Deerfield Beach
Florida

# Meeting Minutes
# City Commission

| Tuesday, June 20, 2023 | 7:00 PM | Commission Chambers |
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## 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 Michael Hudak
Commissioner Ben Preston
Vice Mayor Bernie Parness - via Zoom
Mayor Bill Ganz

**Also Present:**
City Manager David Santucci
City Attorney Anthony Soroka
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 - May 16, 2023

**MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve the meeting minutes as submitted. Voice Vote:**

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

**Nays:** 0

## ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Firefighters Pension Fund Meeting Minutes - March 6, 2023
Planning & Zoning Board Meeting Minutes - May 4, 2023
Code Compliance Meeting Minutes - March 22 & May 9, 2023
African American Heritage Committee Meeting Minutes - April 13 & May 11, 2023

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

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

**Nays:** 0

## APPROVAL OF CITY COMMISSION AGENDA

*June 20, 2023*

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

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

**Nays:** 0

## AWARDS & RECOGNITION

**1. Proclamation presented to the Certified Nursing Assistants (CNA's) in recognition of the 46th Annual National Certified Nursing Assistants Week.**

Mayor Ganz presented a proclamation to the City's Certified Nursing Assistants in recognition of National Certified Nursing Assistants Week.

**2. Certificate of Recognition presented by Captain Hofstein to BSO Law Enforcement staff.**

Captain Hofstein presented certificates of recognition to deputies for their assistance with a juvenile who was contemplating suicide.

Mayor Ganz recognized Senator Pizzo's staff who was in attendance.

## QUASI-JUDICIAL PUBLIC HEARINGS

**3. P.H. 2023-082: SIGN VARIANCE CASE NO. 781**
Applicant: **KING MOTOR COMPANY of SOUTH FLORIDA, represented by WINNINGHAM AND FRADLEY, INC**
Proposal: Seeking six (6) SIGN VARIANCES from the provisions of the Deerfield Beach Land Development Code: 1.) From Section 102-8(c)(a) to allow an additional wall sign per street frontage for two (2) additional signs, one (1) per dealership, in lieu of one (1) wall sign per street frontage as required by Code; 2.) From Section 102-8(f)(4) to allow four (4) on-premises directional signs, two (2) wall signs and two (2) freestanding signs to exceed the maximum square footage, in lieu of the two (2) square foot maximum required by Code.
Location: The property is generally described as several parcels of land in PICCADILLY CAFETERIA DEERFIELD 117-33 B PARCEL A & B TOGET WITH A POR OF 7-48-43 DESC AS: N 200 OF S 330 OF E1/2 OF NW1/4 OF SW1/4 OF NE1/4 LYING W OF EXISTING ST RD, LESS THERE FROM THE E 15 FOR WIDENING OF SAID ST RD, and located at **1345-1399 S Federal Hwy**.

Items 3 & 4 were discussed concurrently, but voted on separately; thereafter, both resolution titles were read into the record.

Dennis Mele, 200 E. Broward Blvd., Fort Lauderdale, representing the applicant, waived the quasi-judicial proceedings; thereafter, a PowerPoint presentation was displayed outlining the location of the property. Mr. Mele stated that the existing Suzuki dealership will be demolished, and the existing Saturn/Mitsubishi dealership will be renovated to become the Genesis dealership. Access to the property will be from 13th Court or Federal Highway; no access onto 6th Avenue. Thereafter, photographs were displayed of the existing buildings, as well as the proposed buildings.

Continuing, Mr. Mele displayed the Master Site Plan, as well as the sign variance requests. He explained that if the Genesis logo was next to the words King Genesis, a variance would not be needed; however, the manufacturer requires that they be separated. Further, the applicant is requesting that the service signs be 6.1 square feet in lieu of 2.0 square feet. Mr. Mele stated that the same request is being made on the Hyundai building, whereby, the manufacturer requires that the Hyundai logo and King be separated. Mr. Mele stated that the applicant is requesting that the directional signs be 5.1 square feet in lieu of two square feet, so the actual sign itself is larger, not the wording. Lastly, he said the monument signs on Federal Highway comply with code.

## QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

Heather Montemayor, City Clerk, advised that pursuant to Ordinance 2009/006, City of Deerfield Beach Code of Ethics, the applicant's representative, Dennis Mele, made the following campaign contributions: Commissioner Michael Hudak - $500 on February 5, 2019; Vice Mayor Bernie Parness - $500 on January 19, 2021; and Commissioner Todd Drosky - $500 on December 23, 2020.

Ms. Montemayor advised that pursuant to Ordinance 2009/006, City of Deerfield Beach Code of Ethics, the applicant's representative's firm, Greenspoon Marder, made the following campaign contributions: Commissioner Michael Hudak - $500 on February 5, 2019 & $500 on November 21, 2022; Vice Mayor Bernie Parness - $500 on January 19, 2021; and Commissioner Todd Drosky - $500 on December 23, 2020.

Commissioner Preston said the properties are setback from Federal Highway; therefore, he supports the variances.

Vice Mayor Parness stated that he worked for King Toyota 20 years ago and is unsure if it's a conflict of interest.

Anthony Soroka, City Attorney, said based on the facts mentioned, there is no legal conflict.

Vice Mayor Parness spoke in support of the project.

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

Commissioner Drosky spoke in support of the site plan but disagreed with one of the sign variances, whereas, the manufacturer dictating the location does not create a hardship.

Mayor Ganz stated that codes are put into place for a reason and although he understands that a hardship is needed when approving a variance, the proposal looks more aesthetically pleasing with them separated; therefore, he spoke in support of all the sign variances.

**MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 3, adopted Resolution 2023/105. Roll Call:**

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

**Nays:** 1 - Commissioner Drosky

**4. P.H. 2023-081: APPLICATION 94-B2-65 REV.6**
Applicant: **KING MOTOR COMPANY of SOUTH FLORIDA, represented by WINNINGHAM AND FRADLEY, INC**
Proposal: Major site plan modification to demolish the Suzuki & Saturn/Mitsubishi dealerships, renovate and expand service for the Hyundai dealership, and construct a new Genesis dealership and display area, on a 5.35-acre site.
Location: The property is generally described as several parcels of land in PICCADILLY CAFETERIA DEERFIELD 117-33 B PARCEL A & B TOGET WITH A POR OF 7-48-43 DESC AS: N 200 OF S 330 OF E1/2 OF NW1/4 OF SW1/4 OF NE1/4 LYING W OF EXISTING ST RD,LESS THERE FROM THE E 15 FOR WIDENING OF SAID ST RD, and located at **1345-1399 S Federal Hwy**.

**MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 4, adopted Resolution 2023/106. Roll Call:**

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

**Nays:** 0

## PUBLIC HEARINGS - SECOND READING

**5. P.H. 2023-083: ORDINANCE 2023/006 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 54 "PENSIONS AND RETIREMENT", ARTICLE V "MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND", SECTION 54-257 "CONDITIONS OF DISABILITY", SECTION 54-271 "MEMBERS; TERMS OF OFFICE; ELECTION OF CHAIRMAN AND SECRETARY", AND SECTION 54-309 "BENEFITS OTHER THAN ON RETIREMENT" OF THE CITY CODE OF ORDINANCES TO ADDRESS RECENT CHANGES IN STATE LAW, COMPLIANCE WITH THE SECURE ACT AND THE BOARD TRUSTEE QUALIFICATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

*There was no discussion amongst the Commission.*

Mayor Ganz opened the public hearing.

***Dan Herz, 330 SE 19th Avenue, Deerfield Beach,*** said the CAFR stated that the City had to pay out $6.3 million to the Municipal Firefighters Pension Fund. Further, he asked when their next meeting will take place and stated that the 2021 and 2022 financials and actuary reports are not posted to the City's website. Lastly, he spoke in support of the Ordinance change.

