Meeting Minutes
City Commission

Tuesday, December 6, 2022 | **7:00 PM** | **Commission Chambers**

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

Present: 5 – Commissioner Todd Drosky
Commissioner Ben Preston
Commissioner Bernie Parness
Vice Mayor Michael Hudak
Mayor Bill Ganz

Also Present: 3 – City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Samantha Gillyard

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Ganz expressed condolences for Ron LaVergne who recently passed. Thereafter was a moment of silence, followed by the Pledge of Allegiance.

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Code Compliance Meeting Minutes - October 19, 2022

Police Pension Board Meeting Minutes - June 30, 2022

Community Redevelopment Agency Meeting Minutes - September 13, 2022

Non-Uniform Pension Board Meeting Minutes - August 8, 2022

Hillsboro Inlet District Meeting Minutes - October 17, 2022

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to acknowledge the board minutes. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak and Mayor Ganz

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

December 6, 2022

APPROVAL OF CITY COMMISSION AGENDA – CONTINUED

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve the agenda as submitted. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak and Mayor Ganz

Nays: 0

AWARDS & RECOGNITION

1. Certificates of Recognition presented to JM Family, South Florida Audubon Society, and Representative Chip LaMarca for their participation in a Dune Restoration Project.

Mayor Ganz thanked volunteers, specifically, JM Family, who provided over 50 volunteers to plant approximately 500 native plant species to enhance the City's existing dune system. The project was completed with the removal of invasive species within the same footprint. These dunes provide pivotal protection for the City's infrastructure and habitat for multiple species on the beach. He said Representative LaMarca and his wife also participated in the project. Thereafter, he outlined all the organizations involved and presented a certificate of recognition, which was accepted by Representative LaMarca.

Representative LaMarca thanked the Commission for allowing the project to happen; furthermore, he will be presenting a $1,000 check to Audubon to adopt a dune in the City.

Vice Mayor Hudak commented on how the dunes have helped with erosion and asked that a presentation be done with Lee Gottlieb at a January Commission meeting to illustrate the benefit of dunes. He also expressed the desire to extend the dunes further than they currently are.

Mayor Ganz also applauded Lisa Davis, JM Family, for their efforts.

2. Presentation from FAU's Department of Regional and Urban Planning regarding the walkability and bikability near the Tedder and Tallman Pines Communities.

Eric Power, Director of Planning & Development Services, provided a brief overview of how this project came to fruition; whereby, approximately 1 year ago, city staff and others enhanced 3rd Avenue to help with traffic and bicycling. The presentation is an addition to that project.

Rogelio Perez, Florida Atlantic University Master of Urban & Regional Planning student, said this project is for the planning workshop related to the Tedder and Tallman Pines communities. The goal was to build a plan for a local community and improve transportation connectivity according to Complete Streets principles, which will be discussed. Mr. Perez provided statistical data regarding traffic fatalities in Florida, whereas, Florida was the second highest per capita of pedestrian traffic fatalities in 2021. The City provided the Complete Streets guidelines that should be followed, which entails transportation options for all residents to encourage walking, bicycling, and multiple modes of transit as well as enhance safety and security on the streets. The study area consists of Tedder and Tallman Pines neighborhoods with an estimated population of over 6,000 with various zoning districts and extends from Dixie Highway to I-95 north and south, and Sample Road to NE 48th Street, east and west.

Continuing, Mr. Perez outlined the scope of work and the actions they have taken to determine community needs. The research methods include: pedestrian level of comfort (PLOC), which is the research method derived from the Oregon Department of Transportation and an analysis/procedures manual which was implemented in the study area. The PLOC ratings are PLOC 1 (green), which is along NE 44th Street and indicates little to no traffic stress; PLOC 2 (yellow) and PLOC 3 (orange) indicates moderate or little traffic stress, which was most of the study area; PLOC 4 (red) is the most stressful area, along Sample Road. Thereafter, he advised that in 2019, the Broward Metropolitan Planning Organization (MPO) performed a cycling study and determined no easy bike roads in the neighborhood. Dixie Highway and NE 48th Street are considered moderate, but NE 3rd Avenue and Sample Road are considered very difficult for biking. There is a combination of unmarked bike lanes along Sample Road, a marked lane on 48th Street without buffering, and a buffered bike lane along NE 3rd Avenue.

AWARDS & RECOGNITION – CONTINUED

Mr. Perez outlined transit; whereby, the closest Tri-Rail station is the Pompano Beach station, there are three major bus routes along Sample Road, Dixie Highway, and NE 3rd Avenue, but there are issues with bus access for pedestrians along Dixie and Sample which will be discussed later. Additional research methods include the pedestrian and cyclist safety provided by the MPO in April 2022 based on weekly pedestrian and cyclist interaction along the corridor. Next, a map outlining points of interests for neighborhood destinations were highlighted: playgrounds, supermarkets, restaurants, and other services. Along with GIS arc services and Google, feedback was also received from the community through workshops. Most of the points of interests are accessible except for supermarkets. The last research method included a walking audit throughout the corridor to view the crosswalks, sidewalks, and others. He advised that the crosswalks should be painted for safety, cracked sidewalks should be repaired, and other concerns such as obstruction of pedestrian pathways by trees, utility poles blocking the sidewalks, and more shaded areas should be addressed to encourage walking and cycling.

John Kramer, FAU student, provided recommendations for the corridor. Proposal 1 for 3rd Avenue includes a shared pedestrian and bicycle pathway, separated by an 8-foot zone and curb and limit the size of the lanes to 10 feet to encourage slower traffic. Proposal 2, which is the more economical option, consists of a wide bike lane on the western portion and incorporates a double wide bike lane separated by landscaping, but still brings the drive lane down to 10 feet with the middle lane serving as a turn lane. Furthermore, there are key intersections that would encourage slowing by installing raised intersections on 44th and 41st Street as well as a raised midblock crossing and speed table south of 38th Street. In addition to slowing the traffic, it would allow for ADA accessibility when crossing the street. Thereafter, residential street designs were provided and included a 6-foot sidewalk and landscape buffer which provides 12 feet of separation from pedestrians and traffic. Mr. Kramer said during the walkthrough, they noticed people parking over the sidewalk, whereas, on-street parking on one side is encouraged, as well as more shade trees and neighborhood lighting.

Continuing, Mr. Kramer provided recommendations for the sidewalks and bus shelters; repaint crosswalks and stop lines on local roads to encourage full stopping by vehicles; rehabilitation of broken and obstructed sidewalks, removing excess vegetation from pedestrian pathways to provide more safety; and design sidewalks to a minimum of 5 feet and remove the 3-foot wide sidewalks. Thereafter, Mr. Kramer provided a neighborhood accessibility analysis. First, he proposed a new supermarket located in the existing commercial zones, so residents have the ability to walk to the store; next, proposed new playground and fitness station on NE 46th Street; and activating the commercial plaza in front of the community center by encouraging new development. The final recommendation proposed a vehicular connection east of NW 3rd Avenue and North Dixie Highway as it would allow traffic to flow out quicker onto a major access road and build a pedestrian connection, i.e. bridge, over the Deerfield Highlands Nature Preserve and pedestrian access to the Sample Square Shopping Center.

Thereafter, FAU students and staff entertained questions by the Commission.

