.

Building Director Michael Grimm reported that at the August 10, 2015 City Council Meeting, Council determined that a mortgage foreclosure registration program would benefit the City. Mr. Grimm stated that a comparison of other municipalities with similar programs was used in drafting this Ordinance which requires lenders to annually register properties in foreclosure following the filing of a Lis Pendens until the property is no longer bank-owned or auctioned by the lender. This Ordinance requires lenders to conduct inspections, maintain the property and provide contact information. He noted that registration will be handled by an outside vendor at a typical fee of \$200, 50% of which is paid to the City. This program is estimated to generate approximately \$80,000-\$100,000 in additional revenue. Therefore, he stated staff recommends approval of Ordinance No. 2015-23.

Mayor Ferreri 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, Resolution No. 2015-23 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 No. 2015-23. Councilman Noble 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. **Resolution No. 2015-41:** Imposing regulatory fees for the registration of real property in foreclosure; providing for repeal of conflicting resolutions; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

Denise McGrew, City Clerk, read Resolution No. 2015-41 into the record.

Building Director Michael Grimm reported that the purpose of this Resolution is to establish a registration fee for lenders as part of the Mortgage Foreclosure Registration Program. A comparison of municipalities that have adopted a foreclosure registration program revealed an overall fee of \$200. Mr. Grimm noted that the fee would be divided 50% equally between the City and the vendor; therefore, staff recommends approval of Resolution No. 2015-41.

Mayor Ferreri 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, Resolution No. 2015-41 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 Resolution No. 2015-41. Councilwoman Rivera 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.

- C. **Resolution No. 2015-44:** Approving the Agreement between the City of Greenacres and Community Champions Corporation for the provision of services authorized pursuant to Ordinance 2015-23 "Mortgage Foreclosure Registration"; authorizing the appropriate City Officials to execute the Agreement; and providing for an effective date; pursuant to Staff Memo – Michael Grimm, Building Director.

Denise McGrew, City Clerk, read Resolution No. 2015-44 into the record.

Building Director Michael Grimm described the vendor agreement for the Mortgage Foreclosure Registration Program. Staff determined it was more beneficial for the City to contract with an outside vendor to manage the program. Data analysis revealed that similar vendors did not meet the minimum requirements. Mr. Grimm noted that Palm Beach County recently contracted with Community Champions as a sole source vendor. Therefore, staff recommends approval of Resolution No. 2015-44.

MOTION: Deputy Mayor Pearce made a motion to approve Resolution No. 2015-44. Councilwoman Rivera 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.

- D. **PUBLIC HEARING: Ordinance No. 2015-27:** First Reading; Amending Chapter 16, Article II Administration, Division 9 Site and Development Plans, Section 16-201 to increase the commercial impact fee; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; 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. 2015-27 into the record on first reading.

Assistant City Manager Thomas J. Lanahan presented a proposal to increase the City's commercial impact fees that were last amended May 18, 2008. He reported that staff used the U.S. Department of Commerce, Bureau of Economic Analysis Price Index for Government Consumption Expenditures and Gross Investment for Structures and compared the 1st quarter of 2007 to the 1st quarter of 2015. It showed an increase per square foot from \$2.25 to \$2.82, which would be needed to keep pace with inflation and maintain the same buying power. Staff rounded the increase to \$2.80. Mr. Lanahan explained that revenues are placed in the City's CIP New Growth Fund (301). He stated staff recommends approval on ZTA-15-01 through the adoption of Ordinance No. 2015-27.

Mayor Ferreri called on Councilmembers for comments.

Councilwoman Dugo asked how often does staff review these fees.

Mr. Lanahan explained that a periodic review is customary. However, a few years earlier, a cursory review was conducted; but due to the deflation in costs as a result of the economic downturn, it was not beneficial at that time.

Mayor Ferreri 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.

2015-27 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. 2015-27 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.

- E. **Ordinance No. 2015-17:** First Reading; Amending Chapter 2, Administration, Article VII, Finance, Division 2, Purchases and Contracts, Sections 2-211 through 2-220 of City of Greenacres Code; to delete obsolete regulations and include current statutory thresholds and purchasing standards and practices; providing for severability; providing for inclusion in code and providing for an effective date; pursuant to Staff Memo - Thomas A. Hughes, Finance Director.

Denise McGrew, City Clerk, read Ordinance No. 2015-17 into the record on first reading.