Mayor Ganz closed the public hearing.

**MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 5, adopted Ordinance 2023/006. Roll Call:**

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

**Nays:** 0

## PUBLIC COMMENT

***Daniel Shanetzky, 34 Keswick B, Deerfield Beach,*** thanked County Commissioner Mark Bogen for requesting that the County test the drinking water in 27 cities for PFA. Thereafter, he provided a brief overview of the testing.

***Richard Rosenzweig, 97 Farnham E, Deerfield Beach,*** said the water used to be regularly tested in Deerfield Beach and asked if there is any information regarding the results.

***Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach,*** stated that the speed bump installed in front of her home is causing her car to have alignment issues, etc. Further, she said crime is increasing at the park and expressed issues with the restrooms being closed and reiterated the need for the fence to be reinstalled.

***Willis Moorer, 331 NW 2nd Terrace, Deerfield Beach,*** commented on the park and requested that the fence be reinstalled, as well as BSO presence. Further, he congratulated the City on the Juneteenth festivities. Mr. Moorer stated that the new lights on the beach are not bright enough. Lastly, he reminded all that the new gun law will go into effect on July 1st.

***Katy Freitag, 418 SE 2nd Street, Deerfield Beach,*** thanked staff for all the information provided during the budget workshops and expressed disappointment that there wasn't more public involvement and suggested that more advertisement be done.

***Dan Herz, 330 SE 19th Avenue, Deerfield Beach,*** commented on the Kiwanis Club bus bench agreement and stated that the City should oversee advertising. Further, he thanked staff for the Juneteenth festivities and requested that funding not be decreased.

## PUBLIC COMMENT - CONTINUED

***Janet Castrogiovanni, 1523 E. Hillsboro Blvd., Deerfield Beach,*** commented on fluoride in our water supply and suggested that it be removed from the City's water supply.

Mayor Ganz answered questions/concerns/comments posed by the public. He asked staff to contact Mr. Rosenzweig. Further, he advised that the placement of the speed bump will be discussed with staff. Mayor Ganz cautioned Ms. Graham-Bracy about feeding the individuals at the park, as it does not help the issue; nevertheless, he stated that BSO needs to get involved as they should not be in the park at night. He advised that during the public meeting, there were not many requests for the fencing to be reinstalled; notwithstanding, additional conversations will occur. Mayor Ganz said unfortunately he does not know what the City can do regarding the new gun law, but the City does have ShotSpotter. The points made regarding the bus bench agreement have been heard. Lastly, Mayor Ganz asked that information be provided for their review.

## CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

6. **Resolution 2023/107 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Qualifications #23-14-VP for general and building construction services; authorizing execution of contracts for the services with the top eight responsive and responsible proposers; and providing for an effective date.**

7. **Resolution 2023/108 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the submission of an application to the U.S. Department of Transportation for safe streets and roads for all grant program funding in the estimated amount of $240,000.00 for a demonstration project for temporary improvements to SW 3rd Avenue from Hillsboro Boulevard to SW 10th Street; authorizing the City expenditure of 20% matching funds and execution of a grant agreement, if the grant is awarded to the City; and providing for an effective date.** *(Funds from Account #001-1100-515-32-99 - Other Contractual Services)*

8. **Resolution 2023/109 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a change order with Johnson-Laux Construction, LLC, in the amount of $46,301.80 based upon the Sourcewell, Inc. Indefinite Quantity Construction Contract #FL-R10-GC11-111821-JLC for decommissioning and abandonment of a second existing underground fuel tank at Fire Station No. 1 for a total project cost of $189,850.80; providing for execution and an effective date.** *(Funds from Account #399-5060-519-65-30 - Capital Projects - Construction)*