Commissioner Drosky expressed concern with the sidewalks not being addressed as it is the City's responsibility. He asked if it is being addressed.

Mr. Power replied that staff is addressing it; whereas, there has been an extensive review of all the landscape growing into the public rights of way, and citations will be issued to the residents. The city landscaping is being handled internally, along with any broken curb repairs.

PUBLIC HEARING

3. **P.H. 2023-021: Resolution 2022/192 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the program year 2021-2022 Consolidated Annual Performance and Evaluation Report ("CAPER") for Housing and Community Development Programs; authorizing submission of the CAPER to HUD; providing for implementation and an effective date.**

The Resolution was read by title only.

PUBLIC HEARING - CONTINUED

Jonathan Salas, Director of Community Services, provided a brief presentation regarding the Consolidated Annual Performance Evaluation Report (CAPER) and what it encompasses. He said the CAPER is a Community Development Block Grant (CDBG) requirement and since Deerfield Beach is an entitlement city, HUD requires the report annually. At the beginning of the year, the action plan will be submitted to the Commission and at the end of the year, the CAPER is presented, outlining how the action plan was implemented. The report is due within 90 days of the program year and is designed to report accomplishments and progress towards the goals outlined in the five-year consolidated plan and annual action plan. He outlined various elements of the CAPER: racial and ethnic composition which is scrutinized by HUD to assure services encompass the entire community; resources and investments; CDBG funding and others.

Continuing, Mr. Salas outlined the goals and outcomes for the CAPER, inclusive of the consolidated plan and action plan. Priority I – increase access to affordable housing; wherein, the Community Services Department oversees homeowner rehabilitation and purchase assistance programs and was able to assist 16 low-to-moderate income households; pre-COVID, approximately 25 households were assisted. Also, a little over $425,000 was expended for both programs. The rental and utility assistance program was implemented as a result of COVID-19 and received a special allocation from CDBG Coronavirus funding, but only three applicants were assisted. Priority II – provide for infrastructure improvements in program years 21 and 22, $150,000 was allotted to Oveta McKeithen for a playground improvement project, whereas, a playground is being added. A contractor was selected in fiscal year 2022 and the project is currently in process and should be completed in this fiscal year; notwithstanding, no CDBG funds for FY 22 have been expended. Lastly, Priority III – increase access to public services which ties to the senior transportation program, through CDBG. He advised that 52 unduplicated seniors received rides, meaning these riders are not consistent riders. The goal was 50 for the year and all funds, $25,000, were expended. Also, 22 seniors were assisted in the senior health and wellness program. Due to COVID, new processes were implemented to maintain social distancing and keep them safe. The Alzheimer's daycare services were suspended in fiscal year 2022 due to the pandemic; however, it is set to resume in the next fiscal year.

Vice Mayor Hudak left the meeting temporarily at 7:40 p.m. and returned at 7:41 p.m.

Furthermore, Mr. Salas outlined the resources and investments. In fiscal year 2022, the CDBG allocation was $704,000 and in the previous year, $318,000 was unexpended due to the pandemic and housing crises, but a little over $288,000 was expended. CDBG funding was leveraged with HOME ($230,000) and SHIP ($548,000) funding which is the allocation from the State. Moreover, CAPER requires citizen participation which is provided each year. He explained that the public comment period for the November 21, 2022 – December 5, 2022 draft CAPER was provided on the City's webpage. The public hearing, this evening, is required as well as adoption of the CAPER for submission to HUD by December 31, 2022.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said she hopes staff will continue to monitor the plans for utilizing these funds and be cognizant of new needs and adjust accordingly.

Mayor Ganz closed the public hearing.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Item 3, adopted Resolution 2022/192. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

PUBLIC HEARING – SECOND READING

4. P.H. 2023-023: ORDINANCE 2022/027 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, REZONING APPROXIMATELY 2.97 GROSS ACRES LOCATED AT 2001 WEST SAMPLE ROAD FROM INTENSE MANUFACTURING & INDUSTRIAL (M-3C) TO HIGHWAY BUSINESS DISTRICT (B-2) (APPLICATION 22-R-197); PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Eric Power, Director of Planning & Development Services, advised that the proposed ordinance is a request from the applicant to rezone the property from a County land use designation of industrial to City land use designation of commercial. The property does not meet the requirements of industrial because it is an office building and should have office related uses; thus, the zoning change will allow for medical offices, which is appropriate. The City is in an ongoing quest to change the land use and rezone property that has a County designation.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Drosky, seconded by Commissioner Parness, to approve Item 4, adopted Ordinance 2022/027. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

5. P.H. 2023-024: ORDINANCE 2022/028 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE UPDATED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS SET FORTH IN TABLE 10.3 IN ORDER TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT ("CIE") IN CONFORMANCE WITH SECTION 163.3177, FLORIDA STATUTES, AS MORE SPECIFICALLY SET FORTH IN EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

David Santucci, City Manager, said the proposed ordinance is the annual update to the CIE within the City's comprehensive plan for two changes made this year for the capital improvement element that reflects the current plan in the fiscal year 2023 budget as well as the changes made in the evaluation and appraisal report, approved by the City Commission on April 19, 2022.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 5 adopted Ordinance 2022/028. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

PUBLIC HEARING – SECOND READING – CONTINUED

6. P.H. 2023-025: ORDINANCE 2022/029 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE II "BOARDS, COMMITTEES, COMMISSIONS," DIVISION 10 "CULTURAL COMMITTEE," SECTION 2-167 "MEMBERSHIP" OF THE CITY CODE OF ORDINANCES TO REVISE THE MEMBERSHIP COMPOSITION OF THE DEERFIELD BEACH CULTURAL COMMITTEE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Item 6, adopted Ordinance 2022/029. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

7. Resolution 2022/193 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing members to the Cultural Committee; providing for conflicts and an effective date. *(Consent - Board Appointment)*

The Resolution was read by title only.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

Commissioner Parness applauded the members for their achievements and provided a brief history of his time on the committee.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Item 7, adopted Resolution 2022/193. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

PUBLIC COMMENT

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, provided updates for the Cultural Committee since their last meeting. They have implemented two new initiatives: 1) 2022 Kwanza celebration, from December 26 – January 1st; and 2) an event to honor the Brazilian residents, on January 28, 2023 at the Villages of Hillsboro Park. Also, Mr. Shanetzky said there have been two jazz events which were very successful; the third concert will be on December 15th in District 2 at Oveta McKeithen from 6:30 p.m. till 8:30 p.m. Lastly, the Pioneer Day and Art Festival are scheduled for the weekend of February 18 – 20, 2023.

Felicia Poitier, 140 NE 5th Street, Deerfield Beach, thanked the dais for all its support and help in honoring her mother's wishes upon her death. She explained how much her mother, Sylvia Poitier, loved the City and continued to thank various staff for their assistance with the funeral services.

PUBLIC COMMENT – CONTINUED

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, thanked those who attended the Ocean Way Holiday event on Saturday, December 3rd. She said staff did a fabulous job putting on the event. Further, the Deerfield Beach Historical Society will have Cocktails with Santa on Thursday, December 8th from 5 p.m. till 8 p.m.; pets are welcome and there will be pictures with Santa.

Joe Chancy, 4250 NE 4th Avenue, Deerfield Beach, said Deerfield Beach High School has closed off the fence to 3rd Avenue and the students living in Tallman Pines and other areas along that corridor have to take a longer walk around to go home. Furthermore, it affects the morning traffic and he is concerned about safety, should someone have a difficult morning.

