



Meeting Minutes City Commission

Tuesday, January 10, 2023

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:

Commissioner Todd Drosky
Commissioner Bernie Parness
Commissioner Ben Preston
Vice Mayor Michael Hudak
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
Assistant City Clerk Heather Montemayor

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

There was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - November 15 & December 6, 2022
Enterprise Funds Workshop Meeting Minutes - October 27, 2022

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve the meeting minutes as submitted. Voice Vote:

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

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Education Advisory Board Meeting Minutes - September 7, October 11, & November 2, 2022
Affordable Housing Advisory Committee Meeting Minutes - August 8, 2022
Planning & Zoning Board Meeting Minutes - October 6, 2022
Firefighters Pension Fund Meeting Minutes - August 29, 2022
Code Compliance Meeting Minutes - October 31, 2022

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

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

January 10, 2023

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve the agenda as amended. 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 Environmental Services Staff for the repairs made to the International Fishing Pier due to damage sustained by Hurricane Nicole.**

Mayor Ganz commended staff from the Facilities Division for their exemplary service to the City and residents on the International Fishing Pier after Hurricane Nicole.

Item 3 was presented prior to Item 2.

2. Presentation by the Turnpike Authority regarding the PD&E Study for the Sawgrass Expressway from west of US 441 to Powerline Road.

Jacquelyn Hayward, Project Manager, said Florida's Turnpike Enterprise will be making improvements to the Sawgrass Expressway and a portion of the Florida Turnpike. Thereafter, a presentation was displayed. She said widening the Sawgrass Expressway and Florida's Turnpike, and improving existing interchanges on 441, Lyons Road and Sawgrass Expressway will improve regional connectivity, accommodate travel demands in 2045, enhance safety along two corridors, improve travel time reliability, and enhance emergency response and evacuation. Further, she stated that there is a missing link into the expressway network between Sawgrass and I-95, but it's being addressed by FDOT District 4, and will improve regional linkage. An illustration of the regional daily trips between Broward and Palm Beach counties was displayed, whereby, drivers currently use local roads for east-west travel; however, the direct turnpike access to/from the SW 10th Street connector lanes will relieve the local east-west roadway network. Ms. Hayward said there will be a 47% - 89% increase in average annual daily traffic (AADT) from 2021 to 2045; Sawgrass, west of Florida's Turnpike - 48% increase; SW 10th Street - 60% increase; Florida's Turnpike, south of Sawgrass - 89% increase; and north of Sawgrass and Florida's Turnpike - 78% increase.

Moreover, Ms. Hayward outlined the proposed improvements for the Sawgrass Expressway, US 441 interchange, and Lyons Road Interchange. The Sawgrass Expressway between 441 and Lyons Road will be widened to four travel lanes with an auxiliary lane in each direction and barrier separated roads to reduce lane changes, weaving maneuvers, speed differentials, turbulence, improve safety along the Sawgrass Expressway. The US 441 interchange will include the travel lanes, west bound and east bound C-D roads, and new overpass bridges to accommodate the C-D roads on the Sawgrass Expressway. Additional left turn lanes will be added on 441 to make it easier to enter the Sawgrass Expressway and improvements will be made to the Winston Park Blvd. and Regency Lakes Blvd. intersections. The Lyons Road interchange will include the travel lanes on Sawgrass Expressway, the west bound and east bound C-D roads, and new overpass bridges for the C-D roads. Currently, the interchange has displaced lefts, so it will be reconfigured to a traditional diamond interchange, improvements will be made to the Serko Blvd.

AWARDS & RECOGNITION - CONTINUED

and Winston Park Blvd. intersections, and a Texas U-turn will be constructed. Thereafter, a photograph was displayed of the existing and proposed conditions. Currently, drivers must travel through two signalized intersections on Lyons Road for a mainline toll of \$2.14. The proposed conditions, with the Texas U-turn, will remove vehicles from the intersection, revise the toll sites, and decrease the toll to \$0.52. Ms. Hayward said the Texas U-turn will be separated by a barrier wall, and sidewalks and extended bike lanes will be installed.

