



Meeting Minutes City Commission

Tuesday, August 1, 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 Michael Hudak
Commissioner Ben Preston
Vice Mayor Bernie Parness
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

Budget Workshop Meeting Minutes - June 13 & 14, 2023
Special City Commission Meeting Minutes - July 20, 2023

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, 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

Cultural Committee Meeting Minutes - May 15, 2023
Code Compliance Meeting Minutes - May 24, 2023
African American Heritage Committee Meeting Minutes - June 8, 2023
Community Appearance Board Meeting Minutes - June 28, 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

August 1, 2023

MOTION was made by Commissioner Preston, 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. Presentation by State Senator Tina Polsky and State Representative Patricia H. Williams regarding the Martin Luther King, Jr. Avenue Stormwater Project.

Mayor Ganz introduced State Senator Tina Polsky and State Representative Patricia H. Williams and thanked them for their attendance.

State Senator Tina Polsky and State Representative Patricia H. Williams presented a check to the City for funding of the Martin Luther King, Jr. Stormwater Project in an amount of \$435,000. Thereafter, State Senator Tina Polsky thanked those who were attendance in Tallahassee, as their presence made a difference. Lastly, she said she looks forward to working with the City in the future and urged everyone to reach out.

Mayor Ganz thanked them again for their efforts, as the City is very grateful for their support.

Commissioner Preston said these type projects move the City forward. Thereafter, he thanked all involved for their efforts.

2. Presentation by State Representative Peggy Gossett-Seidman regarding the Deerfield Beach Alzheimer's Daycare/Senior Transportation Services.

Mayor Ganz introduced State Representative Peggy Gossett-Seidman and thanked her for attending.

State Representative Peggy Gossett-Seidman presented a check to the City for funding the Alzheimer's Daycare/Senior Transportation Services. Thereafter, she thanked all involved with this appropriation, as the elderly and children must be taken care of. She urged the Commission to continue to make their presence known during the sessions.

Mayor Ganz thanked State Representative Peggy Gossett-Seidman for sponsoring this item and obtaining this funding for our seniors.

3. Presentation by Marty Kiar, Broward County Property Appraiser, regarding property taxes and values.

Marty Kiar, Broward County Property Appraiser, provided a presentation on property taxes, homestead exemption and title protection for homeowners. He advised that everyone will receive their Truth in Millage (TRIM) Notice, which shows the homeowner what they should be paying, exemptions, and when governments are discussing the budget and tax rates. He encouraged people to reach out to him by September 18th if there is a problem with their tax bill or if they are not receiving an applicable exemption. Further, he said property values within the City have skyrocketed because people are coming from all over the world and paying top dollar for these properties. Thereafter, he commented on the increased market value and taxable value from 2022 to 2023, which resulted in a 12% increase. Should the Commission decide to keep the millage rate the same at 6.0018, it would yield another \$6.4 million to the City. He said most of this revenue comes from new property owners since current property owners are homesteaded. Mr. Kiar outlined the homestead exemptions throughout the City, homesteaded properties, low-income seniors, widows, disabled veterans, and disabled first responders; neither disabled veterans or disabled first responders pay property taxes.

AWARDS & RECOGNITION - CONTINUED

Continuing, Mr. Kiar said the average sale of a single-family home in Deerfield Beach is approximately \$708,036, with a taxable value of \$224,000; condo sales are \$220,000, with an average taxable value of \$117,000. Lastly, Mr. Kiar said South Florida is the title fraud capital of the world and many criminals file fake deeds on peoples' property and try to extort people for money or sell their homes. To combat this crime, they developed Owner Alert which allows people to register with proper documentation and if anything is filed changing ownership of the property, the owner will be notified immediately. Thereafter, he provided various examples of individuals who have committed title fraud.

4. Certificate of Recognition presented to Jullienne "Julie" Dinnard, Certified Nursing Assistant, for her 22 years of service to the City.

Mayor Ganz thanked Jullienne Dinnard, Certified Nursing Assistant, for her hard work and dedication and congratulated her on her retirement. Thereafter, he presented her with a certificate.

Ms. Dinnard thanked the City for providing her with the opportunity to assist the seniors, as her time was enjoyable.