Peggy Noland, 325 SE 3rd Terrace, Deerfield Beach, reminded people of Toys 4 Tots which is from November 16th till December 7th; December 10th from 6 p.m. till 8 p.m. at Oveta McKeithen, there will be an ice cream social.

Mayor Ganz asked that staff follow up with Mr. Chancy.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

After a brief discussion, Items 9 & 10 were pulled for discussion; all others were approved in concert.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Items 8, 11 - 19 of the Consent Agenda. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

8. Resolution 2022/194 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting the certified election results for the Referendum Election held on November 8, 2022, as provided by the Broward County Supervisor of Elections; providing for an effective date.

9. Resolution 2022/195 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals #23-01-PC for citywide median landscaping maintenance; authorizing execution of an agreement with the top ranked, responsive and responsible proposer, Blue Marlin Investments, Inc. d/b/a Cayco Landscaping for a two year term, with three, one-year renewal options, in an annual amount not to exceed $403,262.50; providing for implementation and an effective date. *(Funds from Account #001-7020-539-32-16 - Park Maintenance Landscape Services)*

Commissioner Drosky left the dais temporarily at 8:06 p.m. and returned at 8:08 p.m.

The Resolution was read by title only.

David Santucci, City Manager, outlined the proposed contract for landscape maintenance service for medians. Staff decided not to renew the former contract and made changes to the request for proposals (RFP) to ensure maintenance aspects were enhanced and include responsibility of irrigation because they are closely related. Also, additional measures were added for contract enforcement; wherein, it makes it difficult on a contractor for non-performance. He explained that the evaluation committee reviewed the proposals and ranked them based on several criteria, not only price. Additionally, the evaluation committee expressed concern with the number one ranked firm's price as it was substantially lower than other bidders, which were within the realm of the market for the service.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

Commissioner Drosky returned at 8:08 p.m.

Continuing, Mr. Santucci said due to the price being around $400,000, the evaluation committee recommended procurement staff reach out to the vendors to ensure the prices submitted are firm prices for the scope of services; all confirmed. Due to the cone of silence, the City Attorney also called the contractor to verbally confirm and review the scope of work. Furthermore, reference checks, including two municipal contracts with Boynton Beach and Pembroke Pines, were performed on the vendor, which were very positive. Although there is concern with the pricing, he is not concerned with the contractor's ability to perform the contract due to his experience and reference. Moreover, a provision will be added to the contract stipulating a service test period to ensure there are no issues. There is also a provision in the procurement code that allows the City to go to the second ranked vendor within one year's timeframe should the first vendor not perform.

Commissioner Preston expressed concern with the contractor being able to perform based on the pricing disparity between the lowest bidder and others. He said he has spoken with other companies in this field and asked if they would be able to perform that amount of work at the $403,000 price point and was told no. Additionally, he contacted the City of Delray Beach and was told the contract was never completed. He said the price is a red flag and does not believe it is possible to achieve the work at this price; therefore, he will not support it. Lastly, it is not healthy for the City to have these contracts at high price points that are not reflected in the medians' appearance.

Mr. Santucci said the contractor is available via Zoom to address any concerns.

Alejandro Rotundo, Blue Marlin Investments, replied to various questions posed by Commissioner Preston. He advised that he inherited a contract with the City of Delray Beach as he purchased Cayco Landscaping five years ago. Since the contract was not priced correctly, he decided to let the contract go. Furthermore, he advised that the operation in Boynton Beach is significant and explained the facilities they handle and knows how to perform. The pricing is aggressive and knowing the other bidders' pricing, he wished they would have bid higher; nevertheless, they can make it work. Also, when they started in Boynton Beach, the contract was very tight and they learned to operate successfully with the proper tools and machines.

There was a lengthy discussion between Commissioner Preston and Mr. Rotundo regarding the concerns of performing the scope of work and how Cayco has grown their business for other municipalities.

Commissioner Parness asked about canceling the contract if the contractor does not perform.

Anthony Soroka, City Attorney, replied yes, there is a termination for convenience provision which allows termination with 30 days' notice for any reason. In addition, there is a termination for default and in the event the contractor breaches the contract, pursuant to City Code 38-141, within one year of the contract, the City can award to the second ranked responsive and responsible firm, which would have to be approved by the City Commission.

Commissioner Parness spoke in support of the contract because of the termination clauses outlined by the City Attorney, as well as the cost savings.

In response to Mayor Ganz's question, Mr. Santucci replied that the price of the last contractor was approximately $725,000.

Mayor Ganz said he has not been happy with the medians with the past contractor or with staff and it is important to address. He asked if the references were checked on all the bidders.

Mr. Santucci replied he is unsure, but knows references are checked with the number one ranked proposer which were returned with exceptional ratings. Also, he advised that staff had no knowledge that Cayco had a contract with Delray Beach.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

Mayor Ganz agreed that the price is a red flag, but is torn because of the savings to the residents. Additionally, he asked Mr. Santucci about his conversation with Mr. Rotundo on his ability to perform.

Mr. Santucci replied that Mr. Rotundo advised of his confidence to perform the work and has done so in other locations with success.

Commissioner Preston asked how the contractor is paid, upfront or after the work is performed.

Terry Rynard, Director of Parks & Recreation, explained the issues with the previous contract as the contractor was paid monthly with no ability to withhold monies if work was not performed. Further, weeds are and continue to be the biggest issue, and since irrigation was handled by a separate vendor, issues between the landscaper and irrigation contractor arose and it was difficult for staff to pinpoint who was responsible for dying grass or broken sprinklers. She advised that staff now has to inspect the work and accept as satisfactory before payment is rendered; e.g. performance-based contracting.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, commented on a previous contractor, IGM, prior to City staff assuming the responsibility. She asked how much were they paid as they were doing a good job.

Mayor Ganz replied $725,000.

Ms. Freitag expressed concern that the amended scope includes sprinklers which is an increase of approximately 40%, but the contract price is a $300,000 decrease. She said if the contract is re-bid, all the prices will change and the City would lose money and time.

Chris Marino, 1525 SE 14th Court, Deerfield Beach, said the savings are substantial and understands the concern of the low price; however, Mr. Rotundo has expressed his ability to perform and thinks that his references should be considered. Mr. Marino recommended a performance or surety bond to guarantee performance. Also, if the contractor performs satisfactorily, possible consideration of an increase should be in the next contract. Lastly, he said change orders should be approved, if any, based on the contract amount as there should be leeway to do so.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said if the recommended contractor defaults, and staff has to takeover the responsibility, will staff be paid additional for cutting medians.

Mayor Ganz closed the public hearing.

Vice Mayor Hudak spoke in support of Cayco because of the built-in stop gaps within the contract; thus, if the contractor fails to perform, the City may withhold payment or select the second vendor within the year. He said there is a considerable cost savings between Cayco and the second vendor and believes that some companies will bid low in a new market for an opportunity to prove themselves. He acknowledged the reference checks performed, which, for him, is another factor in his decision to support.

Commissioner Parness said using a higher priced contractor does not guarantee the work will be done satisfactorily and believes it is fiscally responsible to work with Cayco.