Furthermore, Ms. Hayward outlined the proposed improvements for Florida's Turnpike and the Turnpike/Sawgrass interchange. The Florida's Turnpike will be widened to ten lanes in each direction with some auxiliary lanes as you approach the interchanges and the existing ramps will remain but will be improved. Currently, there are no direct connections between SW 10th Street and Florida's Turnpike; nevertheless, there are two alternatives being proposed with eight possible connections, one provides four of the eight and the other, six. Alternative one consists of turnpike southbound to local SW 10th Street eastbound; local SW 10th Street westbound to turnpike northbound; turnpike northbound to SW 10th Street connector eastbound; and SW 10th Street connector westbound to turnpike southbound. Alternative two consists of alternative one plus turnpike northbound to local SW 10th Street eastbound and SW 10th Street connector westbound to turnpike northbound, which will impact Quiet Waters Park right-of-way. Ms. Hayward said alternative one will have a 4% reduction in the morning peak hours, and a 27% reduction in the evening. Alternative two will have a 59% reduction in the morning peak hours, and an 81% reduction in the evening.

Lastly, Ms. Hayward said both alternatives show significant traffic benefits over the no-build alternative, whereby, alternative one has a slightly better overall traffic benefit compared to alternative two, which has lower U-turns and better traffic operations at the Lyons Road interchange. She stated that a public information meeting will be held virtually on Monday, January 30, 2023, and in-person on January 31, 2023. Thereafter, a preferred alternative will be identified, followed by a public hearing at the end of 2023.

In response to Mayor Ganz's question, Ms. Hayward replied that once an alternative is identified, a noise analysis will be performed.

Mayor Ganz said the Turnpike Authority made a commitment to the City years ago regarding the installation of sound walls when this project was first being constructed and wants assurance that will happen. Further, he commented on a bald eagle's nest, and asked if widening the area just east of the turnpike on the south portion of SW 10th Street will impact the residents.

Ms. Hayward said a bald eagle has not been spotted in quite some time; nevertheless, they are aware of the nest and it will not be impacted. Further, she said the street widening will not impact the residents but will impact Quiet Waters Park. Lastly, she reiterated that sound walls will be installed based on the noise analysis.

Commissioner Drosky said although the Lyons Road intersection will decrease traffic, it will increase traffic in Deerfield Beach. Thereafter, he provided various scenarios how the proposed alternatives will increase traffic within the nearby communities. He also expressed concerns with residents now seeing ramps instead of the lake at Quiet Waters Park. Lastly, Commissioner Drosky asked that public outreach be continued throughout the entirety of this project.

Ms. Hayward said improving operations on Lyons Road will not push traffic into Deerfield Beach, but will accommodate all the traffic at the interchange; nevertheless, the proposed visualizations outlined in this presentation will be available online for public inspection. Further, she said the view will not change, as residents in the Waterways will still be able to see the park. Lastly, she said public outreach will continue throughout the project.

ADDENDUM

3. Certificate of Recognition presented to Deshaun Sands for his actions related to the tragic shooting of Rickey Ferguson, Jr.

ADDENDUM - CONTINUED

Commissioner Preston commented on the tragedy that took place on December 28, 2022 at Oveta McKeithen Park. Thereafter, he thanked Deshaun Sands for his quick actions related to the tragedy.

QUASI-JUDICIAL PUBLIC HEARINGS**4. P.H. 2023-029: Application: 21-P-230**

Applicant: **B'nai B'rith Deerfield Beach II, Inc.**

Proposal: Request to amend the plat note restriction to restrict residents to a minimum of 62 years in age with a total family income of 80% of median Broward County income.

Location: The property is generally described as a portion of Tract "A" of Plat 128 Page 46 and **located at 255 SW 3rd Avenue.**

Anthony Soroka, City Attorney, advised that staff is requesting to defer Items 4 & 5 to the January 24, 2023 commission meeting.

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

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to defer Item 4 to January 24, 2023. Voice Vote:

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

Nays: 0

5. P.H. 2023-030: Application: 21-RM15-65

Applicant: **B'nai B'rith Deerfield Beach II, Inc.**

Proposal: Major Site Plan application seeking approval for 62 multi-family dwelling units (apartments) with a revision to the existing parking lot seeking a variance for setbacks and parking reduction.

Location: The property is generally described as a portion of Tract "A" of Plat 128 Page 46 and **located at 255 SW 3rd Avenue.**

Mayor Ganz opened the public hearing.

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, spoke in support of the proposed project.

Commissioner Parness thanked the Department of Planning & Development Services, as low-income housing is essential to senior citizens.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to defer Item 4 to January 24, 2023. Voice Vote:

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

Nays: 0

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED**6. P.H. 2023-031: Application: 87-B1-74**

Applicant: **7-Eleven, Inc.**

Proposal: Major Site Plan application seeking approval to demolish an existing convenience store and construct a new 3,205 square foot convenience store and associated site improvements.