PUBLIC HEARINGS - SECOND READING

5. P.H. 2023-094: Resolution 2023/118 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Fiscal Year 2023-2024 Community Development Block Grant Annual Action Plan; providing for implementation and an effective date.

The Resolution was read by title only.

Commissioner Preston said it's difficult to see the areas on the map outlined in the backup; nevertheless, he urged those with questions to contact the City Manager's Office.

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

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 5, adopted Resolution 2023/118. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, asked that the fence be reinstalled at Johnnie McKeithen Park.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on the beach garbage cans survey that was conducted on various websites, and the fiscal year 2024 budget, whereby, he suggested decreasing the operating millage rate by using the funds received by the sale of the 1045 SW 11th Way property.

Jackie Diaz, 278 SW 3rd Street, Deerfield Beach, said people are using the swales in her neighborhood to dump their garbage, which is not reflective of her community and asked that something be done to clean up the area.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, commented on an issue that occurred in Miami-Dade, a two-story home being built without permits, and builders taking property away from the City. Further, she said city staff must be held accountable and when questions are asked by this community, they must be answered and the full picture must be provided.

PUBLIC COMMENT - CONTINUED

In response to Commissioner Preston's question, Ms. Freitag replied that the two-story property is located on the corner of 5th Avenue and 2nd Street. Thereafter, she provided an overview of the case being heard before the Special Magistrate.

Anthony Soroka, City Attorney, stated that the owner of the single-family home submitted a request for administrative approval on a 2.5-foot variance on one side of the home to go into the side setback, which was approved by the Special Master; however, the City appealed the variance and a settlement was agreed upon, whereby, the contractor and owner who performed the work without a permit paid the City \$15,000 and agreed to drainage mitigation around the home. Thereafter, he outlined some of the primary terms of the settlement.

Mayor Ganz answered questions/concerns/comments posed by the public. He briefly commented on the beach garbage cans survey, which he believes was flawed because not everyone could access it and some of the responses were from non-city residents. Further, he said this commission seems to agree with reinstalling the fence at Johnie McKeithen Park and asked that staff ensure it's replaced.

In response to David Santucci, City Manager's question, the City Commission agreed to reinstall the fence.

CONSENT - BOARD APPOINTMENT

6. Resolution 2023/128 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, reappointing Gail Battle as a Commissioner of the Deerfield Beach Housing Authority; and providing for an effective date.

The Resolution was read by title only.

There was no discussion amongst the Commission.

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

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 6, adopted Resolution 2023/128. Roll Call:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Prior to voting on Items 7 - 13, the Mayor reopened the public comment.

Matthew Rosas, address inaudible, asked that the parking lot for fisherman be expanded. He also suggested adding additional payment methods, as sometimes his phone and card do not work, and commented on the pier payment methods, as it's cash only now. Lastly, he commented on the T of the pier still being broken and asked that the pier be given more attention.

Mayor Ganz closed the public comment.

7. Resolution 2023/129 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of ITB #2023-26-BA for the purchase of a robotic field liner to TinyMobileRobots US, LLC; authorizing the issuance of a purchase order to TinyMobileRobots US, LLC, the lowest priced responsive and responsible bidder, in an amount not to exceed \$41,171.00; providing an effective date. (Funds from Account #001-7020-539-60-43 - Other Mach and Equipment)

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

8. Resolution 2023/130 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Second Amendment to the Participation Agreement between Broward County and the participating municipalities for participation in the Consolidated Regional E-911 Communications System and the Second Amendment to the Regional Interlocal Agreement between Broward County and the participating municipalities providing for cooperative participation in a regional public safety intranet; providing for execution, conflicts, and an effective date.
9. Resolution 2023/131 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing the filing of right-of-way maintenance maps for certain rights-of-way deemed dedicated to the City in accordance with Section 95.361, Florida Statutes, as reflected in the attached right-of-way survey maps; providing for execution, certification, and an effective date.
10. Resolution 2023/132 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an amendment to Contract #JP023-06-2023 with the Areawide Council on Aging of Broward County, Inc. to amend the Contract termination date and attachment XII; authorizing execution of the Amendment; providing for implementation and an effective date.
11. Resolution 2023/133 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Contract #JL023-06-2024 with the Areawide Council on Aging of Broward County, Inc. for the Local Service Program in an amount not to exceed \$118,380.00; authorizing execution of the Contract; providing for implementation and an effective date.
12. Resolution 2023/134 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Contract #JP023-06-2024 with the Areawide Council on Aging of Broward County, Inc. for the Emergency Home Energy Assistance Program in an amount not to exceed \$25,431.76; authorizing execution of the Contract; providing for implementation and an effective date.
13. Resolution 2023/135 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Contract #JZ023-06-2024 with the Areawide Council on Aging of Broward County, Inc. for the Alzheimer's Disease Initiative Program in an amount not to exceed \$288,836.39; authorizing execution of the Contract; providing for implementation and an effective date.