Commissioner Drosky also spoke in support of the proposed resolution due to the lower contract price and the quality of work being performed for other clients. Thereafter, he referenced the evaluation committee's ranking; whereas, pricing was only one criteria with qualifications and experience, and history and past performance being the top two criteria evaluated. He also commented on how the contract protects the City.

Commissioner Preston continued to voice his objections to approving the proposed resolution with Cayco.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

Mayor Ganz said although he understands Commissioner Preston's stance, the provisions in the contract have persuaded him to support Cayco as the risks are relatively small.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 9, adopted Resolution 2022/195. Roll Call:

Yeas: 4 - Commissioner Drosky, Commissioner Parness, Vice Mayor Hudak, and Mayor Ganz

Nays: 1 - Commissioner Preston

10. Resolution 2022/196 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with Shotspotter, Inc. for the Deerfield Beach Security Technology Enhancements - Shotspotter Project for a three-year term in the total contract amount not to exceed $595,000.00; authorizing execution of the Agreement; providing for an effective date. *(Funds from account #182-0000-331-20-14 - DOJ - Violent Crime Theft Reduction)*

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked who decides where the ShotSpotters are located.

Nick Matthews, Becker Firms, 1 E. Broward Boulevard, Fort Lauderdale, spoke on behalf of ShotSpotter, Inc. He advised that the locations are a collaborative effort between the City and ShotSpotter. He commented on the positive response among governmental entities and expressed how excited they are to implement this safety tool.

Mayor Ganz closed the public hearing.

Commissioner Parness commented on how important this technology is for the City and residents' safety.

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Item 10, adopted Resolution 2022/196. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

11. Resolution 2022/197 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the First Amendment to the Police Services Agreement with the Broward Sheriff's Office; authorizing execution of the First Amendment; providing for an effective date.

12. Resolution 2022/198 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting utility easements set forth on the Manchester Plat Parcel "C" related to the redevelopment project known as IRLAB Deerfield Beach, located at 3201 SW 15th Street; providing for implementation, conflicts, severability and an effective date.

13. Resolution 2022/199 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Award of Invitation to Bid #22-37-PC for the Deerfield Elementary and Deerfield Middle School SRTS LAP Sidewalk Project - Various Locations; authorizing execution of an agreement with FG Construction, LLC, the

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

lowest priced responsive and responsible bidder, in an amount not to exceed $510,176.52; providing for an effective date. *(Funds from Account #183-9100-581-90-04 - Public Works Grant - Capital Project Interfund/Road & Bridge & Account #108-5050-541-60-31 - Infrastructure Improvements Other than Buildings)*

14. **Resolution 2022/200 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a change order in the amount of $499,433.39 to the Agreement with Recreational Design & Construction, Inc. for the installation of a bulkhead at the Middle School Aquatic Center, for a total Aquatic Facility Renovations Project cost of $2,199,036.87; providing for execution and an effective date.** *(Funds from Account #399-7025-572-65-30 - Capital Projects/Athletics/CIP Infrastructure & Account #146-0000-389-30-00 - Parks Impact Fees/Use of Fund Balance)*

15. **Resolution 2022/201 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Work Authorization with Lakdas/Yohalem Engineering, Inc., in an amount not to exceed $100,000.00 for an assessment of the Deerfield Beach Pier and Preparation of the Repair Plan; authorizing execution of the Work Authorization; and providing an effective date.** *(Funds from Account #399-5060-519-65-30 - CIP - Infrastructure)*

16. **Resolution 2022/202 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Master Contract #JM023-06-2025 with the Areawide Council on Aging of Broward County, Inc. ("Council") for Center for Active Aging Services for a three-year term; approving Older Americans Act ("OAA") Contract #JA123-06-2023 with the Council for Center for Active Aging Services in an amount not to exceed $192,840.00 for calendar year 2023; authorizing execution of the Master Contract and OAA Contract; providing for implementation and an effective date.**

17. **Resolution 2022/203 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Deerfield Beach Affordable Housing Advisory Committee Incentive Report for Fiscal Year 2022-2023; authorizing submission of the Incentive Report to the Florida Housing Finance Corporation; providing for implementation and an effective date.**

18. **Resolution 2022/204 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, ratifying the joint application submittal to the U.S. Department of Justice for the 2021 Bureau of Justice Edward Byrne Memorial Justice Assistance Grant ("JAG Grant"); accepting the JAG Grant in the amount of $24,583.00 for the Retail Theft Prevention/Apprehension Program; approving execution of a Memorandum of Understanding and Subgrant Agreement with Broward County; providing for an effective date.**

19. **Resolution 2022/205 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, ratifying the joint application submittal to the U.S. Department of Justice for the 2022 Bureau of Justice Edward Byrne Memorial Justice Assistance Grant ("JAG Grant"); accepting the JAG Grant in the amount of $25,017.00 for the Violent Crime and Theft Reduction Program; approving the execution of a Memorandum of Understanding and Subgrant Agreement with Broward County; providing for an effective date.**

DEPARTMENTAL BUSINESS

20. Resolution 2022/206 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting an amendment to the City of Deerfield Beach Stormwater Management and Flood Resiliency Strategies Master Plan to establish a five-year funding strategy for fiscal years 2024 through 2028 to fund capital improvements for stormwater utility projects and operations; providing an effective date.

The Resolution was read by title only.

Horace McHugh, Deputy City Manager, advised that Items 20 – 23 will be presented simultaneously for the Enterprise Funds, which should be supported by user fees and not the General Fund. He explained how the analysis was performed and how it addresses funding for operational and capital needs. Consultants have also been engaged to assist with the assessment. Additionally, based on the feedback from the October 27th workshop an update will be given in summarization of what was presented at that time. Furthermore, in terms of water and waste water, it reflects the implementation of the 2019 approved multiyear master plan. There will be a stormwater update outlining the calculation and methodology for collection either as a monthly bill or annually through non-ad valorem taxes, and the audit finding concerns regarding solid waste will be addressed; whereas, there were previous discussions on the rate during the workshop.

Anthony Soroka, City Attorney, read all other items, 21 – 23 into the record to allow for a holistic discussion, nevertheless, each item will be voted separately.

Priscilla Cygielnik, Director of Environmental Services, introduced the consulting team from Hazen & Sawyer, who will be providing an overview of the stormwater plan. She advised that they will provide strategies to fund stormwater initiatives proposed in the stormwater master plan adopted in November 2021. When the fee was originally enacted, it funded the operations and maintenance only, but there was not a master plan to identify all capital needs. The capital plan has been developed and the intent is to collect an assessment to fund the capital program; whereas, over $18 million in projects have been identified. She said the hope is to approve an increase at the end of the year as a non-ad valorem tax assessment to enable funding for fiscal year 2024 and forward.

Alan Karnovitz, Hazen & Sawyer, said he will present the results of the Phase 1 study. During the October workshop, a detailed look at the methodology and preliminary results were presented, but tonight, the focus will be on results. Thereafter, Mr. Karnovitz provided an overview of the presentation. In 2018, a monthly cost of $3.75 per equivalent residential unit (ERU) was enacted to cover operation, maintenance and ordinary repair costs. The capital improvement program (CIP) was created in 2020 and now, the fee should cover the entire cost of the program, including the CIP and researching options to transition from water bill to non-ad valorem assessment collection.