Location: The property is generally described as OCEAN VUE 3-34 B LOT 33 E 37 1/2, LOT 34 W1/2 BLK 11, and located at **1991 NE 2nd Street**.

Anthony Soroka, City Attorney, explained the quasi-judicial process and asked whether the applicant will proceed or waive.

Heidi Davis, Gunster Law Firm, representing the applicant, waived the quasi-judicial proceedings. Thereafter, a brief PowerPoint presentation was displayed. She explained that the property is 9,000 square feet and contains an existing 7-Eleven convenience store that is approximately 2,700 square feet and only 62 feet wide, which poses several challenges for redevelopment. The current 7-Eleven has been on the property since the 1960s, which was before the Land Development Code; whereas, the property and current 7-Eleven are non-conforming. The property has a commercial land use designation and is zoned B-1 and includes convenience stores as a permitted use. Thereafter, photographs of the current development were displayed. She said the existing structure contains a dumpster in front of the store, near the sidewalk, which will be torn down during redevelopment.

Continuing, Ms. Davis said the applicant is requesting major site plan approval for a new 3,205 square foot convenience store, technical deviation for minimum parking spaces, variances from landscape requirements and sign setback, and shared dumpster agreement. Thereafter, the proposed site plan was displayed which highlighted a one-story convenience store, 12 parking spaces, with one being handicapped, bicycle rack, and pedestrian walkways. A six-foot masonry wall will be located at the rear of the structure and 7-Eleven will complete the wall to the eastern property line. Further, she explained that the project orients the convenience store to the rear of the property due to the five-foot requirement dedicated to the right-of-way along A1A.

Moreover, Ms. Davis said the proposed architecture incorporates a metal standing seam roof, which is consistent with neighboring businesses, i.e. Island Water Sports, lap siding bead patterns at the base of the structure, large glass windows and doors, and additional landscaping and parking spaces. The applicant performed a parking and pedestrian study which showed that the current parking, 8, was sufficient; nevertheless, a technical deviation is being requested for the proposed parking spaces, as 22 are required by Code. If approved, 7-Eleven will contribute \$60,000 to the City's parking fund in lieu of the ten spaces. Further, the variances are for landscaping the side buffer yards, landscape islands, and palm trees in lieu of shade trees. The sign setback variance includes replacement of the current 15-foot sign to a five-foot, ground sign, which will be one foot from the property line in lieu of two feet required by code. Lastly, Ms. Davis said the applicant has entered into a mutually shared dumpster agreement with Island Water Sports, which will be located on their property.

In response to Mayor Ganz's question, Ms. Davis replied that the sign setback will not create any visual impairments.

In response to Vice Mayor Hudak's question, Eric Power, Director of Planning & Development Services, replied that the business to the west of Island Water Sports removed parking spaces to add outdoor seating; therefore, they do not meet the requirements for a technical deviation. Further, he said properties along the barrier island have the option to enter into an agreement with the parking garage to offset parking spaces.

In response to Commissioner Preston's question, Eric LaBoyer, 7-Eleven, replied that if additional garbage pickup services are needed, 7-Eleven will incur the expenses for the services.

In response to Commissioner Drosky's comment, Ms. Davis explained that the property is 9,000 square feet, which creates a severe hardship with development and complying with the current code. Further, she reiterated that the property can remain, as it is legally non-conforming, or variances can be requested to

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

redevelop the property. Lastly, she stated the property was designed and developed prior to Land Development Code regulations.

Commissioner Drosky spoke in support of the proposed project.

Commissioner Parness said the variances are not overbearing and redevelopment is necessary; therefore, he spoke in support of the project.

Mayor Ganz opened the public hearing.

Jeff Goldman, 1950 NE 3rd Street, Deerfield Beach, commented on the construction hours, as 7:00 a.m. to 8:00 p.m. is unacceptable and asked if they can be amended. Further, he asked when the project will begin and the completion date. He also commented on previous variances being given to Bru's Room, noise restrictions not being adhered too, and the lack of police enforcement for drag racing. Further, he has no issues with the proposed variances for this project but asked for clarification on the dumpster location.

Mayor Ganz stated that 7-Eleven will be sharing the dumpster with Island Water Sports, which is already located behind the building.