Purchasing Administrator Monica Powery described the proposed amendment to the City's Procurement Code and explained it was last amended in 1991. Since then, many of the proposed revisions were prompted by changes in Florida Statutes, the creation of the Ethics Commission and the Office of the Inspector General. She reported that based on the Consumer Price Index of the Ft. Lauderdale/Miami region, since 1991, the CPI has risen 86%.

Mrs. Powery presented the procurement thresholds for goods and services, the alternate source selection, the bid process, contracts, the disposal of surplus equipment and supplies, and exemptions to the Procurement Code. Mrs. Powery stated staff recommends approval of Ordinance No. 2015-17.

Mayor Ferreri called on Councilmembers for comments.

Councilwoman Rivera questioned why it took so long to amend the Code.

Mrs. Powery explained that several draft amendments were done during that time; however, this was the first comprehensive revision to date.

Councilwoman Dugo asked what the purchasing thresholds were prior to this amendment.

Mrs. Powery presented the current purchasing thresholds:

< \$250 = 1 quote
\$250-\$2,499 = 3 quotes
\$2,500-\$9,999 = 3 written quotes

\$10,000 and greater require a sealed bid

Mrs. Powery reported that a survey conducted by the National Institute of Government Purchasing of which the City is a co-op member, revealed that Greenacres had one of the lowest thresholds in the State.

Deputy Mayor Pearce mentioned having discussions with the City Manager in the past about increasing commercial impact fees that had not been updated in 24 years. He questioned what other fees required updating that Council was unaware of.

City Manager Wadie Atallah reiterated that the impetus that prompted this amendment was due to changes in the County's ordinances dealing with the Commission on Ethics and the Office of the Inspector General. Their recommendations prompted the City to conduct a thorough review of the City's fees.

Mayor Ferreri asked about the Cone of Silence. He asked how can elected officials be made aware that a project has gone out to bid to avoid ethics violations. He suggested notifying the Mayor and Council by memorandum.

Mrs. Powery explained that all bids are posted on the City's website and emphasized that vendors are prohibited from contacting elected officials regarding bids.

City Attorney James Stokes agreed that a process needs to be in place and suggested that the Mayor and Council be notified via e-mail by the Purchasing Division.

Mayor Ferreri emphasized the need to adhere to the new rules established by the Office of the Inspector General. In response to the reason for taking so long to update the Code, the previous process was more onerous on staff but with much lower thresholds that created more work.

Councilwoman Rivera asked that since the City was bidding out for printing services, if staff could inquire about City maps. She wanted to see maps in City Hall's lobby area.

Mrs. Powery explained that a separate solicitation would be needed.

Mayor Ferreri suggested having a separate discussion about maps since there was a policy in place that did not allow advertising on City maps whereas other cities might have advertisers print the maps for them.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2015-17 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.

- F. **Ordinance No. 2015-28:** First Reading; Amending the City of Greenacres Budget for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016, inclusive; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo - Thomas A. Hughes, Finance Director.

Denise McGrew, City Clerk, read Ordinance No. 2015-28 into the record on first reading.

Finance Director Thomas A. Hughes described the proposed budget amendment to transfer \$1 million from the CIP Reconstruction and Maintenance Fund (304) to the General Fund increasing the Emergency and Disaster Reserve to \$2 million. At the September 16, 2015 City Council Meeting and FY 2016 Budget Hearing, Council requested a reversal of the budgeted transfer of \$1,163,000 from the General Fund into the 304 Fund. Subsequent to that meeting, staff prepared an analysis of the 304 Fund and associated budgeted expenditures for FY 2016. It revealed that the majority of the proposed expenditures would not qualify for the restricted fund balance components of the First Local Option Gas Tax or the Second Local Option Gas Tax. The original transfer of \$1,163,000 would result in a deficit in the assigned portion of the 304 Fund Balance. The transferring out of \$1 million and maintaining \$163,000 in the 304 Fund will provide an adequate assigned balance to fund the FY 2016 projects. He stated staff recommends approval of Ordinance No. 2015-28.

Mayor Ferreri called on Councilmembers for comments.

Councilwoman Rivera wanted confirmation that only \$1 million, not \$1,163,000 would be transferred into the 304 Fund and asked why this was being proposed.