Elizabeth Keddy, Hazen & Sawyer, provided an overview of the methodology used to update impervious runoff area, from 2018 to present. She advised that new areas have been added since 2018; thereafter, she outlined the parcels used for ERU billing classifications; whereas, there is an additional 500 ERU count this year.

Mr. Karnovitz explained how to determine the new ERU rate and how the financial forecast does not update the 2020 CIP cost estimates; whereas, the timeframe for the financial forecast was the next 5 years. The expenditure trajectory was based on City staff input on project management capacity, budget constraints and ability to fund a reasonable level of investment over the next 5 years. Mr. Karnovitz displayed the excel-based financial model, which was created to be flexible, was transferred to City staff and includes all costs and revenues projected for the next 5 years in all different assumptions.

Additionally, Mr. Karnovitz said the timeframe studied was fiscal year 2024 thru 2028; wherein, fiscal year 2023 was the baseline from where the operating and maintenance (O&M) costs were escalated. He advised that based on O&M costs, the projected annual increases for personal services and operating costs have an annual increase of 3.5% and 4.5% in those line items. Also, the short-term recurring cost is the pay

DEPARTMENTAL BUSINESS – CONTINUED

back of the loan taken from the Water & Sanitation Enterprise Fund, $2.2 million. As a supplement to the ongoing O&M cost, was the creation of a cash reserve; thus, a 120-day operating cash reserve requirement was implemented and includes the annual O&M cost.

Vice Mayor Hudak left the dais temporarily at 9:03 p.m. and returned at 9:05 p.m.

Continuing, Mr. Karnovitz outlined the impact on CIP and types of financing. The PayGo alternative allows funds to come directly from the budget generated by the stormwater fee annually; whereby, over the five-year period, it is estimated to receive $12.5 million in revenue, and the loan of $2.2 million would be paid back over three years at 0% interest. State Revenue Financing (SRF) and the use of revenue bonds are other financing options. To finance the CIP, it could be done in three tranches, FY 24, FY 26 and FY 28, and would be 20-year terms for either the SRF or revenue bonds. He provided various interest rates for both SRF and revenue bond financing that have been achieved by other localities (2.5% SRF and 5.5% revenue bonds). Furthermore, the interfund loan could be rolled into financing and the debt service ratio of 1.5% is maintained during the forecast period. A growth rate of 1.2% for ERU was used for all financing options, also a 10% contingency was added to CIP-related expenditures.

Thereafter, Mr. Karnovitz provided a line graph outlining the annualized cost of the program to cover all costs which is highest with PayGo and lowest with SRF due to the low interest rates and amortizing the cost over 20 years; nonetheless, these calculations assume 100% of stormwater fees collected in the same year levied. In lieu of the 100% collection rate, Mr. Karnovitz analyzed the percentage of taxes collected from 2017 – 2021 which resulted in a 5-year average of 96.89%. During the 5-year period, 3.1% of taxes were not collected in the same year levied, which was applied to the prospective collection rate and increased the revenue requirement by 3.1%, which increases the revenue requirements for the various financing options. The monthly ERU fees for fiscal year 23 thru fiscal year 28 were displayed as well as the annual fees. He explained that the fees are interest sensitive and will increase if the interest rate increases.

Mr. Karnovitz outlined the impact on the CIP expenditures for stormwater. PayGO will increase the annual fee in the short term much higher than it would for the other two financing approaches because the program would be paid off sooner and fees are condensed into a short timeframe. With the financing approach for SRF and revenue bonds, the payments would be longer, but there is a much more gradual and incremental increase in the stormwater fee. In comparing the two financing options, the revenue bond is about 9% higher in fiscal year 2028 than SRF, assuming the requirements are not too lofty. To incorporate the CIP expenditure, the rate must be increased and would still be in line with other coastal communities. Mr. Karnovitz outlined the benefits of incorporating the CIP into the stormwater fee: reliable and predictable revenue stream; buildup of a robust cash reserve, which can be adjusted by reducing or maintaining future rates; and the total cost of the program in the enterprise fund will be captured and allocating the cost based on everyone's impact on the program. In closing, Mr. Karnovitz outlined the ERU monthly fee increasing from $3.75 in fiscal year 2023 to almost $10 under PayGo and as low as $6.23 under SRF.

Lastly, Ms. Keddy said if approved today, on January 10th, the City will need to mail a copy of the resolution to the Broward County Property Appraiser. The next phase would entail a kickoff next month for data review, migration from water bill to tax bill, develop and adoption, public outreach and review of the non-ad valorem implementation schedule.

Ms. Cygielnik explained the impact of each financing option: PayGo is most costly as it is similar to paying cash for the projects; revenue bonding is the most secure and conservative form of payment. Long term projections help predict what projects can be achieved in a given year. For this predictive model, there must be a new revenue stream. The SRF is a public fund and is based on availability of funds which is not a guarantee; therefore, she recommended revenue bonding which is the most conservative approach to commit to certain projects. Lastly, she recommended collection through the non-ad valorem tax assessment and outlined the steps toward implementation.

Ms. Cygielnik entertained questions by the Commission. She explained how increases based on interest rates impact the savings and amounts payable per ERU. In 5 years, when the assessment is done again, if there is a healthy cash balance, it helps against increased rates in the future. Currently, the City

DEPARTMENTAL BUSINESS – CONTINUED

is behind because there is no cash balance. Furthermore, projects were previously funded by the Road & Bridge Fund which came from gas tax and there was not a separate fund for storm water. In terms of the projects, all are included in the storm water master plan and are broken into categories with an identified need; however, some have been identified as part of a study. She advised that there were four projects identified for immediate need for each district and were part of the FMA grant. Other top priority projects were areas highly prone to flooding.

Commissioner Drosky said the result savings from the increase of fees should be passed on to the residents. Thereafter, he expressed concern with keeping all the other funding levels the same.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 20, adopted Resolution 2022/206. Roll Call:

Yeas: 3 - Commissioner Parness, Vice Mayor Hudak, and Mayor Ganz

Nays: 2 - Commissioner Drosky & Commissioner Preston

21. Resolution 2022/ - A Resolution of the City of Deerfield Beach, Florida, declaring the City's intent to use the Uniform Method for Collection of Special Assessments to be levied upon all properties within the City, as more specifically described in Exhibit "A", to fund the installation of a stormwater management system and related improvements; stating a need for such levy; providing for transmittal of the Resolution; providing for an effective date.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked that the fee remain on the water bill because it keeps people engaged in what is going on.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked that the fee remain on the water bill instead of having a large one-time fee on the tax bill.

Joe Chancy, 4250 NE 4th Avenue, Deerfield Beach, asked how the rate increase affects those on Broward County water.

Felicia Poitier, 140 NE 5th Street, Deerfield Beach, asked that the fee remain on the water bill.

Mayor Ganz closed the public hearing.

In response to Mayor Ganz's question, David Santucci, City Manager, replied that water bill has a delinquency rate of approximately 10%; however, the delinquency rate on tax bills is less than 5%.

Commissioner Drosky asked that the chart previously provided to the Commission be displayed after Item 21.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to deny Item 21. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

See Item 23 regarding the summary of impact of the rate increase for single-family households.

DEPARTMENTAL BUSINESS – CONTINUED

22. Resolution 2022/208 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the amended schedule of water and wastewater utility rates; providing for conflicts, implementation, and an effective date.