Sheila Fox, 1950 NE 3rd Street, Deerfield Beach, expressed concerns with the construction noise, replacing the current shade trees with palm trees, and lighting.

Peggy Ross, 103 19th Avenue, Deerfield Beach, spoke in support of the proposed project, as the current convenience store is an eyesore.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, stated that per the City's Code construction hours are Monday to Friday from 7:00 a.m. to 7:00 p.m., Saturday - 9:00 a.m. to 5:00 p.m., and no construction on Sunday.

Kenny Tharrington, Creighton Construction, said the only noise will be from demolition of the building which can be done at 8:00 a.m. Further, he said the construction of the store will take between 4-6 months.

Mayor Ganz spoke in support of the proposed project; whereby, the variances are warranted due to the limitations that have been created by pre-existing buildings. Thereafter, he asked for clarification on the shade trees as well as the wall in the rear of the property.

Ms. Davis said there are no shade trees on the 7-Eleven property, so the shade tree located in the rear, on the neighbor's property, will remain; however, palm trees will be added in front of the six-foot wall, which is on 7-Eleven's property. Further, she stated that the wall begins on the northwest corner and will extend to the northeast corner.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 6, adopted Resolution 2023/001. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Michael Lubin, 16 Little Harbor Way, Deerfield Beach, asked if the construction hours can be amended to end at 5:00 p.m., Monday - Friday, as the current hours of operation are a nuisance to residents' everyday life.

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, commented on a missing fire hydrant near Johnie McKeithen Park and accidents that have occurred on NE 2nd Avenue and Eller Street due to the

PUBLIC COMMENT - CONTINUED

installation of the road barrier and downed sign.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, wished everyone a happy new year. Further, he commented on two projects that were developed and owned by MBA. Thereafter, he spoke in support of the March referendum.

Bill Galsterer, 1102 Little Harbor Drive, Deerfield Beach, expressed concerns with an Airbnb located at 6 Little Harbor Way, who is falsifying the maximum occupancy of the single-family home and using his backyard to access the waterways. Thereafter, he commented on discussions he's had with code compliance.

Peggy Ross, 103 19th Avenue, Deerfield Beach, said there are light bulbs out on NE 2nd Street and along the Hillsboro bridge.

Vice Mayor Hudak expressed his frustrations regarding the Airbnb located at 6 Little Harbor, whereby, he has been in contact with BSO, Code Compliance and State Representative Chip LaMarca. Further, he said Airbnb's are regulated by the State and urged residents to reach out to their state representatives to express their frustrations. Thereafter, he commented on the regulations, i.e. increased fines for repeat offenders, this Commission has implemented.

Commissioners Parness and Preston expressed their frustrations with Airbnb's and urged residents to contact their state representatives.

Mayor Ganz said shortening the hours of construction will prolong the construction process; nevertheless, he would be open to adjusting the early morning hours, not evening. Further, he said Airbnb is changing their rules and prohibiting false advertisement but asked for clarification.

Anthony Soroka, City Attorney, said he's heard the same, but needs to do additional fact-finding research. Further, he said local governments are significantly limited on their ability to regulate vacation rentals within their jurisdiction; however, if they are violating City codes, it can be enforced.

Mayor Ganz urged residents to contact their state representatives as these vacation rentals are damaging our neighborhoods. He also encouraged residents to continue contacting city elected officials, as well as staff. Further, he commented on the citywide light bulb issue, whereby, people are stealing the wiring.

CONSENT - BOARD APPOINTMENTS

- 7. Resolution 2023/002 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Judith Stanich as a member of the Historic Preservation Board; providing for conflicts and an effective date.**
- 8. Resolution 2023/003 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Paula Ferrara as a member of the Public Art Program Committee; and providing for an effective date.**

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Items 7 & 8. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

After a brief discussion, Items 12 & 13 were pulled for discussion; all others were approved in concert.