9. **Resolution 2023/110 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals #23-21-BA for third party administration services for workers compensation and liability claims; authorizing the appropriate city officials to execute an agreement with the top ranked, responsive, and responsible proposer, John Eastern Company, Inc. in an annual amount not to exceed $100,000.00 for a two year term, with three one year renewal options; providing for implementation and an effective date.** *(Funds from Account #606-0900-519-30-42 - Workers Compensation Expenses & 606-0900-519-37-71 - General Liability)*

10. **Resolution 2023/111 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of ITB #2023-13-BA for temporary employment services on an as needed basis to the eleven responsive firms: authorizing execution of contracts with all eleven firms for a one year term with four, one year renewal options; authorizing the acquisition of such services in amounts that exceed the aggregate sum of $30,000.00 during the course of a fiscal year from one or more contracted firms as needed; providing for severability and an effective date.** *(Funds from multiple accounts)*

*There was no discussion amongst the Commission.*

Mayor Ganz opened the public hearing for Items 6 - 10; however, there were none to speak and the public hearing was closed.

## CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

**MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Items 6 - 10 in concert. Roll Call:**

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

**Nays:** 0

## DEPARTMENTAL BUSINESS

**11. Resolution 2023/112 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting and adopting the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2022; providing for an effective date.**

The Resolution was read by title only.

Stephanie Tinsley, Chief Financial Officer, provided a brief PowerPoint presentation. Thereafter, she outlined that annual compliance requirements. Further, she advised that the total assets increased by $12.1 million, which are made up of capital assets - $3.6 million and cash from the American Rescue Plan (ARPA) - $8.9 million. Total liabilities decreased by $33.6 million due to other funds - ($4.1 million); unearned revenue/ARPA - ($2.8 million); reduction of debt principal - ($7 million); reduction in other post-employment benefits (OPEB) liability - ($5.3 million); and reduction in pension liability - ($12.9 million). The governmental fund balances increased by $14.3 million due to assigned/unassigned ARPA - $14.7 million; restricted nonmajor governmental funds - $1.8 million; restricted CRA operating fund - $1 million; and reduction in general construction fund ($3.4 million). She said the overall activity of the City's finds have improved over time primarily due to pension liabilities, paydown of debt, ARPA funding and investment in capital assets.

Moreover, Ms. Tinsley provided a summary of the General Fund, whereby, non-spendable - $0.47 million, emergency reserve - $3.47 million, endowment, and Tam O'Shanter remained status quo. The subsequent year's budget is $11.41 million which is the use of fund balance the City has planned for FY23. The unassigned fund balance increased to $39.21 million, for an overall fund balance of $54.90 million. Ms. Tinsley said the unassigned fund balance also includes the standard deduction of the $10 million, which was a reimbursement for public safety expenses. Thereafter, she outlined the ARPA funded projects. She said the City meets the policy compliance minimum level (10%). Further, she said not only did the City have the $11.4 million assigned for FY23, but a budget amendment was done in May, appropriating an additional $4.84 million out of the unassigned fund balance. Best practice is approximately 15% to 18% for operating reserves and the $39.21 million does not include the emergency reserve funds, nor the subsequent year budget, but it does include ARPA. Ms. Tinsley provided a summary of financial results for the General Fund via the financial statement approach: total revenues - $116.9 million and total expenditures - $103 million, leaving an excess of $13.79 million. Transfers in, which is the ARPA funding is $10.45 million and transfers out - ($9 million) for a total net change in fund balance of $14.8 million. Thereafter, she provided a summary of the financial results for the General Fund via the balanced budget approach.

Continuing, Ms. Tinsley displayed the summary of financial results for the Solid Waste Fund, whereby, revenues are constantly ticking up, as well as operating expenses, which are being covered from the increase in revenues. The total change in net position is $2.23 million, equating to a drop in the net deficit amount of $7.44 million, which shows improvement in the Solid Waste Fund. The Utilities Fund is very positive, and although the total net position is $76 million, $51 million is capital. The Stormwater Fund is doing well as the improvement in revenue assisted with covering operating expenses, and the net position has increased. Ms. Tinsley said the City received a clean audit opinion, and there were no findings, but two minor observations, bank reconciliations - documentation of review date and solid waste fund - deficit net position. Thereafter, she thanked her staff for their assistance and introduced Brandon Lopez, Marcum, LLP.