Mr. Hughes confirmed that \$1 million was being proposed for transfer and the reason was due to the fact that the 304 Fund Balance consists of various components. He provided the Mayor and Council with a Reconstruction & Maintenance Fund Analysis.

Mr. Atallah explained that many of the projects approved in the 304 Fund could not be undertaken if the entire \$1,163,000 were transferred for example the purchase of fire rescue bunker gear or the A/C replacement.

Councilwoman Rivera believed that if a deficit occurred, Council could simply approve a transfer.

Mr. Atallah explained that approving this transfer would allow the projects scheduled for FY 2016 to be completed and would maintain a balanced budget.

Councilwoman Dugo questioned if this transfer would affect the purchase of a ladder truck.

Mr. Atallah explained the purchase of a ladder truck was projected beyond FY 2016. In conjunction with the FY 2017 budget, staff will once again request Council approval for a transfer of \$1 million from the Emergency & Disaster Reserve.

MOTION: Deputy Mayor Pearce made a motion to approve Ordinance No. 2015-28 presented. Councilwoman Rivera 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.

- G. **City Council Policy No. 18 Amendment:** Fund Balance Policy; pursuant to Staff Memo – Thomas A. Hughes, Finance Director.

Finance Director Thomas A. Hughes explained that on September 3, 2015 Council approved a revision to this policy to set the Emergency and Disaster Reserve at \$1 million. At the September 16, 2015, City Council Meeting and FY 2016 Budget Hearing, Council directed staff to amend the FY 2016 Budget and transfer \$1 million from the CIP Reconstruction and Maintenance Fund (304) back into the General Fund Emergency and Disaster Reserve. As a result of this transfer, the Fund Balance policy must be revised increasing the Emergency and Disaster Reserve from \$1 million to \$2 million. Therefore, staff recommends approval of the revisions to Council Policy No. 18 as stated.

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

MOTION: Deputy Mayor Pearce made a motion to approve an increase of the Emergency and Disaster Reserve from \$1 million to \$2 million and revisions to Council Policy No. 18 as presented. Councilwoman Rivera seconded the motion.

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

Motion carried: 4 - 1.

- H. **Appointment of MPO Voting Member and Alternate:** Appointment of a voting member and alternate to serve on the Metropolitan Planning Organization (MPO); pursuant to Staff Memo – Wadie Atallah, City Manager.

Mr. Atallah reported that the appointment of a permanent voting member and alternate was prompted by a new interlocal agreement that made Greenacres a full participating voting member of the MPO. The agreement was approved by the City Council in August 2015. Historically, the City shared a seat with the Village of Royal Palm Beach. He stated that in the past, Council would appoint the Mayor as the voting member and a

Councilperson as alternate. The Mayor would like to continue serving as the voting member and is requesting that Council appoint an alternate.

Mayor Ferreri reported that until 5 years ago, the City did not have a rotating seat at the MPO. He explained that when the Village of Wellington became a village, by population, they were given a full seat at the MPO. Meanwhile, all of the western community's traffic was passing through Greenacres and the City did not have a voice. The Mayor noted that Greenacres has fought the State and County against widening City roads to accommodate their traffic needs. The MPO's main purpose is to review state and county road plans with a great deal of money being funneled down for sidewalks and bike paths. The latest issue is the widening of SR7. Part of the plan includes 7-foot wide bike lanes. Another discussion is reducing lane widths to 11 feet to accommodate the wider bike paths. He stated the City lobbied for its own seat and he believed that serving on the MPO is an important role. Both the Village of Royal Palm Beach and the Village of Palm Springs have their own seats as well as Greenacres, bringing the total number of seats to 21 members. He pointed out that he has attended all training seminars and is well respected among other members.

Deputy Mayor Pearce stated that he was approached by several County commissioners who had asked that he serve on this committee and felt it was a stepping stone to his future ambitions. He announced his interest in serving as the voting representative.

Councilman Noble pointed out that he, as well as Deputy Mayor Pearce, has the opportunity and time to serve as the alternate voting member.

Councilwoman Rivera asked Mr. Stokes if the Mayor can continue to serve on the MPO.

Mr. Stokes explained there is no term limit to serve on the MPO, it only requires an elected official.

Councilwoman Bousquet pointed out that the Mayor has fought for this important seat and deserves it. The Mayor has so much institutional knowledge and suggested that Deputy Mayor Pearce serve as the alternate.

