

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: Special City Council
Meeting Date: 10-22-15
Transcribed by: mf No. of Pages: 8 Transcription Time: 5.0

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>DMC</u>	<u>11-10-15</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: 11-16-15

Motion By: Bousquet Seconded By: Lugo

Check One: Approved Tabled Denied Vote: 5/0

Changes requested by Council or Board? Yes No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



OFFICIAL MINUTES

CITY OF GREENACRES
5800 Melaleuca Lane
Greenacres, FL 33463

SPECIAL CITY COUNCIL MEETING
Thursday, October 22, 2015- 2:00 PM

1. Call To Order and Roll Call.

Mayor Ferreri called the City Council Meeting of Thursday, October 22, 2015 to order at 2:00 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:

James D. Stokes, Acting City Manager/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: 4
Press: 2

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.

Former Councilman Chuck Shaw, questioned the inappropriate timing of this meeting, and the inadequate notice (within 24 hours) provided to the public. Regarding Item B, City Manager Selection Process, it was his hope that Council be aware of the critical position that needs to be filled by someone with expertise and experience to move the City forward. The selection process should be conducted in a professional manner and not tied to special interests or politics. It is unfortunate that the City has been operating in an environment that appears to be of special interest, not in the interest of the residents of the City. Mr. Shaw noted that during the 2015 Municipal Election in March,

predictions were made that have since panned out and those who are aware of these predictions could also provide a list of the next persons targeted for firing. Regarding the selection and compensation of the Interim City Manager, it is very inappropriate to have the City Attorney serve as the Interim City Manager. The person responsible for giving legal advice should not be the same person making and implementing those decisions. There are too many serious issues like the PBSO negotiations and other matters that Council will have to address. He urged Council to not place the City Attorney in that position.

Estelle Friedman commended Council on the way they waited for most of the attendees to leave the Chambers on October 19th before they fired former City Manager Wadie Atallah. As for the appointment of an Interim City Manager; to not consider Assistant City Manager Thomas J. Lanahan for the job is akin to a slap in the face since he has been doing a wonderful job. Ms. Friedman urged Council to reconsider him for the position as he can continue moving the City in a positive direction. She finds it somewhat ironic that Mr. Atallah was considered too conservative, yet Council focuses on the surplus funds he created; and that surplus was used to terminate him. It was her hope that the City could move forward in a more positive way and would focus on the needs of the City, not on the needs of a particular person or groups of people in the City. She hopes residents are paying attention to what is going on in Greenacres.

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. City Attorney James Stokes asked to delete Item 8, Comments from the Public, and Item 11, Mayor and Council Reports. Pursuant to State law, only those items outlined in the Agenda can be discussed at Special Meetings whereas with Regular Meeting agendas, any matter may be discussed.

Mayor Ferreri called for a motion to approve the Agenda as amended.

MOTION: Councilwoman Dugo made a motion to approve the Agenda, deleting Items 8 and 11 as amended. 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.

- 5. **Special Business.** None.
- 6. **Consent Agenda.** None.
- 7. **Regular Agenda:**

- A. **Resolution No. 2015-45**: Authorizing the execution of fund transfers on behalf of the City of Greenacres and authorizing the signatures of certain officers to sign checks drawn on city bank accounts; pursuant to Staff Memo – Thomas Hughes, Finance Director.

Denise McGrew, City Clerk, read Resolution No. 2015-45 into the record.

Finance Director Thomas Hughes requested authorization to add the Assistant City Manager as an authorized signer of fund and wire transfers, check writing and other banking items. Mr. Hughes noted that this is a precautionary measure to the existing authorizations in place and serves as a backup measure. He stated staff recommends approval of Resolution 1205-45.

Mayor Ferreri pointed out that the only change is adding the Assistant City Manager to the Resolution.

MOTION: Deputy Mayor Pearce made a motion to approve Resolution No. 2015-45. 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.

- B. **City Manager Selection Process** – James D. Stokes, Interim City Manager/City Attorney.

City Attorney James Stokes apologized to Councilmembers for the late hour in which he sent out his proposal on the City Manager selection process. He noted that since the duties of the City Manager are described in the Charter, he did not feel a need to create a separate job description and suggested adding the years of service or the educational requirements in the ad. He provided suggested language for the ad derived from Florida City/County Managers Association (FCCMA) and Palm Beach County City Managers Association (PBCCMA) that outlines City demographics. Mr. Stokes included a salary range based on cities of similar size and gave a timeframe of 3 weeks for advertising. He listed six (6) organizations where Council could advertise the position. He suggested discussing whether or not to extend the ad at the November 16th regular City Council Meeting. Dealing with professionals, they could interview and have an offer in place before Christmas for someone to take office in January.

Councilwoman Bousquet suggested requiring a Master's degree and a major in Public Administration.