Chuck Sinclair, Carollo Engineers, provided an update on the utility master plan and water rate study. In December 2019, the draft masterplan study was provided, which evaluated the existing condition and performance of the utility systems, as well as outlined recommended projects for the Capital Improvement Plan (CIP). In March 2020, the rate sufficiency analysis was provided and was used to develop a financial forecast fund for water and wastewater systems through 2040. It was also used to evaluate the revenue available to fund the operational and CIP costs and a recommended plan to fund those costs including a rate increase if necessary; however, the plan was shelved because of COVID and no action was taken.

Continuing, Mr. Sinclair outlined the recommendations for the CIP for the 5 and 20-year horizons: fund repair & replacement (R&R) program for each main component of the utility to maximize useful life; estimate costs for short and long-term capital projects; estimate for implementation on each project based on varying factors; and the CIP would serve as the basis in determining how much the rate would need to be to keep the system running. The projects were provided to staff in a spreadsheet and includes the type of project, funding category and timing/duration of funding. He reviewed the major elements of the CIP, including, but not limited to reclaimed water transmission and distribution pipelines, sewer and lift station rehab, automatic meter reading and others. One of the larger projects was a new ion exchange treatment system to improve the water treatment plant.

Mr. Sinclair explained that the fund was already at a deficit and when the rate was not increased, the deficit continued and this past fiscal year, the City had to use cash reserves to cover some of the operating costs. In April 2022, there was a short-term rate increase of 7.1%, which was reasonable based on the need to generate revenue to cover the shortfalls. This initial rate increase would be the start of a multi-year plan to increase rates to recover costs and mitigate impacts to the customers. The proposed 7.1% increase is intended to cover short-term rehab and capital needs, this would be the increase of the next five years and would help rebuild cash reserves and maintain debt service coverage for existing loan obligations. He advised that the 7.1% is a composite to the 5.25% increase in the water system and 9.25% in the wastewater system. Wastewater is higher because it is sent to Broward County and they increase their rate yearly and since the City has not increased, there is a substantial deficit in the wastewater. Furthermore, the rate increase this year started generating revenue and as the rate increase continues over the next 5 years, revenue will be generated to start short-term capital improvement projects. The model projects an annual increase of approximately 4.5% to cover inflation and keep the system operating.

Moreover, Mr. Sinclair provided the cost impact to utility customers for the 2022 rate increase; whereby, the average residential user consuming 6,000 gallons of water monthly would increase by $4.14 with the 7.1% increase. In comparison with other cities in South Florida, the average of all utilities is around $83 and even with the rate increase, the City's rate is below the average. He advised that when they presented to the Commission in October, there was a concern with the population projections but has since determined that the population will decrease slightly, but the data was kept status quo. Additionally, they have met with staff and reviewed the projects completed under the previous CIP; whereby, the City has already utilized $10 million in ARPA funds to offset costs. Next, the plan is to adopt a 5-year rate schedule that allows for planning of operational and capital needs and consideration of financing alternatives including revenue bonds, loans, and others. A table was shown outlining the cost impact to users over 5 years at a 7.1% increase, starting in 2023 thru 2027, based on 6,000 gallons/month, increasing by approximately $30 per month from 2022 to 2027. Lastly, Mr. Sinclair advised that based on a 7.1% increase over 5 years, the City would be slightly higher, $87.84, versus other utility averages, $84.36.

Vice Mayor Hudak asked what is Broward County's rate since 30% of Deerfield Beach residents are paying it.

Priscilla Cygielnik, Director of Environmental Services, replied that it is around $79 per month.

DEPARTMENTAL BUSINESS – CONTINUED

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 22, adopted Resolution 2022/208. Roll Call:

Yeas: 3 - Commissioner Parness, Vice Mayor Hudak, and Mayor Ganz

Nays: 2 - Commissioner Drosky & Commissioner Preston

23. Resolution 2022/209 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, establishing the solid waste fund rate schedule for fiscal years 2022 through 2027; providing for implementation and an effective date.

Horace McHugh, Deputy City Manager, provided a brief presentation on the solid waste fund. First, he outlined some of the challenges in the industry, to include personnel shortages, increased cost of disposal, steel for containers, fuel, and capital equipment. Mr. McHugh acknowledged the adequacy of the proposed rate and how it helps fund debt service, capital needs, and other expenditures. He also provided rate comparisons for 2022 and proposed rates for 2023, between the City and other localities for the summer; however, they have since been updated. Additionally, the proposed increases provided at the October 2022 workshop, reflects year 1, 2023 – 13% increase; and 2024 – 2027 – 6% increase. Thereafter, Mr. McHugh outlined steps taken to reduce expenses as requested during the workshop.

Continuing, Mr. McHugh outlined the questions and responses from the workshop. First, regarding the use of using the reserves to avert a rate adjustment is a policy decision and will reduce the impact of a fee increase; whereas, the consultant recommended a 13.5% increase in year 1 and if reserves are used, the increase would be 6% in year 1. Additionally, a one-time use of reserves does not address the sustainability of the fund and will not satisfy audit requirements. He also commented on disposal costs and other cost increases affecting the fund, consumer pricing index, steel, personnel, and others. Mr. McHugh continued to respond to various questions previously posed in October regarding delaying the rate adjustment; increased vehicle downtime, negative customer service impacts, delays in capital projects, and non-compliance with audit recommendations, etc. In closing, Mr. McHugh advised that the Solid Waste Fund needs attention, the existing rates cannot address the needs, and the existing rates will not address audit concerns.

Thereafter, staff entertained questions of the Commission.

Mayor Ganz expressed concern with the lack of time to review the information; however, he acknowledged the need for the enterprise funds to be self-sufficient and that no rate increases have occurred in quite some time. Thereafter, he left the dais temporarily at 10:12 p.m. and returned at 10:14 p.m.

Commissioner Parness asked if there were consequences to not acting on the items tonight.

David Santucci, City Manager, explained the process for placing the stormwater bill as a non-ad valorem onto the tax bill, which is Item 21. Also, for Item 20, it is the adoption of the stormwater master plan and funding strategy but does not adopt the rate. The initial rate adoption would occur in June and the final adoption in September 2023, with the budget. Additionally, he explained that Item 21 has a deadline of January 1st to go to the Property Appraiser, so if it is postponed, it will not go on the tax roll and continues as an existing fee on the utility bill.

Anthony Soroka, City Attorney, said there is a specific procedure and notice requirements, and intent to add the bill to the property tax bill beginning October 1, 2023; however, the request can be rescinded a couple of months after submission.

Commissioner Parness said he prefers the bill be on the tax bill because many people do not see it on the utility bill.

Mr. Soroka also pointed out that per State law, when water and sewer increases are proposed, notices must be included on the utility bills; those were provided in anticipation of this meeting.

DEPARTMENTAL BUSINESS – CONTINUED

Commissioner Preston and Vice Mayor Hudak suggested moving forward and voting on the items tonight instead of postponing them as adequate information has been given.

Commissioner Drosky disagreed and explained the importance of making the best recommendation for the residents based on having enough time to review the necessary information. Additionally, he said he does not think this is the best time to place the stormwater fee on the tax bill. Lastly, he expressed the difficulty of deciding on whether to increase the rate or use reserve funds.