Mayor Ganz opened the public hearing for Items 7 - 13; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Items 7 - 13 in concert. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

14. Resolution 2023/136 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, awarding Invitation to Negotiate #23-02-PC to _____ for the lease of the City Pier Restaurant; providing for implementation and an effective date.

The Resolution was read by title only.

DEPARTMENTAL BUSINESS - CONTINUED

David Santucci, City Manager, provided a brief overview of the item. He said the renovations made by each proposer will affect the LEED certifications, whereas, the certifications involve not only the facility but the methods of construction. He stated that it will be required that each proposer's construction means and methods are at or better than what is currently there today to ensure that it does not negatively impact the LEED certification. Thereafter, he said, if the Commission desires, each proposer will provide a brief presentation to address additional questions that were made at the July 20th Commission Workshop. Mr. Santucci said although staff has made a recommendation, the City Commission will make the final decision.

It was the consensus of the Commission to allow each proposer to present their proposals.

Mayor Ganz said the RFP provided a criterion for restauraners to follow and bring to us. Thereafter, he outlined each of the criteria. He said many have argued that the City dictated the menu but that was not the case; whereby, the RFP was put out, and the City received three proposals, two of which made it this far.

Chris Moutos, Real Estate & Risk Manager for LM Restaurants, said anything that they cannot cover within the allotted time has been provided to the City Clerk to distribute accordingly. Thereafter, he introduced his team.

Juan Linares, architect, presented a brief presentation. He said the concept of their design is to bring the beach atmosphere to this site by creating a fully open guest experience that welcomes those in shorts, bathing suits, flip flops, etc. Thereafter, the floor plan was displayed. The skeletal structure will remain, but the facility will be opened, whereas the storefront and walls will be removed to create an open-air environment. There will be a service bar to provide takeout, pickup, grab & go; the bar will also consist of high tops and casual assessable seating; additional seating will be added near the kitchen and the building will be open to the east and west. Further, the kitchen will be renovated and a lot of the current infrastructure and ancillary spaces will remain. Outside seating, which will be covered, will be available adjacent to the eastside of the building; however, based on previous comments, the additional seating that was previously proposed have been removed.

Continuing, Mr. Linares said the building footprint on the second floor will remain, whereby, the existing patio deck will consist of a 20-seat bar, additional tables and chairs, and the eastern most part of the deck will continue as an observation area opened to the public, which will include umbrellas, tables and chairs. Thereafter, renderings of the proposed facility were displayed. He explained that ropes and posts will be added to the outdoor seating area to define the area away from the open public breezeway, which will be covered by a lightweight, insulated awning that will not impact any of the foundations. Mr. Linares stated that it was previously mentioned that a new service staircase would be included; however, that is not the case. He explained that two walls will be peeled away to repurpose the stairway, so that it's opened and provides a visual connection to the community. Lastly, he said this proposal will provide and maintain the LEED certifications and adhere to turtle friendly lighting.

Katherine Goldfaden, Vice President of Brand Strategy for LM Restaurants, said the company is 45 years old, and has a deep history of designing, building, and operating family-centric, affordable, casual designing concepts. She stated that LM Restaurants (LMR) is committed to flexible construction timelines, adhering to their six-month timeframe of building once season is over, ensuring permits are submitted concurrently, and rent payments provided starting November 1, 2023. Lastly, she said LMR looked to bring an open, approachable restaurant to active the pier entrance.