1st MOTION: Deputy Mayor Pearce made a motion to appoint himself as the voting member and Councilwoman Dugo as the alternate designee. No one seconded the motion.

**VOTE ON
THE MOTION:** Motion died.

2nd MOTION: Councilwoman Bousquet made a motion to appoint Mayor Ferreri as the voting member and Deputy Mayor Pearce as the alternate designee. Councilwoman Rivera seconded the motion.

1st SUBSTITUTE MOTION: Councilman Noble made a motion to appoint Mayor Ferreri as the voting member and himself as the alternate designee. Councilwoman Bousquet seconded the motion.

2nd SUBSTITUTE MOTION: Councilwoman Bousquet made a motion to appoint Mayor Ferreri as the voting member and Councilman Noble as the alternate designee. Councilman Noble seconded the motion.

Discussion on the 2nd Substitute Motion:

Councilman Noble stated that the Mayor has had long-standing experience and vast knowledge when making decisions on county and state issues. As a Councilman for the past 17 years, he feels qualified, and being retired, can attend the MPO meetings. Not attending MPO meetings would be a disservice to the City.

Councilwomen Dugo and Rivera believed that Deputy Mayor Pearce would make an equally competent voting member or alternate.

Mayor Ferreri called for a vote on the 2nd substitute motion.

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

Motion failed: 3 – 2.

Mayor Ferreri called for a vote on the original 2nd motion designating the Mayor as the voting member and Deputy Mayor Pearce as the alternate.

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

Motion carried: 4 – 1.

8. Comments from the Public. None.

Deputy Mayor Pearce interrupted the Mayor and the order of business and asked to take the floor (not to make, or hear, public comment). Mayor Ferreri asked if it was to make a public comment. Deputy Mayor Pearce said “no”, and insisted on taking the floor; the Mayor conceded.

MOTION: Deputy Mayor Pearce made a motion to terminate Resolution 2001-47 (the City Manager’s employment contract), effective immediately. Councilwoman Rivera seconded the motion.

Discussion on the Motion:

Councilman Noble questioned the ability to raise such an issue at this point. Councilwoman Rivera said it was okay to do so since the Mayor allowed it. Mayor Ferreri deferred to the City Attorney who explained that the City Manager's contract is a matter of administrative business. The policy does not state that this matter must be placed on an agenda of a regular meeting; he was unaware of any such prohibition.

The Mayor asked if the termination was voluntary or for cause.

Deputy Mayor Pearce stated, "voluntary".

Councilman Noble asked about discussing a replacement or was Mr. Pearce's intention to operate the City without a City Manager; a City Manager that made this City what it is. If so, he stated it is irresponsible and ridiculous.

Councilwoman Bousquet agreed, and asked what the severance package would be.

Deputy Mayor Pearce explained that one of the reasons for his motion to terminate Resolution No. 2001-47 was due to the huge reoccurring liability on the City's books. The severance pay negotiated in 2001, goes back to the original hiring date of 1989 and represents one month for every year of employment. In addition, there is a deferred compensation plan (ICMA).

Councilwoman Bousquet asked if there was no cause for his termination, why would the City pay out that kind of money?

Deputy Mayor Pearce said because of \$700,000 in surplus revenue from FY 2015; that way it won't cost the taxpayers any money. According to Finance Director Tom Hughes, 2015 would be the last year there would be any large surpluses.

Councilwoman Bousquet reminded him that the \$700,000 surplus is still taxpayers' money. She believed there were many other pressing uses that the \$700,000 could be used for than to pay off a wonderful city manager that Deputy Mayor Pearce disliked from day one and had a personal vendetta against. She stated that this is very costly for the City and is irresponsible.

Councilman Noble pointed out that Deputy Mayor Pearce has been complaining for years about the City's surpluses. Instead of this year's \$700,000 surplus; he would have preferred a deficit. Under his scenario, we would have had deficits, no money, and no surpluses. City Manager Wadie Atallah ensured the City's survival through astute accounting abilities during a very serious recession. To have someone who has been trying to rid the City of Mr. Atallah without considering a replacement is irresponsible. He reminded everyone that District Seats II, III and IV are up for election in 2016, and it would be his mission to ensure that they do not get re-elected to office so the City can re-hire Mr. Atallah as City Manager and Mr. Pearce can look elsewhere for a job.