Mayor Ganz reiterated his dissatisfaction with the information not being received timely to fully vet the situation; nevertheless, he will move forward with deciding and has no opposition to placing it on the tax bill.

Commissioner Preston agreed that this is a tough decision and there are times you will not always be as informed as you'd like.

There was a lengthy discussion regarding processes, morale, and the City Manager's role in providing information.

Mr. Santucci responded to various comments and explained how the information was provided and vetted during the workshops, as well as next steps with the assessment and rate strategy.

Mayor Ganz opened the public hearing on Items 20, 22, and 23.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, spoke in opposition to the rate increases. Additionally, she asked that the stormwater fee be kept on the water bill. Ms. Freitag asked if the fees would be reduced once the major, structural projects are completed. Lastly, she said she does not like Deerfield Beach being compared to other cities and reiterated that a 22% increase is not desired.

Vice Mayor Hudak left the dais temporarily at 10:52 p.m. and returned at 10:54 p.m.

Felicia Poitier, 140 NE 5th Street, Deerfield Beach, spoke in opposition to the rate increase due to timing and the lack of notification. She also expressed concern with the flooding after a short rain and asked what the stormwater fees have been used for since implementation. Lastly, she asked if the increase should have been addressed during the budget adoption.

Mayor Ganz replied that the funds were only enough to cover operations and maintenance.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said the Commission has the authority to remove items from the agenda prior to addressing it at the meeting when there is a lack of information. She said the decision needs to be made, but asked that it be made at a separate meeting, prior to January 1st.

Mayor Ganz closed the public hearing.

Commissioner Drosky asked for the summary of how the rate will impact the residents.

Commissioner Parness said although he does not want to adopt the increases, it is necessary to keep the City's infrastructure in good condition and not experience flooding or sewage in the streets because of neglect. Thereafter, he commented on the increase in property taxes for those who are not homesteaded and motioned approval for Item 20.

Mayor Ganz said he wanted to pull money from reserves to reduce the increase, but also allow the City to keep up with necessary improvements. If that would have been explored more, it may have helped the situation. Lastly, he said when he found out this was on the agenda, he reached out to the City Manager and expressed dissatisfaction.

DEPARTMENTAL BUSINESS – CONTINUED

Summary of increased rates

Mr. McHugh said scenario 1 reflects the initial recommendation, which utilizes the current monthly rate, the January 2023 rate increase through fiscal year 2027 for water/sewer and solid waste, and fiscal year 2024 rate increase through fiscal year 2028 for stormwater. He said Scenario 2 utilizes funds from the General Fund reserves and shows a decrease in the monthly fee for the fiscal years and categories outlined above.

Mr. Santucci advised that this item can be considered at the special meeting on December 15th and if desired, he will meet with each commissioner individually to provide more information.

> **MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston to table Item 23 until December 15th. Roll Call:**
>
> **Yeas:** 2 – Commissioner Preston & Vice Mayor Hudak
>
> **Nays:** 3 – Commissioner Drosky, Commissioner Parness, and Mayor Ganz

Commissioner Parness motioned approval of Scenario 1; however, no one seconded and the motion failed.

Thereafter, Commissioner Parness motioned approval of Scenario 2.

Mayor Ganz passed the gavel and seconded the motion.

> **MOTION was made by Commissioner Parness, seconded by Mayor Ganz, to approve Item 23, Scenario 2; adopted Resolution 2022/209. Roll Call:**
>
> **Yeas:** 3 - Commissioner Parness, Vice Mayor Hudak, and Mayor Ganz
>
> **Nays:** 2 - Commissioner Drosky & Commissioner Preston

24. Resolution 2022/210 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Ranking and for Invitation to Negotiate #22-41-PC for the sale of city property located at 1045 SW 11th Way contingent upon approval of the sale at a Referendum Election; authorizing negotiation of the key business terms and a purchase and sale contract, which shall be subject to referendum approval, with the top ranked firm, MBA Development Partners of Florida, LLC; providing for implementation and an effective date.

The Resolution was read by title only.

Commissioner Drosky left the dais temporarily at 11:15 p.m. and returned at 11:18 p.m.

David Santucci, City Manager, provided a brief overview and recap of the ongoing changes with the property located at 1045 SW 11th Way, whereas, there was a payment offered to the City in the amount of $3.2 million which would have been equivalent to selling the property. This offer was rejected by the Commission in hopes of creating something better for the City and residents. Thereafter, he introduced the consultant.

Ken Krasnow, Colliers International, said Colliers was selected in the late spring to develop a marketing packet to expose the site; whereas, the results will be provided. The presentation will include the marketing efforts, the evaluation criteria used, overview of the bidders, evaluation rankings, and lastly, the timeline and next steps. The marketing campaign hit approximately 30,000 people directly, and the evaluation criteria focused on five categories to ensure the right candidates would come forward. Six offers were received and the committee shortlisted from six to four, Falcone Group, JBL Development, MBA Capital Partners, and Related. Presentations were given on November 16th to provide an overview of the project. Mr. Krasnow highlighted the project for each bidder.

DEPARTMENTAL BUSINESS – CONTINUED

Commissioner Parness left the dais temporarily at 11:21 p.m. and returned at 11:25 p.m.

Continuing, Mr. Krasnow said Falcone proposed a mixed-use project of 250 apartments with 7500 square feet of commercial retail space on the ground floor for a purchase price of $4.6 million. JBL's project offered 400 units, 20,000 square feet of commercial retail space for a purchase price of $5.1 million. Related's project offered 150 units of mixed income housing as they specialize in workforce housing, 9,000 square feet of commercial and community space on the ground floor. Lastly, MBA's project offered a mixed-use project that incorporated a medical office user, who has already been identified, but not revealed to the public. Also, 120 workforce apartments that will range from 60 to 140% of the AMI (average median income) of $43,000 to approximately $100,000 with average rents of $1500 per unit. Also proposed is a 105-room hotel, Marriott branded, and about 20,000 feet of restaurant/retail/meeting space to accommodate the medical office user who has expressed a need for meeting space and other amenities. These spaces will also be available to the public. The purchase price was $6.5 million, in addition, they proposed investing another $7.5 million into the community at the City's discretion.

Lastly, Mr. Krasnow said after the evaluation committee met, they were unanimous in their decision with MBA as the first ranked firm, Falcone – second, JBL – third, and Related – fourth. Mr. Krasnow said MBA stood out above the others because of the are economic benefits, as well as making the property a transformative development to serve as a gateway into the City. Four conceptual renderings were provided depicting where the medical office will be housed, workforce housing, and the hotel. Although the process must be voted on, there are people invested in the project who have worked with the City, i.e. Bill Gallo, architect, and Dodie Keith, engineering firm. Mr. Krasnow said the additional benefits of selecting MBA are tax revenue, jobs created, etc. This project will take approximately 4 years to complete, starting from the referendum, in March 2023, and if successful, the project will proceed. Prior to the election, there will be a campaign dedicated to educating the public on what the project means. If approved tonight, the ballot language and key business terms will be addressed at the Special City Commission meeting on December 15th. The proposed resolution, if approved, allows for contract negotiation with the top ranked firm. Thereafter, he commented on MBA having a construction firm as their partner which is a critical component.

Commissioner Parness asked how high the building would be.

There was a response from the audience of 10 stories.

Commissioner Parness commended the project.