Mayor Ganz opened the public hearing for Items 9 - 11 and 14 - 16; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Items 9-11, 14-16 of the Consent Agenda. Roll Call:

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

Nays: 0

- 9. Resolution 2023/004 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Administrative and Consulting Services Agreement with GovTemps USA, LLC, to provide interim human resources consulting services through June 2, 2023, at a hourly rate of \$126/hour and in a maximum contract amount not to exceed \$100,000; ratifying execution of the Agreement; providing an effective date. (Funds from Account #001-0800-513-32-99 - Human Resources/Other Contractual Services)**
- 10. Resolution 2023/005 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of the First Amendment to the Work Authorization with Stantec Consulting Services, Inc. to provide additional services for Phase 2 of the NW Area Improvement Plan relating to design guidelines and catalyst site studies in an additional amount not to exceed \$16,500.00, for a total work authorization aggregate amount of \$72,300.00; providing for implementation and an effective date. (Funds from Account #001-1100-515-32-99 - Other Contractual Services/Miscellaneous Planning Consulting)**
- 11. Resolution 2023/006 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of the Amendment to the Memorandum of Understanding and Construction Agreement with Florida Power & Light Company ("FPL") for the City to grant two (2) additional easements to FPL for the construction of overhead and underground transmission lines; providing for implementation and an effective date.**
- 12. Resolution 2023/007 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a Locally Funded Agreement with the Florida Department of Transportation ("FDOT") to fund the construction of a 12-inch reclaimed water main along SW 10th Street from SW 24th Avenue to SW Natura Boulevard, with the City contribution in a lump sum amount of \$3,871,010.00; providing for implementation and an effective date. (Funds from Account #413-5020-533-60-31 - Improvements Other than Building)**
- 13. Resolution 2023/008 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a Locally Funded Agreement with the Florida Department of Transportation ("FDOT") to fund the construction of a 12-inch reclaimed water main along SW 10th Street from Waterways Boulevard to SW 24th Avenue, with the City contribution in a lump sum amount of \$1,727,824.00; providing for implementation and an effective date. (Funds from Account #413-5020-533-60-31 - Improvements Other than Building)**

Items 12 & 13 were discussed together but voted on separately. Thereafter, the Resolution titles were read

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

into the record.

Commissioner Drosky said these two projects, which he previously requested, now relate to the SW 10th Street Connector Project. Originally, these projects were projected to be over \$750 million, and are now around \$500 million, which is a \$250 million savings to FDOT; therefore, he believes some of those savings should be given back to Deerfield Beach. Commissioner Drosky said although he appreciates what FDOT has done and knows that these projects are needed and the City has money for them, he feels more can be done along the way; therefore, he will be voting against these projects.

In response to Vice Mayor Hudak's question, David Santucci, City Manager, replied that the City has the option to not install the pipe at this time, but a later installation date could be more expensive.

In response to Mayor Ganz's question, Mr. Santucci replied that these projects will benefit areas beyond the 10th Street corridor, whereby, as the infrastructure is built out, the City will have the ability to run the reclaimed water for non-potable purposes throughout the City.

Mayor Ganz said getting FDOT to this point is a success and the fact that it will benefit the entire city is a plus; nevertheless, there will be other issues the City encounters during the construction of the SW 10th Street Connector Project, and although he believes these projects are a small victory to the City, he understands Commissioner Drosky's stance.

In response to Commissioner Parness' questions, Mr. Santucci replied that FDOT will pay 50% of the cost, and if the cost increases, FDOT has committed to pay the additional costs. Further, the proposed construction will be in conjunction with the rest of the utility work being done as part of the SW 10th Street Connector Project.

Mayor Ganz opened the public hearing for Items 12 & 13; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve Item 12, adopted Resolution 2023/007. Roll Call:

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

Nays: 2 - Commissioner Drosky & Commissioner Parness

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve Item 13, adopted Resolution 2023/008. Roll Call:

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

Nays: 2 - Commissioner Drosky & Commissioner Parness

14. Resolution 2023/009 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Amendment 1 to the Maintenance Memorandum of Agreement with the Florida Department of Transportation for the maintenance of improvements associated with the S.W. 10th Street Connector Project; authorizing execution of the Amendment; providing for implementation and an effective date.

15. Resolution 2023/010 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the First Amended and Restated Interlocal Agreement with the Broward Metropolitan Planning Organization and the Cities of Hollywood, Pompano Beach and Plantation for the creation of the Metro Transportation Engineering and Construction Cooperative; authorizing execution; providing for implementation and an effective date.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

- 16. Resolution 2023/011 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting a 12 foot wide utility easement to access and maintain water and sewer utilities related to the property located at 825 South Federal Highway in Deerfield Beach; providing for implementation and an effective date.**

DEPARTMENTAL BUSINESS

- 17. Resolution 2023/012 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing city staff to proceed with processing a land use amendment for the city-owned property located at 555 SW 3rd Avenue to amend the land use from city conservation and county open space to residential medium 16 dwelling units per acre; and providing for an effective date.**
- 18. Resolution 2023/013 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of an amendment to the Contract with Leigh Robinson Kerr & Associates, Inc. to provide additional services to facilitate the Land Use Plan Amendment for 555 SW 3rd Avenue in an additional amount not to exceed \$11,500.00; providing for implementation and an effective date. *(Funds from Account #001-1100-515-32-99 - Other Contractual Services/Miscellaneous Planning Consulting)***

Items 17 & 18 were discussed together but voted on separately. Thereafter, the Resolution titles were read into the record.