In response to Commissioner Preston's question, Mr. Linares replied that the awnings are structurally calculated to meet the 170 mile an hour winds required by code.

In response to Commissioner Preston's question, Ms. Goldfaden replied that this concept will be completely approachable and accessible, i.e. come as you go. Further, it is not an upscale restaurant and is built off Lucky Fish, which is located in Pompano Beach; whereby, the idea of the restaurant is to be affordable, accessible, and open to all locals.

Commissioner Drosky said the committee has made their recommendation; nevertheless, he would like LMR them to advise where the committee got it wrong, and why should it be changed.

DEPARTMENTAL BUSINESS - CONTINUED

Mr. Moutos replied that LMR scored highest in two of the scoring sessions, which is a discrepancy if the weighted criteria was being used.

Ms. Goldfaden stated that LMR has 45 years of experience in owning, operating, designing, developing, and being hands on operators. Further, she said the attention is in the details, and knowing what the guests want and are looking for, especially the locals, is what sets them apart.

In response to Commissioner Hudak's question, Mr. Santucci replied that the original submitted proposal provided a layout that included the leased area outlined in the ITN, and additional seating; however, LMR agreed to work within the leased area that was outlined in the ITN.

In response to Mayor Ganz's questions, Mr. Linares replied that the layout has remained the same; however, the additional seating along the eastern edge of the breezeway has been removed based on previous feedback. Further, he said an additional stairwell is not being built, whereas, the existing stairwell will be showcased by peeling away two of the walls.

Mr. Santucci stated that there is an existing stairwell, but it was unknown at the time that the walls would be removed.

Mayor Ganz stated that a best and final presentation was done, which included \$200,000; however, two days later an email was received changing the amount to \$260,000, then it was changed again to \$320,000, and this evening it's at \$275,000 and the additional seating was eliminated. If it's best and final, why do the numbers continue to change, and how is he supposed to believe that the numbers presented today will not change again.

Mr. Moutos said based on the verbiage in the notice for the July 3rd meeting, he was under the impression that the meeting was to negotiate with the two top ranked proposers; however, that is not what happened, as the meeting was to make a recommendation to award the contract to the other proposer. Further, he said \$200,000 was initially proposed, but based on discussions during the negotiations, the number changed; nevertheless, \$325,000 was based on the use of the area outside of the ITN, as LMR wanted to maximize the space but when it was voiced that the City did not want that space utilized, LMR decreased to \$275,000. Lastly, Mr. Moutos said LMR is proposing \$275,000, with a 2% annual increase.

Mayor Ganz said although it has been clarified, he expressed concerns with the best and final offer changing.

In response to Mayor Ganz's question, Ms. Goldfaden replied that grab & go has always been an option, it was just outlined as counter service.

Danielle Rosse, Ocean's 234, provided a brief PowerPoint presentation. She stated that the design provides a concept that compliments, rather than competes with existing offerings in the market and caters to the beachside community needs by providing a well-rounded range of offerings. Thereafter, she introduced the Palm House (PH), which will be a modern beach side eatery that balances simplistic friendly neighborhood charm with a relaxed feel and sophisticated vibe. The locally inspired craft kitchen will offer many of the modern healthy culinary favorites you find in a coastal city and will be designed to either be your first stop of the day or your last destination of the evening. While this is one restaurant, there will be three experiences, grab & go, downstairs dining room, and the observation deck lounge. The pricing strategy is simple, it's an accessible price point that balances value and quality. Thereafter, menu options were displayed. The observation deck strikes the perfect balance between sophistication and fun and will be the first rooftop experience in Deerfield Beach. The upstairs menu will have an addition of a pizza oven, providing a diverse menu. Further, she stated that the building has many operational challenges that exceed just delivering food upstairs; therefore, the upstairs menu provides a long-term solution. Thereafter, photographs of the brand application were displayed. Ms. Rosse stated that in addition to the business plan, a lifestyle brand was completed as well to create a memorable experience and destination establishment for years to come.