Mayor Ferreri agreed and noted that in the past it was advertised with a Master's degree in Public Administration.

Deputy Mayor Pearce wanted to be more specific. He wanted to see someone with a Masters/Bachelor's degree in Public Administration, Accounting, Finance and Business

Administration with a minimum of 3 years' experience in local government adding: seeking an individual with a strong financial background, experience in grant development, economic development, knowledge of the Public Records Law and Open Meeting Law with a Master's degree preferred.

Councilwomen Dugo and Bousquet did not want to see the ad for the position turn into a full page ad.

Mayor Ferreri suggested a Master's degree minimum, preferably in Public Administration with experience as an Assistant City Manager or City Manager. Management is a key part of the job.

Councilwoman Bousquet pointed out that the City Manager should have at least the same level of education as Department Directors. She liked the language used by Mr. Stokes with the exception of requiring a Master's degree.

Councilwomen Dugo and Rivera agreed.

Discussion followed on a minimum 3 years of experience; 5 years of experience was what was required in the past.

Deputy Mayor Pearce wanted the ad to include experience as a Department Head, Assistant City Manager or City Manager.

Mayor Ferreri called for a consensus to include experience as a Department Head, Assistant City Manager or City Manager in the ad:

Councilwoman Bousquet: No Department Head, should require Assistant City Manager or City Manager experience.

Councilwoman Dugo: No Department Head, should require Assistant City Manager or City Manager experience.

Councilman Noble: No Department Head, should require Assistant City Manager or City Manager experience.

Councilwoman Rivera: No Department Head, should require Assistant City Manager or City Manager experience.

Mayor Ferreri noted that a commentary of one sentence could be included in the ad since the duties and responsibilities are outlined in the Charter.

Mr. Stokes pointed out that more details could be included in a flyer on the internet and applicants can check the City's website.

Mayor Ferreri suggested adding links from the ad to the City Charter, budget, etc.

Deputy Mayor Pearce pointed out that the City could hire someone for less money than what Mr. Atallah was earning and used the City Manager of Palm Springs as an example. He suggested a salary range of \$130,000-\$165,000.

Mayor Ferreri reminded Council they had previously suggested a salary range of \$145,000-\$175,000. He cautioned Councilmembers to keep department head salaries in mind to avoid having the City Manager position earn less or close to what department

heads earn. He pointed out that most smaller cities do not have assistant city managers. With the recent events happening in Greenacres, offering a top salary range of \$175,000 would entice more energetic, young applicants willing to take on a challenge.

Councilwoman Bousquet suggested offering \$175,000 commensurate with experience.

Mayor Ferreri suggested offering a range otherwise applicants would expect to earn \$175,000.

Deputy Mayor Pearce reminded Council that a former Assistant City Manager left Greenacres earning \$118,000 to take a lesser salary as a City Manager at \$98,000.

Councilwoman Dugo noted that the City is looking to motivate people to apply and based on recent newspaper articles in the Palm Beach Post, suggested that Deputy Mayor Pearce apologize for his demoralizing and derogatory comments made about Assistant City Manager Thomas J. Lanahan and City staff. She did not want to discourage anyone from applying for the job.

Deputy Mayor Pearce reminded Councilwoman Dugo that she was not on the Council when Mr. Lanahan was promoted to Assistant City Manager nor was she aware of the circumstances surrounding his promotion whereas he was. "We're all big people here, everybody has a right to have their own opinion, okay."

Mayor Ferreri brought Council back to task and suggested a salary range of \$135,000-\$175,000. Councilmembers agreed. He suggested scheduling interviews after the first of the year. If a particular candidate stands out then the interview schedule can be moved up.

Deputy Mayor Pearce disagreed. With 3 weeks to advertise, a week to sift through the applications at a Special Meeting they could wrap up their choice by the end of November. "We don't want this to linger on for months."

Mr. Stokes said they needed to choose a closing date and suggested November 13th and then on November 16th they can decide what steps are next.

C. **Designation of Acting Fire Chief** - James D. Stokes, Interim City Manager/City Attorney.

Mr. Stokes asked for Council feedback on bringing in Mark Pure as the Acting Fire Chief without the "Acting" pay. He reported consulting with Mark Pure and he is willing to take on the job as Acting Fire Chief.

Mayor Ferreri reminded Mr. Stokes that the hiring of employees is the responsibility of the City Manager. He then called for a consensus: All Councilmembers agreed. Mayor Ferreri explained that whenever an employee takes on an "acting" position, they receive a 10% increase in pay and suggested they pay that to Mr. Pure.

Discussion on hiring a Fire Chief and advertising for the position were discussed by Councilmembers and Mr. Stokes.

Mayor Ferreri suggested advertising for Fire Chief the first of December. By then the City would have a new City Manager who could review the applications. He called for a consensus. Councilmembers had no objections.

