



# CITY COUNCIL SPECIAL/BUDGET MEETING

## City of Greenacres, Florida

Wednesday, September 28, 2022, at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

### MINUTES

#### Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

#### Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

#### CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 6PM and City Clerk Moorer called the roll.

#### PLEDGE OF ALLEGIANCE

#### AGENDA APPROVAL

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to remove all Special Business items and Discussion items from the agenda due to Hurricane Ian and to keep the meeting lite due to weather.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

#### COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

#### Second Budget Hearing - Fiscal Year 2023 Proposed Budget.

1. Fiscal Year 2023 Proposed Budget Presentation. - Teri Beiriger, Director of Finance.

Ms. McCue read the required F.S.S Statute 200.065 for adopting the budget. She stated the procedural steps as required. The City complied with all requirements.

2. **PUBLIC HEARING: Ordinance 2022-31: Second Reading:** Establishing a taxable valuation and levying an Ad Valorem Tax on property located within the corporate limits of Greenacres, Florida, as of the year ending December 31, 2022; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the ordinance was establishing the taxable valuation and ad valorem rate. She read the dollar amounts. The millage rate was set at 6.3 mills. She said there had been no changes since the first reading.

No public was present at the meeting.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve Ordinance 2022-31 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 3. PUBLIC HEARING: Ordinance: 2022-32: Second Reading:** Adopting an operating budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the ordinance was adopting the operating budget. All advertisement requirements were met, and no changes had occurred since the first reading.

No public was present at the meeting.

Motion made by Councilmember Bousquet, Seconded by Councilmember Noble to approve Ordinance 2022-32 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

## SPECIAL BUSINESS

This Section was removed due to Hurricane Ian.

- 4. Proclamation:** 11th Annual National Diaper Need Awareness Week, September 24 - October 2, 2022. - Michelle Gonzalez, Chief Executive Officer, Healthy Mothers, Healthy Babies Coalition of Palm Beach County.
- 5. Proclamation:** National Community Planning Month. - Caryn Gardner-Young, Zoning Administrator.
- 6. Proclamation:** Fire Prevention Week, October 9-15, 2022. - Brian Fuller, Fire Rescue Chief.

## CONSENT AGENDA

- 7. Official Meeting Minutes:** City Council Special/Budget Meeting Minutes, September 14, 2022. - Quintella Moorer, City Clerk.
- 8. Resolution 2022-34:** Approving Addendum Nine (9) to the Law Enforcement Services Agreement (LESA) with the Palm Beach County Sheriff's Office (PBSO), providing for an effective date. - Andrea McCue, City Manager.
- 9. Resolution 2022-48:** Authorizing Budget adjustments within the Fiscal Year 2022 Total Operating Budget; and providing and effective date. - Teri Beiriger, Director of Finance.
- 10. Resolution 2022-49:** Adopting a Capital Improvements Program for Fiscal Years 2023-2028. - Teri Beiriger, Director of Finance.

**11. Resolution 2022-50:** Providing for automatic amendment of the Fiscal Year 2023 Budget to reflect outstanding encumbered orders of Fiscal Year 2022; providing that the cost of those expenditures are to be paid from funds carried forward from fiscal year 2022. - Teri Beiriger, Director of Finance.

**12. Resolution 2022-51:** Authorizing Staff actions to procure those items approved in the Fiscal Year 2023 Budget. - Teri Beiriger, Director of Finance.

Motion made by Councilmember Bousquet, Seconded by Councilmember Diaz to approve the Consent Agenda.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

## REGULAR AGENDA

**13. PUBLIC HEARING: Ordinance 2022-20: Second Reading:** Amending Chapter 8, Licenses and Business Regulations, Article 3, Business Taxes, Sections 8-46 through 8-72, to clarify Business Tax Receipt requirement for home businesses and amending the fees to obtain a Business Tax Receipt, providing for repeal of conflicting ordinances, severability, inclusion in code, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the first reading was held on September 14, 2022, and no changes had occurred since. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve Ordinance 2022-20 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

**14. PUBLIC HEARING: Ordinance 2022-25: Second Reading:** Amending Chapter 16 "Zoning Regulations" by deleting Article 6, "Sign Regulations," in its entirety and adopting a new Article 6, "Sign Regulations," providing for severability, conflicts, codification, and an effective date. - Caryn Gardner-Young, Zoning Administrator.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the first reading was held on September 14, 2022, and no changes had occurred since. Staff recommended approval.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Noble to approve Ordinance 2022-25 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

**15. PUBLIC HEARING: Ordinance 2022-26: Second Reading:** Amending Chapter 10, Personnel, Article 4 Retirement, Pensions and other Employee Benefit Programs, Division 3, Retirement Systems authorized, Section 10-148 entitled "Public Safety Officers and Firefighters Retirement Plan and Trust:" amending the Florida Municipal Pension Trust Fund Defined Benefit Plan and Trust Adoption Agreement to provide for a Deferred Retirement Trust Option Plan for those Public Safety Officers who continued to remain members of the City's retirement plan after becoming PBSO employees; providing

for repeal of conflicting Ordinances, inclusion in the Code, severability and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the first reading was held on September 14, 2022, and no changes had occurred since. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Councilmember Diaz to approve Ordinance 2022-26 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

**16. PUBLIC HEARING: Ordinance 2022-30: Second Reading:** Amending Chapter 11, Streets, Sidewalks, and other Places, Article 4, City Parks, by creating a new Section 11-76 to be entitled, "Smoking and Vaping prohibited in Parks;" providing for repeal of conflicting ordinances, severability, inclusion in the Code, and an effective date. - Andrea McCue, City Manager.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the first reading was held on September 14, 2022, and no changes had occurred since. Staff recommended approval.