Commissioner Preston applauded the bidders, but said MBA proposed purchasing the land as well as a lease option and provided extensive details on how they wanted to enhance the community.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, spoke in opposition to a hotel being at that location due to others being in close proximity. Additionally, there is a Sylvester Cancer Institute close by. She expressed concern with companies promising amenities to better the community, but fail to do so.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of the project because of the medical facility and how it caters to the patients' families. Lastly, he opined that this project will put Deerfield Beach on the map.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said she attended the meeting for the presentations and spoke in support of MBA. Additionally, she suggested striving to achieve the conceptual rendering as an entranceway of this magnitude is favorable.

Joe Chancy, 4250 NE 4th Avenue, Deerfield Beach, recommended that the Mayo Howard Park, across from the parcel, be enhanced.

Mayor Ganz closed the public hearing.

DEPARTMENTAL BUSINESS – CONTINUED

There was discussion concerning the project, how it enhances the community, the medical provider proposed for the location, as well as the terms of the lease.

In response to Commissioner Drosky's question, Mr. Krasnow replied that there is public confidentiality in terms of disclosing the medical provider, until they know there is an actual deal.

Mario Caprini, CGHP Developments, explained that the name of the provider cannot be disclosed publicly; however, like the City's broker, anyone can sign an NDA to receive the name. He advised that all other tenants can be disclosed and within the proposal, they disclosed that CGHP is moving their office to one floor; notwithstanding, other partners wish to come in as well. He opined that tenants will come from around the world to go there. Thereafter, he listed the businesses of other tenants. Mr. Caprini continued to explain the next steps, specifically the referendum, and other companies included in the project. In addition, he outlined various amenities proposed for the location and advised that every space in the building is accounted for.

Cory Olson said Edsel Phelps is part of the CGHP Development team and does $7 billion yearly in development, construction, and building management. He then outlined the different payment options offered during the evaluation. A purchase price of $6.5 million for the land and $7.5 million for infrastructure improvements; 99-year lease offer providing the City with $40 million over the term of the lease; and lastly, there was an option to make the City the owner of the building and implement a reverter.

In response to Commissioner Drosky's question, Mr. Krasnow replied that there are two medical tenants that do not compete with each other and the goal is to put both names on the tower.

Mayor Ganz said he wished this would have been discussed privately before going to the public. He encouraged staff to make sure it does not happen again. Thereafter, he commented on the size of the parcel and how the proposed concept is perfect.

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Item 24, adopted Resolution 2022/210. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

COMMENTS BY MAYOR & CITY COMMISSION

COMMISSIONER DROSKY DISTRICT 4

Upcoming Events – Commissioner Drosky said events in District 1 and 2 are coming and asked the respective commissioners to comment on them.

Happy Holidays – Commissioner Drosky wished everyone happy holidays.

Zoom Changes – Commissioner Drosky asked that there be changes on Zoom; whereas, he would like people addressing the Commission via Zoom to have their cameras on. If not, the Mayor does not have to recognize the person.

COMMISSIONER PARNESS DISTRICT 3

Waste Management – Commissioner Parness said he had lunch, which he personally purchased, with Waste Management and toured their facility. He further commented on how Waste Management said they were the solution to the waste destruction, but they are not. When the dump is filled, they must maintain it for 30 years even though the dump is closed. Although they wanted to push the garbage as far as possible, that will not solve the City's problem. He said a real solution must be found, which may include the County building its plant and turning garbage into electricity. Lastly, he said the City's garbage is transported to

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

Orlando and 90% is industrial waste, not garbage, which contains asbestos.

COMMISSIONER PRESTON DISTRICT 2

Food Drive – Commissioner Preston said there was a Thanksgiving food drive and many families, who did not have any food, were assisted. He thanked Kathy Richards and Commissioner Parness, Democratic Club, Avis Swenson, Rotary Club, Chief Adam Hofstein, Broward Sheriff's Office, for their support.

Accolades – Commissioner Preston thanked Jonathan Salas and staff for making a difference in the community. He also commented on the activity at the Braithwaite Center as it is very positive. Commissioner Preston also thanked Sustainable Management for picking up garbage on Thanksgiving.

AirBnB's – Commissioner Preston said a lot of homes have been purchased by AirBnB's and many families are homeless as a result. He also commented on 6 people living in a home near him which seems to serve as a vacation rental; whereas, it may be homesteaded and asked that it be investigated to determine what is going on.

Canton Jones Joy Fest – Commissioner Preston said on December 17th, at 432 SW 10th Court, Pastor Harper will host the event and Canton Jones will be in attendance, starting at noon.

Community Day – Commissioner Preston said this is the day diversity is celebrated and will possibly be held in March. He said it is important that everyone embrace each other's diversity.

David Santucci, City Manager, said he will check on the date and provide an update.

Beach Events – Commissioner Preston said he enjoyed his time at the beach last Saturday and applauded staff for holding positive events. He also expressed the importance of bringing people together and how one part-time resident took the time to say thank you for the event.

VICE MAYOR HUDAK DISTRICT 1

Upcoming Events – Vice Mayor Hudak said the boat parade will be held on Friday, December 9th from 7 p.m.– 10 p.m. and the Hillsboro Bridge will be up at some point. Also, an ice cream social will be held on Saturday, December 10th at Oveta McKeithen Recreational Complex, and Operation Santa will be held on Sunday, December 11th.

Meeting Tonight – Vice Mayor Hudak said the meeting tonight was very difficult, but decisions were made based on the information they had, which could have been provided sooner. Thereafter, he advised that the decisions he makes are not based on him being re-elected, but are based on what is the best decision for the City.

MAYOR BILL GANZ

Concert in the Park – Mayor Ganz applauded staff for the concert at Waterford Homes and the feedback was positive because this area was included.

Dune Restoration – Mayor Ganz asked that the Marine Advisory Board be included with the dune restoration.

Zoom Meetings – Mayor Ganz recommended doing away with Zoom meetings and explained how difficult it is to run the meeting, the technical difficulties, and how people sometimes cannot hear what is being said. There was not a mandatory requirement and believes it could be stopped immediately.

Human Trafficking – Mayor Ganz said although he believes something should be done on a State level, he asked the City Attorney to look into what can be done in the City.

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

Road & Traffic Safety/Updates – Mayor Ganz thanked FAU for the presentation and acknowledged the importance of cutting down on speeding. He thanked Chief Whitehorn for keeping the Commission informed on what occurs in the City regarding fire rescue.

Gary Troutman – Mayor Ganz asked that everyone look up Mr. Troutman who is a convicted murderer, of a woman in 1986 in Deerfield Beach. He was set free this week after serving 9 years on what should have been a 25-year sentence. This is a miscarriage of justice and encouraged everyone to look out for him and find out what is going on in your community.

Changes Needed – Mayor Ganz said he reports issues to the City Manager and is told that they are done, but later finds out nothing has been done. He commented on the importance of keeping up with the landscaping and how things are falling apart and it needs to change. He said he will continue to air things out in the public so no one feels blindsided.

Enterprise Funds – Mayor Ganz said he voted in favor of the increase because improvements need to happen and that the funds are self-funded and operationally solvent for the future. He said he believes other things could have been considered.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to adjourn the meeting at 12:27 a.m. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

CITY OF DEERFIELD BEACH

____
BILL GANZ, MAYOR

____
Samantha Gillyard, CMC, City Clerk