Eric Power, Director of Planning & Development Services, said the City has owned the 1.36-acre parcel located at 555 SW 3rd Avenue since 1974. The current land use designation is conservation, which is recognized by Broward County as open space. He stated that the site is not a conservation site but is adjacent to the Tivoli Sand Pine Preserve which occurred in 1984. Further, the City intends to amend the land use and once approved, the City will request approval to rezone the property. The proposed land use designation will be residential medium, 16 dwelling units per acre, and the site will most likely be townhomes or villas, not apartments, and could potentially house 25-30 units with the addition of flex units. Mr. Power said if this change occurs, the property will be available for a developer or nonprofit to go through the City's property disposition application process, which allows for the sale or lease of city property. Lastly, Mr. Power said the land use amendment must go to the County for approval, which could take six months and if approved, the property will go through a rezoning process. Thereafter, he displayed an aerial map of the property location.

Continuing, Mr. Power said approval allows planning staff and the consultant to begin work on the County application. Once completed, the item will return to City Commission for 1st Reading, and upon approval, the application will go to Broward County for approval, then will return for 2nd Reading, as well as rezoning. Lastly, upon conversion of the property, the site would be available for property disposition which allows for the sale or lease of city property.

In response to questions posed by the Commission, Mr. Power replied that only the submission of the application to the County is being voted on this evening. Further, he said this item will go before the Planning Council.

Vice Mayor Hudak said affordable housing is essential to the City; therefore, he supports it.

Commissioner Drosky said he is not committed to what is proposed to be built as he wants to hear from the community but will support the submittal of the application.

Mayor Ganz opened the public hearing.

DEPARTMENTAL BUSINESS - CONTINUED

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, spoke in support of affordable housing.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 17, adopted Resolution 2023/012. Roll Call:

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

Nays: 0

Mayor Ganz reopened the public hearing for Items 17 & 18.

Irish Abram, 240 SW 3rd Court, Deerfield Beach, asked for clarification on the notice she received from the City.

Mr. Power advised that Ms. Abram is referring to the B'nai B'rith applications, which were deferred to January 24th.

Mayor Ganz advised Ms. Abram that staff would provide an explanation to her after the meeting; therefore, he closed the public hearing.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 18, adopted Resolution 2023/013. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL**CITY ATTORNEY**

Happy New Year - Anthony Soroka, City Attorney, wished everyone a happy new year.

CITY MANAGER

Audio/Visual Upgrades - David Santucci, City Manager, stated that staff will be performing audio/visual system upgrades to the Commission Chambers, which he will discuss with each elected official individually.

19. Update regarding beach nourishment.

David Santucci, City Manager, reminded the Commission that the City is obligated to perform a joint beach renourishment project with the Town of Hillsboro Beach ("Town") as a result of the settlement agreement. Further, he said staff has been working with the Town, as well as the City of Boca Raton ("Boca") on new ways to look at beach renourishment moving forward. Boca has an ebb shoal that collects sand, causing the inlet to get shallow; therefore, dredging is regularly required to assist with boat navigation. During discussions, it was determined that Boca has more sand than what they are able to put into a beach template; therefore, Boca put out a bid for mobilization of the dredge and a pipeline project that will place sand on their beach, Deerfield's beach, and the Town's beach. Mr. Santucci said the line items within the bid will meet the needs of the settlement agreement and the Town is also looking into an extension of the area to go further south.