Mr. Lopez provided a brief overview of their role in the Comprehensive Annual Financial Report (ACFR) and outlined the City's ACFR. He explained that the decrease in the net pension liabilities is due to the overall market conditions from year to year. Further, he said the audit is a financial statement audit, as well as a compliance audit, which he outlined. He reiterated that there were no findings, but two observations,

## DEPARTMENTAL BUSINESS - CONTINUED

which did not meet the requirements of a finding and can be improved on by the City.

In response to Commissioner Preston's question, Mr. Lopez replied that he is satisfied with the report.

Mayor Ganz said this is the first time since he's been in office that there have been no findings; thereafter, he congratulated staff and thanked them for their hard work.

Mayor Ganz opened the public hearing.

***Dan Herz, 330 SE 19th Avenue, Deerfield Beach,*** congratulated staff on a clean audit and opinion. Further, he said there is a typo on Page 133 in the 2022 column. Thereafter, he asked where all the City's excess cash is being invested and asked for clarification in the reduction of full-time equivalent water/sewer employees and solid waste employees. Lastly, he outlined his observations.

Mayor Ganz closed the public hearing.

**MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 11, adopted Resolution 2023/112. Voice Vote:**

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

**Nays:** 0

**12. Resolution 2023/113 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and adopting the schedule of Stormwater Utility Rates, attached as Exhibit "A", effective October 1, 2023 through September 30, 2028, consistent with the previously adopted five year stormwater funding strategy; establishing the value of an equivalent residential unit; providing for implementation and an effective date.**

The Resolution was read by title only.

David Santucci, City Manager, explained that in December 2022, staff presented the Stormwater Master Plan, as well as the rate recommendations. During that time, the Commission decided to keep the stormwater fee on the utility bill; whereby, this item is the legal requirement to effectuate the rates on the utility bill for FY24.

Mayor Ganz opened the public hearing.

***Dan Herz, 330 SE 19th Avenue, Deerfield Beach,*** said the consultant advised that the City requested to put in a 120-day operating cash reserve, so in addition to the General Fund reserve, the City also has a stormwater reserve. Further, he asked will the Road & Bridge Fund no longer be funding capital improvements for stormwater projects and how much ARPA money will be allocated to stormwater projects. He commented on the implementation of the stormwater fee, as well as the increase. Lastly, he asked if it is required for the City to repay the $2.2 million loan to the Water and Sewer Enterprise Fund and asked for clarification on the ERU's for condominiums.

Mayor Ganz closed the public hearing.

Mr. Santucci replied that the consultant recommended between a 90 to 120-day cash reserve. The stormwater reserve is a separate Enterprise Fund; therefore, it requires a separate reserve. Further, the Road & Bridge Fund does not fund stormwater projects, as there is not enough money; nevertheless, the fund is used for projects above ground. Mr. Santucci said the City was able to use ARPA funding for some of the stormwater projects; however, he is unaware of the exact amount. The $2.2. million loan from the Utility Fund to the Stormwater Fund was strategically done to move some of the projects forward; nevertheless, the money will be paid back to the Utility Fund. Lastly, he said the ERU calculations were done by the consultant, not staff; nonetheless, he can assure that they meet the legal requirements.

## DEPARTMENTAL BUSINESS - CONTINUED

**MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 12, adopted Resolution 2023/113. Roll Call:**

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

**Nays:** 0

**13. Resolution 2023/114 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking for Invitation to Negotiate #23-02 PC for the lease of the City Pier Restaurant; authorizing concurrent lease negotiations with the two top ranked proposers, LMCOVE, LLC, and Deerfield Beach Café, LLC; providing for implementation and an effective date.**

The Resolution was read by title only.