Motion made by Councilmember Bousquet, Seconded by Councilmember Dugo to approve Ordinance 2022-30 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

**17. PUBLIC HEARING: Ordinance 2022-28: Second Reading:** Amending Chapter 4 "Buildings and Building Regulations," Article 3 "Floodplain Management" to provide for accessory structures in flood hazard areas; to specify elevation of manufactured homes in flood hazard areas; to address market value and for other purposes; providing for applicability, conflicts, severability, and an effective date. - Scott H. Wood, Building Official.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the first reading was held on September 14, 2022, and no changes had occurred since. Staff recommended approval.

Motion made by Councilmember Diaz, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-28 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

**18. Ordinance 2022-33: First Reading:** Repealing Chapter 8, "Licenses and Business Regulations," Article 3, "Business Taxes," Section 8-74, "Conversion Therapy Prohibited," providing for conflicts severability, codification, and an effective date; and for other purposes. - Andrea McCue, City Manager and Christy Goddeau, City Attorney.

Ms. Moorer read the ordinance by title.

Ms. McCue stated the City of Boca Raton's prohibition of conversion therapy was found to be unconstitutional on speech and a violation of the First Amendment rights according to the Civil Courts. She mentioned the City's current ordinance 2017-15 was similar in practice to Boca Raton.

Ms. McCue said the City recognizes the potential impacts of the Courts decision and therefore felt it was prudent to repeal Section 8-74 of the City's Code.

Councilmember Noble asked what did removing the ordinance mean. Ms. McCue stated the City could not prohibit the practice of conversation therapy within the City of Greenacres.

Councilmember Noble was not in favor of repealing the ordinance.

Councilmember Dugo said she was against conversion therapy but felt the City could not fight a Civil lawsuit and made a motion to approve Ordinance 2022-33. A Second motion was not made.

Ms. Christy Goddeau, City Attorney stated once sued under Section 93, no damages were required however they would be entitled to attorney fees. Leaving the ordinance on the books would leave the possibility of lawsuits. Ms. Goddeau recommended repeal of the ordinance as Courts would rule the same as it did for Boca Raton.

Councilmember Dugo felt the repeal was needed as she wanted to defend the City and the ordinance that was originally made to prevent lawsuits. Again, she was against conversion therapy.

Mayor Flores agreed.

Councilmember Noble felt he heard enough from Mayor Flores on the matter.

Mayor Flores asked Councilmember Noble to respect his comments and to stop interrupting.

Councilmember Noble felt no matter what the City could be sued and felt the repeal was not needed. He also mentioned not Second was made on the ordinance therefore it should be thrown out.

Councilmember Bousquet stated she agreed with the Mayor and City Attorney.

Councilmember Diaz stated she was against conversion therapy and felt more comfortable if the ordinance accompanied a resolution on the same agenda stating the City was against conversion therapy.

Ms. Goddeau stated a resolution was possible.

Deputy Mayor Tharp agreed with the Council and liked Councilmember Diaz's idea of the resolution.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to approve Ordinance 2022-33 on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

Voting Nay: Councilmember Noble

**19. Ordinance 2022-34: First Reading:** Amending the City of Greenacres' budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, inclusive; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date. - Teri Beiriger, Director of Finance.

Ms. Moorer read the ordinance by title.

Ms. McCue stated Council Policy 6 required actions for a budget adjustment which was required for the American Rescue Fund transfer. Staff recommended approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-34 on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

## **DISCUSSION ITEM**

This Section was removed due to the storm.

20. Creating criteria for honoring City Board/Committee members and volunteers. - Andrea McCue, City Manager.

## **COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

None.

## **CITY MANAGER'S REPORT**

21. Community and Recreation Services Report.
22. Development and Neighborhood Services Report.
23. Finance Report.
24. Fire Rescue Report.
25. Information Technology Report.
26. Palm Beach Sheriff's Office, District 16 Report.
27. Public Works Report.
28. Purchasing Report.
29. Youth Programs Report.

Ms. McCue stated the Fire Rescue and PBSO divisions were sending volunteers to assist areas in need due to the Hurricane Ian. She also thanked everyone for attending considering the weather.

## **CITY ATTORNEY'S REPORT**

None.

## **MAYOR AND CITY COUNCIL REPORT**

Councilmember Bousquet thanked Ms. McCue for her hard work.

Councilmember Diaz stated Ms. McCue was doing a great job and thanked Staff.

Councilmember Dugo thanked Fire Rescue and PBSO.

Councilmember Noble said Ms. McCue was doing a great job.

Deputy Mayor Tharp thanked Fire Rescue and PBSO, Ms. McCue and Ms. Moorer for showing up and proceeding with the meeting.

Mayor Flores was not a fan of tonight's meeting due to the lack of public participation although they were allowed, however, the Hurricane made it difficult. He stated he understood why the

meeting was required but felt the public should have been present. He asked moving forward the City avoid having this type of meeting.

**ADJOURNMENT**

6:37PM.

---

**Joel Flores**  
Mayor

---

**Quintella Moorer, CMC**  
City Clerk

**Date Approved:** \_\_\_\_\_