Councilwoman Rivera pointed out that Fire Division personnel has a lack of confidence in Mr. Atallah. "It is time for change, new growth and a new direction."

Deputy Mayor Pearce wanted everyone here tonight to know "this is nothing personal, it is strictly business". I looked at his contract and tried to open up discussions about his contract, but Mr. Atallah disagreed. "One person is not... there's more than one person that can run this

City and it is our responsibility to make sure things are run efficiently and fairly. We can get other people that can do just as good a job at a better price and the Council does have something to do with running the City. There's no vendetta here against any one individual."

Councilwoman Dugo stated that prior to being elected she had heard that something like this would occur. She stated she does not like how some things are going in the City and would like to see changes. If this passes and doesn't get vetoed, Mr. Atallah has a very good contract, and for his twenty-six (26) years the contract should be held up financially and morally.

Councilman Noble responded to Councilwoman Rivera's comments about the Fire Division. He pointed out there are no problems with the Division or Mr. Atallah. The City is working through changes that were not previously available. The needs of the Fire Division will be met without giving away the store. If Phil Konz would like to make a comment to the contrary he may do so.

Councilwoman Rivera emphasized she has not been speaking with Phil Konz but with the union itself. There is a lack of communication between the City Manager and the Fire Division related to its future. Although she applauds Mr. Atallah's 26 years of service, she does not agree with his contract.

Mayor Ferreri felt that the comments regarding Mr. Atallah's contract were directed at him since he drafted the contract. The loss of 2 city managers in a very short amount of time and instability, quite a bit of money was paid out, and Mr. Atallah was a very valued employee. He has proven his value and has saved the City millions of dollars moving the City forward by securing grants. In his professional community he is very well respected. This is very shortsighted and to basically give away over \$400,000 of the taxpayers' money is wrong. If there was a reason there would be cause to fire the city manager and there would be no severance pay. He disagreed with Deputy Mayor Pearce's comment that this isn't personal, because "it is personal when you fire someone without cause." In terms of a change in direction, there was a vote to go with the PBSO, there's a commitment to restructure the Fire Division. It is a difficult situation and he has been warning Council of the pension liabilities and it has been his goal to protect the firefighters that share the same Plan to ensure that the Plan remains 100% funded. He noted that the public's perception is that Greenacres firefighters and paramedics are the most devoted and respected personnel. When someone starts talking to someone that is not one of our employees on behalf of the union, that their goal is to take us to County Metro, he cautioned them, he suggested holding a meeting with the general officers prior to making an announcement about closing our Fire Division. Over the last several months, it has been an embarrassment to be a part of this Council that goes out and badmouths an employee that has given his heart and soul to this City and has gone beyond the call of duty and to treat him in this manner is unfair and unprofessional. The word is out in the community. Attending county meetings, no one can believe what is happening in Greenacres. Change can sometimes be good, but change for the wrong reasons is not good. As for the severance pay, it may be paid out of the surplus but there are still many needs in the community. There are unfunded capital improvements and we're going to give away \$400,000 just because 3 people have lost confidence.

Councilwoman Dugo asked Mr. Atallah why he single-handedly decided not to let the firing range become a part of the PBSO contract. She asked why was he holding out and making the transition difficult and why wasn't Council advised.

Mr. Atallah reported that the firing range was raised by PBSO. The range was not part of the district office that the City is providing under the agreement. The City needed a separate written

document that outlines the responsibilities of each party relative to the use of the firing range. He discussed this matter with the City Attorney. Given the priorities of other transition changes, staff has not had the chance to bring it before Council.

Councilwoman Dugo believed Council should have been advised of this matter since the transition is a priority, "nothing personal", she stated.

Deputy Mayor Pearce pointed out that in relation to Councilwoman Dugo's question, the Mayor can only veto ordinances, not resolutions. There's money set aside in reserves for the payout of sick leave and vacation that is already budgeted and will not cost the taxpayers a penny, it will come out of that reserve. The City has the money now, and with the surplus, he called the question to cut off further discussion.

Mayor Ferreri called the question.

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

Motion passed: 3 – 2.

Deputy Mayor Pearce then made the following motion.

MOTION: Deputy Mayor Pearce made a motion to appoint City Attorney James Stokes as the Interim City Manager. Councilwoman Rivera seconded the motion.

Discussion on the Motion:

Mayor Ferreri asked Mr. Stokes if he could commit to showing up every day for regular business hours to take this position immediately, starting tomorrow.