Councilwoman Dugo asked if in-house advertising would be done for both the City Manager and Fire Chief positions before advertising outside. She did not want to see someone in an acting position for six (6) months.

Councilwoman Rivera asked if Mark Pure was assisting with the transition.

Chief Porath reported that the position of Division Chief has been advertised and closes today. He explained that the position of Division Chief is comparable in salary and responsibilities to the Administrative Captain position approved by Council during the FY 2016 budget. The Fire Chief position is currently being discussed. Mr. Pure is his second in command for Fire Rescue handling the day-to-day functions and Capt. Dominic Fusca handles the law enforcement operations side and is well versed with the transition.

Councilwoman Dugo asked, if Mark Pure is an Acting Fire Chief and the City fills the position of Fire Chief, what happens to the Acting Fire Chief position.

Mayor Ferreri explained that Mr. Pure would return to the position of Assistant Fire Chief at the designated salary.

D. **Distribution of Severance Pay for Wadie Atallah** - James D. Stokes, Interim City Manager/City Attorney.

Mr. Stokes delivered a memo to Council outlining the severance pay for Wadie Atallah. He reminded them it does not require Council authorization since this is a contractual obligation. Mr. Atallah's cell phone was transferred. Sick and vacation accruals were included. The severance disbursement of 1 month for each year of his 26 years of employment totals \$378,438.06; his vacation was capped at 320 hours at \$26,871.36 and sick leave of 930 hours at \$78,412.81, for a total severance payment of \$483,722.23.

MOTION: Councilwoman Bousquet moved to approve the total severance payment of Wadie Atallah in the amount of \$483,722.23. Councilwoman Dugo seconded the motion.

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

MOTION: 5 – 0.

Mr. Stokes reported that he spoke with Finance Director Tom Hughes to verify if a budget adjustment was necessary and was told none was needed.

Deputy Mayor Pearce wanted the Finance Director to confirm that monies have been set aside to cover the payout of sick leave and vacation time for employees. And that a FY

2015 budget surplus of slightly over \$700,000 provides the funds needed to cover Mr. Atallah's severance payout.

Finance Director Tom Hughes confirmed there is a fund balance for sick leave and vacation time for employees but it is not substantial. When the dust settles from the PBSO merger, adjustments will be needed. He estimated presenting Council with a budget amendment in March of 2016. As for the budget surplus, sufficient funds will be available to cover the severance payout.

Councilman Noble reminded Councilmembers that the surplus was a direct result of Mr. Atallah's efforts.

Discussion followed over the budget surplus, monies in the Budget Stabilization Reserve and the Unassigned Reserves.

MOTION: Councilwoman Dugo moved to distribute the severance pay within 24 hours pursuant to Wadie Atallah's memorandum to Council. Councilwoman Bousquet seconded the motion.

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

MOTION: 5 – 0.

E. **Selection and Compensation of Interim City Manager.** - James D. Stokes, Interim City Manager/City Attorney.

Councilwoman Rivera asked Councilmembers their thoughts on moving Assistant City Manager to the position of Interim City Manager. Mr. Stokes suggested paying a 20% stipend.

MOTION: Councilwoman Rivera moved to name Thomas J. Lanahan as the City's Interim City Manager with a 20% stipend. Councilwoman Bousquet seconded the motion.

Discussion on the Motion:

Assistant City Manager Thomas J. Lanahan accepted the responsibilities and stipend offer noting that historically, the term "Acting" City Manager instead of "Interim" was used in the past. He asked that once this "Acting" period ends, if he is not considered for the position of City Manager, that he be allowed to return to the position of Assistant City Manager/Planning and Engineering Director. He also suggested that Mr. Stokes continue with the PBSO transfer and consider him for the capital project planning aspect of the transfer where necessary.

Mr. Stokes asked Council to allow him to continue with the hiring process of the new City Manager.

Councilwoman Dugo asked if Mr. Lanahan would be interested in the position.

Mr. Lanahan said he would consider it.

Deputy Mayor Pearce asked Mr. Lanahan to set up appointments with each Councilmember.

The Mayor and Councilmembers discussed holding a workshop outlining the duties and responsibilities of Council based on the Charter as one of the first items of business for Mr. Lanahan or that he add 10 minutes to each agenda to discuss different topics related to Sunshine Law, budget, etc.

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

Motion carried: 5 – 0.

8. Discussion Items:

Councilwoman Dugo requested that the draft Council Policy on Civil Conduct/Behavior of Elected Officials be added to the next agenda.

9. Staff Comments: None.

10. Adjournment.

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 3:06 p.m.

CITY COUNCIL

Samuel J. Ferreri
Mayor

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Respectfully submitted,

Denise McGrew

Denise McGrew,
City Clerk/Administrative Services Director

Date Approved: 11-16-15