David Santucci, City Manager, explained that a solicitation was issued, and three proposals were received. The evaluation committee consisted of city staff and a non-voting member who is a restaurant consultant that advised the committee accordingly. Through the evaluation process, the proposals were individually ranked by each committee member and it was determined to allow all three proposers to come back for presentations. Upon completion of the presentations, the evaluation committee re-ranked the firms and the top two were very close; therefore, he is recommending that negotiations begin, concurrently, with the top two ranked firms. Further, he said there is a possibility that both will come back to the Commission with negotiated contracts for consideration.

Commissioner Hudak said he is very impressed with the presentations and stated that the top two proposers run top notch organizations; therefore, he spoke in support of the negotiations.

In response to Vice Mayor Parness' question, Mr. Santucci replied that the negotiation team will be comprised up of city staff, as well as representation from the City Attorney's Office who is familiar with these types of lease agreements. Additionally, Tommy DiGiorgio, Sterling Spoon Restaurant Management was hired as a consultant.

Mayor Ganz opened the public hearing.

***Alex Pappas, 3000 S. Hiatus Road, Davie,*** requested that negotiations be opened to the top three bidders, in lieu of the top two.

***Maria LoRicco, 1551 SE 12th Street, Deerfield Beach,*** said the location is an asset to Deerfield Beach. Further, she asked that the lease agreement not be for 15 years, if the establishment will serve breakfast, lunch, and dinner, and the price points for food. She said someone she knows was excluded from the bidding, as they were unsure where to go.

***Katy Freitag, 418 SE 2nd Street, Deerfield Beach,*** said transparency is key to bidding, and does not feel that is the case in this situation, as she feels the City has been at odds with the current lessee. Further, she is unsure where the money the top two bidders stated they would put into the restaurant would go. Thereafter, she commented on changes the current lessee has proposed but were never granted by the City. Ms. Freitag said the third bidder provided a proposal to add a lounge/bar dining area on the second floor and said the blue wave idea is phenomenal and should be looked at. Thereafter, she continued commenting on the proposal from the third bidder and suggested that all three bidders be considered in the negotiation process.

***Daniel Shanetzky, 34 Keswick B, Deerfield Beach,*** said the pier restaurant is in a prime location and must be unique; therefore, he suggested that the public be more involved with this process.

***Dan Herz, 330 SE 19th Avenue, Deerfield Beach,*** agreed that this facility is the crown jewel of the City. Further, he said LMCOVE, LLC does not exist, as the name of the entity is LMRCOVE, LLC. The other entity, Deerfield Beach Café, LLC was created on April 5, 2023 with the managing member being the Daniel

## DEPARTMENTAL BUSINESS - CONTINUED

Rosse Revocable Trust; therefore, a copy of the trust should be included in the backup. He asked why the financial statements for each company were not included, as they would provide insight to the Commission and taxpayers on whether the annual lease payments can be made. Mr. Herz said the only concept that would work would be a fast, casual type restaurant. Lastly, he said the amount of money the City will receive in rent was the fourth criteria which is inexcusable.

***Toula Amanna, Davie,*** said she has been running the Deerfield Beach Café for the past ten years, and thanked the City for their support. Thereafter, she congratulated the top two proposers and stated that the Deerfield Beach Café, LLC has nothing to do with the Deerfield Beach Café. Further, she would like to know what went wrong as she would have offered more money to fix the restaurant. Thereafter, she provided a brief overview of the upgrades she's done to the restaurant over the years. Ms. Amanna stated that the annual minimum income to the City was outlined in her bid as $252,000 plus $60,000 in taxes; whereas, she could not match the other proposers.

Mayor Ganz closed the public hearing.