Deputy Mayor Pearce noted it would not be necessary for Mr. Stokes to be available every day for such a short period of time since Assistant City Manager Tom Lanahan would be available.

Mr. Stokes agreed it would be difficult to be at work every day although he could show up more often. He admitted to never being a city manager even though he had been involved in every aspect of local government from a legal perspective.

In light of this fact, Mayor Ferreri recommended that Council appoint the Assistant City Manager as the Acting City Manager due to his years of service and the inability of Mr. Stokes to be present every day and his lack of familiarity with the day-to-day operations.

Deputy Mayor Pearce disagreed.

Councilwoman Dugo suggested that Assistant City Manager continue in that capacity meanwhile the advertising process should continue.

Councilman Noble noted that the City Manager and City Attorney are appointed by Council. If there is a change in the City Council following the 2016 Election in March, the positions of City Manager and City Attorney are in jeopardy.

Councilwoman Rivera was in agreement in appointing the Assistant City Manager to serve as the Interim City Manager. She asked Mr. Stokes his opinion on how Council could fast-track the application process.

Mr. Stokes noted there are several headhunter firms specific to the public sector throughout the State but using them could take longer than using other organizations like the Florida League of Cities, City-County Managers Association. The decision must be made over the length of time Council wishes to advertise the position. What will be the closing date? Interviews follow with negotiations. He estimated it would take a minimum of at least 2 months.

Councilwoman Rivera instructed Mr. Stokes to work closely with Mr. Lanahan to make that happen.

Deputy Mayor Pearce insisted that Mr. Stokes could do the job being present 3 days a week. This was going to be a team effort with the help of the Finance Director. He stated that Mr. Lanahan does not have the experience since he's only been Assistant City Manager for the last 6 months.

The Mayor and several Councilmembers disagreed pointing out that Mr. Lanahan has been in that position for the past 3 years.

Deputy Mayor Pearce believed there were several legal issues to be addressed that he felt Mr. Lanahan could not handle. He felt very comfortable with Mr. Stokes and did not want to put Mr. Lanahan in a political position which is what would happen. He added, Mr. Lanahan can apply for the job if he chooses.

Councilwoman Rivera asked for Mr. Stokes' thoughts on the matter.

Mr. Stokes explained he would do as instructed by Council, although it was not his background or experience. He could not commit to 5 days a week, but could commit to being here more often.

Mayor Ferreri called for a motion.

VOTE ON

THE MOTION:

In favor: Deputy Mayor Pearce.

Opposed: Councilman Noble and Councilwoman Bousquet.
Councilwomen Dugo and Rivera did not vote.

Mayor Ferreri asked the City Clerk for a roll call.

Deputy Mayor Pearce: Yes.

Councilwoman Rivera: Yes.

Councilman Noble: No.

Councilwoman Dugo: Yes.

Councilwoman Bousquet: No.

Motion passed: 3 – 2.

MOTION: Deputy Mayor Pearce made a motion to have City Attorney James Stokes prepare and advertise the position of City Manager.

Discussion on the Motion:

Mayor Ferreri suggested holding a special meeting to discuss this matter further and recommended contacting the City/County Managers Association's Range Riders Program consisting of retired managers. The City has consulted with them in the past. They provide ads and will meet with Council upon request. They could meet with Council within a week. He instructed Mr. Stokes to contact them to schedule an appointment.

Discussion followed on advertising, using the services of the City/County Managers Association and FLC, Council creating a job description, posting the position internally, or hiring a headhunter.

Mayor Ferreri called for a vote on the motion to have Mr. Stokes advertise without using any outside resources.

VOTE ON THE No one seconded the motion.

MOTION:

Motion died.

MOTION: Councilwoman Dugo made a motion to instruct the Acting City Manager James Stokes to use Deputy Mayor Pearce' draft job description, modify it with help from Council, and utilize the recommended outside resources (City/County Managers Association and FLC) to prepare the job description and advertise the position of City Manager. Councilwoman Rivera seconded the motion.

Discussion on the Motion:

Deputy Mayor Pearce wanted to add to the motion that he be designated as Council's representative during the hiring process.

Mayor Ferreri suggested having Mr. Stokes contact the City/County Managers Range Riders, the representative for this district used to be the retired city manager for Boynton Beach and holding a special meeting with the representative to hear their recommendations.