Continuing, Mr. Santucci said the mobilization cost is approximately \$4 million, and the sand cost is \$13.55/cubic yard; however, to ensure Boca's proposed costs met the City's needs, the City did a separate bid for a truck haul project, which would include the Town, and only one response was received at a total

COMMENTS BY ADMINISTRATION & LEGAL - CONTINUED

cost of \$22 million, which is extremely cost prohibitive. Thereafter, Mr. Santucci provided a brief explanation of the pipeline project and truck haul project, whereby, the pipeline project would be completed quicker, as this must be done by March 31st, at the latest, due to turtle season. Further, he stated that the City would need to enter into an interlocal agreement with Boca to determine how the mobilization costs would be distributed; whereby, each municipality would be looking at a proportional cost share on mobilization as it relates to the amount of sand each municipality places on their beach. Mr. Santucci said the City would also enter into a memorandum of understanding with the Town to accommodate the relationship the City has with Boca. He said these documents will outline how payment will be done; nonetheless, staff has had very positive conversations with both Boca and the Town. Thereafter, he provided a brief overview of the items that will be forthcoming regarding these beach renourishment efforts. Lastly, he stated that the City's estimated total cost will be between \$1 million to \$1.2 million, whereby, \$2.5 million was estimated in the ARP expenditure plan and there may be potential reimbursement from state and federal grants.

In response to Vice Mayor Hudak's question, Mr. Santucci replied that he is unsure how long the pipe will be on Deerfield's beach, but estimated construction time should be established by the next commission meeting.

COMMENTS BY MAYOR & CITY COMMISSION**VICE MAYOR HUDAK****DISTRICT 1**

Credit Card Fees - Vice Mayor Hudak said the credit card fee will be initiated on February 1st and asked for clarification on how it would be applied.

David Santucci, City Manager, stated that the fee would not be applied to in person credit card transactions, but will be applied to payments made through the online system. Further, he said it is a flat fee and encouraged residents to contact customer service for assistance on how to avoid the fees.

COMMISSIONER PRESTON**DISTRICT 2**

Accolades - Commissioner Preston thanked city staff for the outreach and support they provided after the tragedy that occurred at Oveta McKeithen Park on December 28, 2022. Additionally, he thanked BSO for their efforts during the meeting at Johnnie McKeithen Park.

MLK Event - Commissioner Preston invited the community to the Martin Luther King festivities that are taking place on January 14th and 16th.

COMMISSIONER PARNES**DISTRICT 3**

MLK Event - Commissioner Parnes said he will be attending the event on January 14th.

COMMISSIONER DROSKY**DISTRICT 4**

Happy New Year - Commissioner Drosky wished everyone a happy new year.

Villages of Hillsboro Park - Commissioner Drosky said there will be a Brazilian concert on January 28th at noon; thereafter, he thanked the Cultural Committee for the event.

Nina's Place - Commissioner Drosky said he attended the grand opening of Nina's Place at Zion Lutheran on December 7th, which is a food shelter set up to serve families in need. Thereafter, he commented on the efforts they've made to set up this food shelter, and suggested the City showcase those efforts.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED**MAYOR GANZ**

Underwater Camera - Mayor Ganz said although staff was unable to get the new camera up and running, they were able to get the older one up in the meantime.

BSO Substation - Mayor Ganz asked when the facility will be operational to allow for HOA's to host meetings.

Mr. Santucci replied that he is unsure, whereas, during the environmental testing, asbestos was found which must be remediated; nevertheless, he will provide an update once available.

Airbnb's - Mayor Ganz advised that Airbnb is cracking down, whereby, there is a new technology on their app that looks at how long a person is renting, etc. and suggested that when places are being cited or complaints are made, the vacation rental sites need to be made aware.

Migrants - Mayor Ganz commented on the recent event that took place in Fort Lauderdale, and asked that staff have a plan in place, should migrants come ashore.

Speeding - Mayor Ganz said due to issues with speeding, BSO performed a traffic enforcement operation in December, whereby, Tamarac had 145 citations; Oakland Park - 148; North Lauderdale - 282; Parkland - 65; and Deerfield Beach - 741. He commended BSO, but unfortunately, the issuance of citations is not stopping it.

Rickey Ferguson, Jr. - Mayor Ganz said his death is an absolute tragedy and is devastating to his family and those who knew him. Unfortunately, he does not know what can be put in place to prevent that type of tragedy and it should not be reflective of what that park is, what District 2 is or what Deerfield Beach is, as this can happen anywhere.

Apology - Mayor Ganz apologized to staff for the way he handled his frustrations during the December 6th commission meeting.

Happy New Year - Mayor Ganz wished everyone a happy new year.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to adjourn the meeting at 9:37 p.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

Heather Montemayor, CMC, City Clerk