*Commissioner Hudak temporarily left the meeting at 9:08 p.m. and returned at 9:10 p.m.*

Mr. Santucci answered questions/comments/concerns posed by the public. He said the scope of work was outlined; however, the negotiation process will provide more opportunity to negotiate the terms. He explained that money can be invested into the property, which has been discussed, i.e. use of the balcony. Furthermore, changes can also be made to the interior and exterior, i.e. addition of a shade structure; nevertheless, staff will have a better understanding of those investments during the negotiation process. Once the project is further along, public input will be sought. The financials were not published due to ADA regulations; however, the City Commission received the entire package, which can be requested through a public records request.

Anthony Soroka, City Attorney, stated that the Florida Statutes was amended to change the definition of trade secrets, specifically referencing financial information; nevertheless, he is unsure if the documents are marked confidential, so if they are requested that may be a reason why they cannot be released.

In regard to the criteria, Mr. Santucci stated that price will be negotiated further, whereby, the City does not have to take the price outlined in the initial proposal.

Mayor Ganz said the terms and scope are outlined in the backup, which was posted to the City's website. Further, if restaurateurs could not find the information, they should have contacted staff. Mayor Ganz said there will be plenty of opportunities for the public.

In response to Mayor Ganz's question, Mr. Santucci replied that the third bidder did not submit a complete operational plan by the deadline. Additionally, the evaluation committee requested that the presenters provide specific items to address some of their concerns and unfortunately, they were not provided in a timely manner.

Commissioner Drosky said the top two proposers were extremely close, which rarely happens; therefore, he spoke in support of the recommendation.

In response to Commissioner Preston's question, Mr. Santucci replied that he did not meet with the proposers, as he is not part of the evaluation committee, but he did sit in on the meetings. Thereafter, he provided a brief overview of the next steps, if approved.

Vice Mayor Parness commented on the costs to enhance a restaurant; thereafter, he spoke in support of the recommendation.

Mayor Ganz stated that this project was put onto the market and received three outstanding proposals; whereby, two are above the third. Thereafter, he provided a brief overview of the first process. Further, he said this provides the opportunity for the City to negotiate this project with two excellent restaurateurs to see the best fit and what changes can be made to enhance the building.

## DEPARTMENTAL BUSINESS - CONTINUED

**MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 13, adopted Resolution 2023/114. Roll Call:**

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

**Nays:** 0

**14. Resolution 2023/115 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a change order with Shiff Construction & Development, Inc. in the amount of $139,563.22 based upon Sourcewell, Inc. Job Order Contract #FL-R10-GC02-111821-SCD to amend the scope of work to include additional improvements to the West Community Center for a total project cost of $720,161.72; providing for execution and an effective date.** *(Funds from Account #399-7020-539-65-30 - Capital Project-Parks Maintenance/CIP-Infrastructure)*

The Resolution was read by title only.

Teresa Rynard, Director of Parks and Recreation, provided a brief background and timeline of the project. During the permitting process, an additional asbestos test was required and after the award of the contract, it was determined to provide a west substation for public safety operations and programming for parks and recreation, so the layout was revised to accommodate these additions. Further, she explained that staff determined that the additional $139,000 change order was adequate for these changes and the project should be completed November 2023.

Commissioner Drosky spoke in support of the project.

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

**MOTION was made by Commissioner Drosky, seconded by Commissioner Preston, to approve Item 14, adopted Resolution 2023/115. Roll Call:**

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

**Nays:** 0

**15. Resolution 2023/116 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of Invitation to Bid #23-15-BA for the Rehabilitation of Floridan Aquifer Raw Water Wells at the West Water Treatment Plant; authorizing the execution of an agreement with Layne Christensen Company, the lowest priced responsive and responsible bidder, in an amount not to exceed $942,662.07; providing for an effective date.** *(Funds from Account #413-5020-533-60-31- Improvements Other Than Buildings)*

The Resolution was read by title only.

Steve Urich, Assistant Director of Environmental Services, provided a brief overview of the City's Floridan Aquifer (FA) well. He explained that the lowest bidder was $700,000 less than the other two which was vetted by staff.