Councilman Noble pointed out that the PBSO should be notified of this change due to the City having to pay \$5-6 million annually and they are looking forward to a financial sound City which is now in question. He raised the issue of the Sunshine Law and getting the impression that certain Councilmembers are holding conversations outside the Chambers and if found guilty could face prison time.

Mayor Ferreri called for a vote on the motion.

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

Motion carried. 4 – 1.

Deputy Mayor Pearce made a motion to provide Mr. Stokes a City vehicle or at least reimburse him for fuel expenses. Councilwoman Rivera agreed.

Mayor Ferreri stated there were no spare City vehicles available and suggested adding the topic of compensation including benefits for the Acting City Manager position as a discussion item on the November 2, 2015 City Council Agenda. He charged Deputy Mayor Pearce with the responsibility of bringing something back to Council.

Deputy Mayor Pearce instructed Mr. Stokes to fast-track the hiring process.

Mr. Stokes reminded Council that we are in the middle of October and hiring by mid-December could prove difficult for someone to make a major job change and asked for flexibility. As for the ad and placing it quickly, he suggested holding a special meeting to get Council direction.

Councilwoman Rivera wanted a 2-week closing date for the job applications.

Councilwoman Dugo instructed Mr. Stokes to inform her of any and all issues that may arise in the PBSO merger.

Mr. Stokes reminded her of the firing range and there is the issue regarding public records requests and their location. He was currently looking at 2 additional addendums to the contract.

Mayor Ferreri called on Chief Mike Porath for an update on the merger.

Chief Porath confirmed the firing range was being addressed, he has been meeting with PBSO officials daily on the public records requests issue, the vehicles will be striped the first week in November contradictory to what is in the contract, title turnover is scheduled for December 15th, etc. He noted there are still many administrative issues to be addressed such as IT issues and he reported meeting daily with the City Manager on these items. His concern now is who would be his direct contact since there are still many pressing issues to address specifically decisions concerning fire rescue. The ad for Division Chief recently ran, a Personnel Action Request (PAR) was changed from Division Chief to Assistant Chief. His time will be limited while he attends training. He wanted clear guidance as to who he will be contacting.

Mayor Ferreri explained that Chief Porath will now be working with Mr. Stokes on these issues and counted on him to bring Mr. Stokes up to speed on these matters. With respect to the firing range, his concern is liability. He reminded Council that this is a City building and PBSO wants to use the facility for free while the City is responsible for maintaining the building.

Chief Porath reported that according to Major Matino, PBSO has set aside \$12,000 annually to maintain the firing range. He was aware that the City Manager and City Attorney have discussed logistics and the use of the range. It is important for the merger and will benefit our

people and to convert the range would be costly. He was aware that this issue would be raised at the next meeting with the PBSO Major and Captain.

Mayor Ferreri reiterated his concern over the liability and if all the PBSO officers are trained here, the maintenance on the building would exceed \$12,000. The EPA would also get involved because of the lead and the City would be caught paying for the cleanup which is not cheap.

Mr. Stokes added that the firing range is an asset and PBSO has not given the City any discounts; the City is paying for everything in this contract. This is something PBSO wants, they overlooked it in the contract and they want it for free; the City should be compensated for its use.

Chief Porath suggested holding a meeting with PBSO, himself and Mr. Stokes regarding the firing range. Relating to the Fire Division, he reported being in the process of hiring the 3 Firefighter/Paramedics and they should be onboard by November 19th. He will then focus on filling the other approved positions.

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.**


Shop With a Cop Program

Deputy Mayor Pearce asked for an update. Chief Porath reported that Officer Rick Warren was in contact with the new manager at Walmart who is aware the City has a grant application on file. The manager did not foresee a problem and Lt. Myers and Officer Warren will meet with him this week. The grant is for \$2500 which will provide for 25 children. The event will be scheduled after December 16, 2015 following the last PBSO in-service training.

12. **Adjournment.**

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 8:50 p.m.

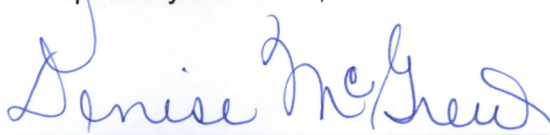
CITY COUNCIL



Samuel J. Ferreri
Mayor

/mel

Respectfully submitted,



Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: 11-2-15