DEPARTMENTAL BUSINESS - CONTINUED

Continuing, Ms. Rosse said the space will have a comfortable feel of a beachside bungalow, with warm color palettes, inviting furniture, diversity in seating, and a residential charm. Thereafter, various photographs of the proposed facility were displayed. She explained that the outside bar downstairs will consist of a coffee bar and an area to pick up to go orders. The inside dining area provides a relaxed feel and transitions from day to night, and opening the doors allows for continuous space from inside to out. Further, she said the brand objectives include safety, family friendly, convenient, environmentally conscious, community-oriented, and destination enhancing. Ms. Rosse said the PH will adhere to turtle season, whereas, the exterior lighting will be designed and positioned so that it is not directly visible to the beach. The PH would like to work with the City and community to host beach cleanups, display signage and provide education about sea turtle season and encourage responsible behavior. She said the target audience is the local residents, tourists and vacationers, and outdoor enthusiasts. Ms. Rosse said while under construction, the PM hopes to engage with the community by performing menu tastings and pop-ups.

Lastly, Ms. Rosse clarified that what is being proposed does not resemble Ocean's 234 in any way. Although, this is an amazing location, there are challenges for the operator, i.e. parking, lack of storage, challenging design, etc. The financial projections outline a realistic investment to enhance this asset while having an inline market rent and substantial capital contribution. Further, the proposed rental rate calculations considers the menu pricing and the seating capacity outlined in the ITN.

In response to Commissioner Preston's questions, Ms. Rosse replied that the PH has extensive knowledge of the area and an understanding of what is needed on the beach; nevertheless, the PH will be a gathering place for everyone to come to. Further, she said the renovation period will be five months.

Commissioner Drosky asked how fair Ms. Rosse thought the bidding process was, since the best and final offer provided by LRM was not their best and final.

Ms. Rosse said the criteria, as well as the deadlines were very clear to her every step of the way. Further, she was aware that on July 3rd, deliberations were taking place, so she understood there was nothing to present at that time and was very surprised to hear offers and changes were being made.

In response to Mayor Ganz's questions, Ms. Rosse said the PH Kids Club was a part of the original presentation; however, the community engagement popup was added after. Further, she said the best and final has not changed.

Mayor Ganz displayed original renderings of what Deerfield Beach Café proposed, which is not what is currently there, so he is leery when things change throughout the process; nevertheless, he is pleased to see that the two proposals are close to what he thought he was getting years ago.

Commissioner Hudak also expressed concerns with changes being made throughout the process.

Mayor Ganz opened the public hearing.

Paul Vernon, 1549 SE 4th Court, Deerfield Beach, suggested that each proposer provide renderings and final builds of other establishments they've developed to ensure the City is getting what is being proposed.

Maria LoRicco, 1551 SE 12th Street, Deerfield Beach, said the designs are beautiful but expressed concerns about the parking and suggested that a shuttle be provided. Further, she said the lease term is for 20 years, so the Commission must do what's best for the City.

Paula Cook, 62 Centennial Court, Deerfield Beach, asked what the numbers for PH are, as they were not provided and if bathing suits were going to be allowed within the establishment. Further, she said the highest number isn't always the best option but whatever is chosen will be a nice addition to the beach.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, said although many have said the two proposals are similar, he believes they are not. Thereafter, he provided a brief overview of their differences and commented on a class action lawsuit that was filed against Ms. Rosse.

DEPARTMENTAL BUSINESS - CONTINUED

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked if the renovation costs include equipment and if the City has to pay, as was previously done, what's the cost. Further, she stated that there is no going back when it's best and final, so it should have never been changed. She expressed concerns with the open area spaces and asked if people will be allowed to bring their own food and drinks and if there is a timeframe to vacate the area. Lastly, she expressed concerns with the food costs.

Steve Sider, 1301 E. Hillsboro Boulevard, Deerfield Beach, said although the best and final offers were made, it sounded like both proposals had the right to adjust what they wanted to for this meeting. Further, he expressed concerns regarding parking and transportation issues and said there are a lot of holes in these presentations. Lastly, although both presentations were good, he believes the PH does not relate to the pier or beach.

Amber Moshakos, LMR President, explained that after the initial meeting, it was their understanding that there would be an opportunity to negotiate. She explained that they provided two options, so the City could decide how they would like to move forward, which is why the use of the eastern seating was recommended; nevertheless, it was understood that the City wished to have the proposals within the parameters of the ITN. Further, she said the renderings for Lucky Fish, Oceanic, etc. match what is currently there, so they stand by their word. Ms. Moshakos said LMR partners with cities and creates ways to activate the communities, which has been done in multiple municipalities. Thereafter, she thanked the Commission for their consideration.

Anthony Soroka, City Attorney, advised that since Ms. Moshakos is a part of LMR, Ms. Rosse should be allowed to speak again, if desired.

Jerod Davis, 1014 SE 14th Terrace, Deerfield Beach, commented on residential property owned by Ms. Rosse and how she pushed an elderly woman out.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, expressed concerns with the selection process and suggested that it be re-evaluated.

Mayor Ganz closed the public hearing.

Vice Mayor Parness said the length of time each restaurant has been in the City has no bearings on this decision. Thereafter, he briefly outlined his time in the restaurant industry.

In response to Vice Mayor Parness' question, Mr. Santucci replied that equipment replacement will be the responsibility of the restaurateur.

Vice Mayor Parness disagreed with disqualifying one of the proposers because changes were made; nevertheless, he spoke in support of both concepts, but likes how supportive the Cove has been with providing sponsorships to the City throughout the years. Regardless, this commission must look at the menu, pricing, and revenue for the City, whereby, LMR's concept would provide more revenue, which he spoke in favor of.

In response to Mayor Ganz's question, Ms. Rosse replied that she has nothing additional to add.

Mr. Santucci stated that there is currently an existing operating restaurant, so parking really wouldn't change.

Mayor Ganz said both proposers currently have restaurants within the City, which match the original renderings.

In response to Mayor Ganz's question, Ms. Rosse replied that bathing suits will be allowed in their establishment.

Commissioner Hudak left the meeting temporally at 9:25 p.m. and returned at 9:26 p.m.

DEPARTMENTAL BUSINESS - CONTINUED

In response to Commissioner Preston's questions, Mr. Soroka replied that the Commission will be voting on the award of the solicitation to one of the two proposers. Once awarded, a lease agreement will be heard before the Commission on two readings. Further, staff will finalize the negotiation of the lease consistent with the terms negotiated during the negotiation process. If any changes are made, which he does not anticipate, the Commission will be notified.

Commissioner Drosky thanked the Committee for all their hard work. He reiterated that the proposals are extremely close and have a lot of similarities, i.e. experience, references, capital investment, etc. He stated that they both are extremely good community stewards and disagreed with one being more involved than the other. Commissioner Drosky said both are financially equal, as the City is not in jeopardy of either proposer going under but should that happen a surety bond and a letter of credit are part of the requirements. Further, the Commissions vision for this location is extremely important in this decision, and the three experiences that one proposer presented fits that vision. Additionally, he expressed concerns with changes being made throughout the process as the instructions were very clear and spoke in favor of PH having less construction. Commissioner Drosky agreed that the top number is not always the best and will not be basing his decision on money alone; nevertheless, he stated that the hours of operation of different, so revenue streams will vary, but not by much. Although they are both extremely similar, he spoke in support of Deerfield Beach Café (DBC).

Commissioner Hudak agreed that each proposal is extremely close and also expressed concerns with LMR making changes throughout the process; nevertheless, he agreed that this Commission must base their decision on the vision of that area. He stated that his decision will also be based on the revenue streams and asked for clarification.

Mr. Santucci asked that each proposer confirm what their starting annual minimum base rent would be, what the annual increase would be, and what the natural breakpoint is.

Mr. Moutos said LMR's initial rent in year one is \$275,000, with a 2% annual increase throughout the term, and the percentage rent is 6% natural break point.

Ms. Rosse said DBC's base rent is \$210,000, with a 2% annual increase, and 5% percentage rent with natural break point.

Per the Mayor's request, Mr. Soroka provided a brief explanation of natural break point.

Commissioner Preston said best and final offer, is just that best and final, which he does not think was understood based on the events that occurred thereafter; therefore, he does not think the changes were intentional.

Vice Mayor Parness said although Ms. Rosse settled in her lawsuit, as a former restauranter it does not sit well with him and asked for clarification.

Ms. Rosse stated that anyone can be sued for anything; nevertheless, the allegations against her were settled for various reasons. Further, she said many of the statements are inaccurate as she did not steal from her employees. Ms. Rosse said it was settled out of court because it was not going to trial and advised that in can be discussed further offline.

Mayor Ganz said hearsay is irrelevant, whereby, everyone gets sued, including LMR. Thereafter, he commented on a previous proposal that was thrown out because various individuals made a fuss about the rules being violated; however, those same people are supporting LMR, when they broke the cone of silence, which under the City's code automatically eliminates them. Further, he said both are great restauraters, but reiterated his stance on the numbers changing; nevertheless, he is putting that aside because this Commission must do what's best for the City. Mayor Ganz said cheap menu options have been expressed by the public, but unfortunately, cheap options will not provide the rent these restauraters are willing to provide. Further, he said one concept mirrors his vision more, whereby, grab & go is different than take out. Mayor Ganz agreed that \$1.4 million over twenty years is a lot of money, but he must look at the vision as a whole and DBC provides that vision.

DEPARTMENTAL BUSINESS - CONTINUED

Commissioner Preston said he is unsure why bringing up the fact that the cone of silence was breached is relevant as it taints the process and asked why it has gone this far.

Mayor Ganz stated that he brought it up, so it's not an issue in the future, and the reason why this has moved forward, is this Commission must do what's in the best interest of the City.

In response to comments made by Mayor Ganz and Commissioner Preston, Mr. Soroka stated that Section 38-127 outlines the cone of silence provisions for the City, whereby, the determination of a violation of the cone of silence is made by the City Commission.

In response to Commissioner Preston's question, Mr. Soroka replied that if the Commission decides to award to LMR than the cone of silence issue should be addressed.

In response to Mayor Ganz's question, Commissioner Preston replied that he is not okay with the cone of silence being broken.

Mr. Soroka stated that prior to disqualifying LMR, a determination must be agreed upon that the cone of silence was broken.

Prior to Commissioner Hudak making a motion to disqualify LMR, Mayor Ganz stated that before any motion is made, this Commission must determine if the cone of silence being broken is relevant or not.

Thereafter, Mr. Soroka read Section 38-127 of the City's code into the record.

In response to Commissioner Hudak's question, Mr. Soroka replied that the Commission, City Manager, and members of the negotiation committee received an e-mail from an LMR representative with an increased offer days after the negotiation committee met. He explained that contacting the City Attorney, or procurement staff listed in the ITN is fine, but under the cone of silence, it is an issue for those seeking an award to contact the Commission while the cone is in effect; however, there are exceptions, i.e. making public presentations.

Commissioner Hudak stated that he believes the cone of silence was breached and the party should be disqualified.

Commissioner Preston stated that he also has an issue with the cone of silence being breached but believes it should be redone.

Vice Mayor Parness said this should have been brought up as soon as the e-mail was received, whereby, the fact that this Commission allowed each proposer to make presentations shows that it was accepted.

Commissioner Drosky said he has an issue with the cone of silence being violated, but the motion to disqualify is premature as he was hoping there would be more debate and the decision would be based on the merits; nevertheless, if there are three votes for DBC then the motion to disqualify and the cone of silence issue is mute. Further, he reiterated that this vote needs to be based on the merits and not a technicality.

Mayor Ganz said although he has an issue with the violation and it affects his vote a bit, he does not want LMR to be disqualified, as he does not feel it is in the best interest of the City.

MOTION was made by Commissioner Drosky, seconded by Commissioner Hudak, to negotiate the lease of the City Pier Restaurant with Deerfield Beach Café, LLC., adopted Resolution 2023/136. Roll Call:

Yeas: 3 - Commissioner Drosky, Commissioner Hudak, and Mayor Ganz

Nays: 2 - Commissioner Preston and Vice Mayor Parness

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - None.

CITY MANAGER

MLK Stormwater Project - David Santucci, City Manager, stated that Congressman Jared Moskowitz is working to push through a \$1 million appropriation for this project. Thereafter, he thanked staff, our lobbyists and Congressman Moskowitz for supporting the item.

COMMENTS BY MAYOR & CITY COMMISSION**COMMISSIONER DROSKY****DISTRICT 4**

Landscape Contract - Commissioner Drosky said the first vendor could not perform the work as promised, and although the vendor was fired and cannot do business in the City for three years, and must disclose this information to others, he does not believe it's enough; therefore, he suggested that the City Attorney look into ways the City can recoup the money, i.e. sue vendor, as it is not fair to the taxpayers that additional money was spent to fix the vendor's wrong.

The Commission spoke in support of moving forward with having the City Attorney investigate.

VICE MAYOR PARNESS**DISTRICT 3**

Registering to Vote - Vice Mayor Parness said a non-partisan table is set up in the lobby at City Hall every Friday from 9 a.m. to noon to assist people with registering to vote.

In response to Vice Mayor Parness's question, David Santucci, City Manager, replied that he would get back to him regarding extending the time to 2:00 p.m.

COMMISSIONER PRESTON**DISTRICT 2**

Vice Mayor Parness left the meeting temporarily at 10:12 p.m. and returned at 10:14 p.m.

Trust - Commissioner Preston commented on the public being able to have trust in not only this Commission, but city staff. He said the community should understand processes, so they feel good about what is being done. He encouraged city staff to go the extra mile in answering the public's questions. Lastly, Commissioner Preston urged those with questions to contact him or their commissioner.

Backpack Giveaway - Commissioner Preston stated that the event will take place Saturday, August 5, 2023 from 11:00 a.m. to 1:00 p.m. Thereafter, he provided a brief history of the event.

BSO - Law Enforcement - Commissioner Preston commented on the relationship between law enforcement and District 2 throughout the years. Thereafter, he thanked Captain Adam Hofstein, District X, and his personnel for the positive measures taken place in the community.

Upcoming Meetings - Commissioner Preston said a District 2 Meeting will be held on Thursday, August 3, 2023 at 7:00 p.m. in the Hillsboro Community Center. On August 18th, a popup event will occur at Mayo Howard Park from 6:00 p.m. to 9:00 p.m.; thereafter, he invited all districts to attend.

Accolades - Commissioner Preston thanked his colleagues for taking the initiative to advocate for the City while in Tallahassee.

COMMISSIONER HUDAK**DISTRICT 1**

City Issues - Commissioner Hudak agreed, whereby, this Commission fights for the City to ensure our residents are taken care of. Thereafter, he commented on his upcoming trip for a Florida League of Cities event.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

In response to Commissioner Hudak's questions, Mr. Santucci replied that he will provide an update on the SE 8th Avenue Project at a later date but he can say there are no delays. Thereafter, he provided a brief update on the pool.

City Policies - Commissioner Hudak said some of the decisions made by this Commission are difficult, to include the pier restaurant. Further, he said we must ensure that rules are being followed, and although there are times exceptions are made, they must be limited.

MAYOR GANZ

City Issues - Mayor Ganz said there are times Tallahassee works in our favor; nevertheless, it was a group effort, as we did our due diligence in educating them about the needs of this city. Further, he also thanked staff for their efforts, as the literature provided made it easy for them to understand. Thereafter, he thanked State Senator Tina Polsky, State Representative Patricia H. Williams, and State Representative Peggy Gossett-Seidman.

Law Enforcement - Mayor Ganz asked that BSO continue to crack down on speeders.

Ride Share Program - Mayor Ganz stated that parking is an issue, and staff is looking to bring this program forward.

International Fishing Pier - Mayor Ganz asked that staff look into why cash is the only option and to ensure it's resolved in a timely manner.

Code Enforcement - Mayor Ganz said there have been many comments made regarding code enforcement and although he will never be satisfied with it, options must be explored.

Homestead Exemption Fraud - Mayor Ganz said the City must ensure the community is educated on this.

Backpack Giveaway - Mayor Ganz said John DiPrato also assists with purchasing backpacks for the giveaway. Thereafter, he encouraged all to attend and thanked Mr. DiPrato, JM Family and BSO for continuing the event in Harold Morrison's name.

Debate - Mayor Ganz said although people are entitled to their opinion, they are not entitled to their facts, so if he knows different facts, he will point them out.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to adjourn the meeting at 10:28 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