Commissioner Preston said this happened before and unfortunately, the bidder breached the contract because they couldn't perform the work; nevertheless, he will support this if staff believes this can be done.

In response to Commissioner Hudak's question, Mr. Urich replied that the wells are producing too much sand, so they cannot run at the full flow rate. Further, they have been in place for about five years.

In response to Mayor Ganz's question, Priscilla Cygielnik, Director of Environmental Services, replied that one of the wells is a pre-existing well that was reused, and the other was drilled when the RO was done.

## DEPARTMENTAL BUSINESS - CONTINUED

Joshua Niemann, Water Plant Superintendent, said the wells were originally drilled in 2009, whereby, FA 1 was originally an aquifer recharged well, which was rehabbed in 2013 and somewhat successful. The FA 2 well is located on SW 10th Street, and staff has discussed the future of that well with the Florida Department of Transportation (FDOT).

Mayor Ganz said he does not what these changes to put an additional burden on the surrounding residents.

Ms. Cygielnik said this will not burden the residents, as it will only assist with the efficiencies of the existing wells.

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

**MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 15, adopted Resolution 2023/116. Roll Call:**

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

**Nays:** 0

## COMMENTS BY ADMINISTRATION & LEGAL

### CITY ATTORNEY

*Broward League of Cities* - Anthony Soroka, City Attorney, congratulated Commissioner Drosky on his installation as president.

### CITY MANAGER

*Broward League of Cities* - David Santucci, City Manager, congratulated Commissioner Drosky on his installation as president.

## CITY COMMISSION BUSINESS

**16. Discussion regarding the selection of a voting delegate to the Florida League of Cities 2023 Annual Conference from April 10-12, 2023.**

There was a brief discussion to select Vice Mayor Hudak as the voting delegate.

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 Preston, to approve Commissioner Hudak as the voting delegate. Voice Vote:**

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

**Nays:** 0

## COMMENTS BY MAYOR & CITY COMMISSION

### COMMISSIONER DROSKY DISTRICT 4

*Broward League of Cities* - Commissioner Drosky thanked all for attending the installation ceremony. Further, he said this is a city effort and the goal will be to try to anticipate the unanticipated.

## COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

*Office Hours* - Commissioner Drosky said his office hours will take place on Saturday, July 1st from 10:00 a.m. to noon; appointments can be made by contacting him or the City Manager's Office.

**VICE MAYOR PARNESS DISTRICT 3**

*Broward League of Cities* - Vice Mayor Parness apologized for not attending but wished Commissioner Drosky the best.

**COMMISSIONER PRESTON DISTRICT 2**

*Juneteenth* - Commissioner Preston thanked the African American Heritage Committee, as well as staff for the event.

*Broward League of Cities* - Commissioner Preston congratulated Commissioner Drosky on his installation as president. Further, he said he, along with the other Elected Officials are here to support him.

**COMMISSIONER HUDAK DISTRICT 1**

*Broward League of Cities* - Commissioner Hudak congratulated Commissioner Drosky on his installation as president and reiterated that they are here to support him.

*Flag Day* - Commissioner Hudak said June 14th was Flag Day and nothing was done; nevertheless, he asked that it be recognized in the future.

**MAYOR GANZ**

*Firemen's Pension Board* - Mayor Ganz asked that the information be updated on the City's webpage, as it should be easily accessible.

*Senator Pizzo* - Mayor Ganz said it was great seeing his staff here and stated that he's doing an extraordinary job working with the City in Tallahassee.

*Juneteenth* - Mayor Ganz said it was a great event, especially the family tents, and commended staff for a job well done.

*Broward League of Cities* - Mayor Ganz said having Commissioner Drosky become president is historic. Thereafter, he congratulated Commissioner Drosky on his installation as president.

## ADJOURNMENT

There was no additional business to discuss.

**MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to adjourn the meeting at 9:48 p.m. Voice Vote:**

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

**Nays:** 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk