



Meeting Minutes City Commission

Tuesday, August 15, 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

Mayor Ganz said Harry Dressler, former Tamarac Mayor, passed away earlier today and asked that everyone keep his family in their thoughts and prayers; thereafter, there was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - July 18, 2023

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

Police Pension Fund Meeting Minutes - April 27, 2023

Code Compliance Meeting Minutes - May 3, June 13 & June 28, 2023

Community Appearance Board Meeting Minutes - July 12, 2023

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, 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 15, 2023

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, 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. Certificate of Appreciation presented to John DiPrato for his extraordinary generosity regarding the provision of free backpacks and school supplies.

Mayor Ganz presented a certificate of appreciation to John DiPrato for his assistance and contributions in the backpack giveaway event.

Mr. DiPrato thanked the City for the recognition. Thereafter, he provided a brief overview of the event, which continues to get better each year.

2. Proclamation in recognition of the 6th Annual Broward Mental Health Summit Day.

Mayor Ganz presented a proclamation to Simone Edwards, Suicide Prevention Coordinator, in recognition of Mental Health Awareness Month.

Ms. Edwards thanked the City of Deerfield Beach for recognizing mental health, as it is a serious issue and awareness is needed.

3. Certificate of Recognition presented to Kyle Gentile for his courageous and immediate response during a crisis.

Mayor Ganz presented a certificate of recognition to Kyle Gentile, Pier Attendant, for his assistance with an individual who was attempting to commit suicide.

Mr. Gentile thanked the City for the recognition, as he felt jumping into the situation was the right thing to do.

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

Captain Hofstein, BSO District X, presented certificates of recognition to deputies for aiding the City of Boca Raton in an armed carjacking incident that occurred on July 12, 2023.

PUBLIC COMMENT

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, congratulated Ocean Rescue on winning the 2023 United States Lifeguard Southeast Regional Championships.

Islah May Abdul Aziz, 425 NW 1st Terrace, Deerfield Beach, commented on her Theatre Company and the work they are currently doing to stop drug use. Thereafter, she said Nora Rupert is providing support, and urged the Commission to do the same.

In response to Commissioner Preston's question, Ms. Abdul Aziz replied that the Commission could assist by urging the youth to participate; thereafter, she provide the Commission with business cards. Further, she is not asking for money, but donations are welcome as well.

Linda Ruise, 425 NW 1st Terrace, Deerfield Beach, asked for clarification on the budget cuts in District 2, i.e. pre-prom. Further, she said these events are important to not only educate the children but keep them

PUBLIC COMMENT - CONTINUED

engaged in school.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked for clarification on the budget cuts, as pre-prom has been going on for years and asked that it not be cut. She also commented on funding being reduced for other events, i.e. Juneteenth, and asked that funding remain as these events are for the entire city and suggested that more advertisement be done.

Diane Chisholm, 375 NW 7th Court, Deerfield Beach, asked the Commission for consideration in assisting the Palms with transportation to their events. Further, she commented on code enforcement in District 2, whereby, she feels certain people are being targeted and harassed. Thereafter, she provided various examples of issues she's had with code enforcement. Lastly, she said pre-prom is very important to the residents of this city and asked that it not be cut; notwithstanding, she's heard cuts are being made throughout the City, not only in District 2.

Jose Pena, 443 NW 45th Avenue, Deerfield Beach, commented on his dissatisfaction and growing concerns with the conduct of the Code Compliance Department. Thereafter, he commented on various situations he's encountered with code compliance staff. Mr. Pena suggested that the vendor be changed or a customer service skills training be provided. Lastly, he thanked the Commission for their time and hopes that bringing these concerns to their attention does not make him a target for retaliation.

In response to Commissioner Preston's questions, Mr. Pena reiterated his address and stated that he's lived there for over 25 years.

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, asked who she can contact to move her mailbox closer to her home, as it's consistently open. Thereafter, she commented on missing mail.

BrenNette Rahming, 1351 SW 10th Terrace, Deerfield Beach, commented on the elimination of pre-prom and reductions being made to other District 2 events. She said we as a City must find ways to give the children a reason to participate, whereby, the more that is taken away from them, the more they are going to run and invest in another community or just not care at all.

Darryl Thomas, 748 N. Deerfield Avenue, Deerfield Beach, expressed concerns with Johnnie McKeithen Park, i.e. fence removal, homelessness, lighting, etc. and asked that it be remedied. Thereafter, he commented on various issues he's encountered at the park. Lastly, he was told by law enforcement to contact them with issues, but he does not feel like it's his responsibility to do law enforcements job.

Theodus Times, 772 N. Deerfield Avenue, Deerfield Beach, expressed concerns with Johnnie McKeithen Park, as the park has become chaotic since the fence removal. Thereafter, he commented on various issues he's encountered at the park.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, said he looks forward to seeing the budget presentation tomorrow evening, as he hopes the operating millage rate is reduced by 5% or a better explanation is given for no reduction. Thereafter, he commented on questions that have been provided to the Mayor and City Manager but have not been answered. Lastly, Mr. Herz commented on the City giving extra money to the Deerfield Beach Historical Society, which he supports, but spoke in opposition to cutting city events, i.e. pre-prom and Juneteenth.

Commissioner Hudak temporarily left the meeting at 7:31 p.m. and returned at 7:33 p.m.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said the Women's Club of Deerfield Beach is hosting a fashion show on September 9th, tickets are \$40. She stated that the streetlights on Federal Highway, from 10th Street to Hillsboro are not working, as well as the ones on SW 10th Street. Lastly, she suggested that five minutes be given to the public when certain items, i.e. housing projects are brought forward, as four minutes total is not enough.

Patricia Saunders, 252 SW 34th Avenue, Deerfield Beach, commented on the water line breaks in District 4, i.e. Deerfield Beach Mall and Deer Creek, and asked for clarification as to why it's occurring. Thereafter,

PUBLIC COMMENT - CONTINUED

she expressed concerns with the elimination of pre-prom and reducing funding for Juneteenth, as these type events are important to our children and should not be taken away.

Mayor Ganz answered questions/concerns/comments posed by the public. He said the consensus of this commission was to put the fence back up at Johnie McKeithen Park; nevertheless, staff will look into the lighting, as the park cannot be over illuminated because of the neighboring residents. Mayor Ganz disagreed, as he believes it's the community's responsibility to contact law enforcement when they see something negative going on, as law enforcement cannot be everywhere; nevertheless, he agreed that additional police presence is needed. Further, he said misinformation is floating around regarding city events, whereby, pre-prom was previously hosted by another entity, not the City; nevertheless, he does not mind partnering with other entities, but stated that it should not be a fully funded city event, as not all students are Deerfield Beach residents. He explained that the \$15,000 is not really a reduction to the Juneteenth event because that money was not originally allocated to the event.

In response to Mayor Ganz's question, David Santucci, City Manager, replied that in years past a smaller budget was allocated to Juneteenth; however, due to the COVID increase one year, the MLK event was cancelled, so that funding was moved to Juneteenth.

Mayor Ganz said although the event was outstanding this year, there have been challenges, which are ongoing, i.e. weekend of Father's Day, not a lot of public awareness of what the event is, etc. He said this Commission is not looking to make cuts to take it away, but the issue is the City is spending more money on Juneteenth than any other event per person. He stated that there are other events throughout the City, i.e. fall festival, that don't involve alcohol, whereby, the City does not spend as much money on the event, nor provide as much advertising. Furthermore, Juneteenth is the single most advertised event; therefore, he suggested that the Board advise this commission on what is not being done right. Thereafter, he urged the community to contact the Elected Officials to ensure the information floating around is accurate. Further, Mayor Ganz expressed his dissatisfaction with code enforcement as well, and agreed with the customer service training for code, as well as other areas.

Continuing, Mayor Ganz urged Ms. Bracy to contact the Postmaster General, as the City has no jurisdiction over moving her mailbox. Further, he stated that many of the questions provided by Mr. Herz have been addressed; nevertheless, the remainder will be clarified once the budget is presented. He explained that the additional money being allocated to the Historical Society is to save the Butler House. He stated that he is only aware of one water break near the Deerfield Mall, which can happen; nevertheless, the City is working toward fixing the infrastructure. Mayor Ganz expressed concerns with allowing the public to speak for five minutes; nevertheless, he has come up with creative ways in order to allow individuals to share their opinions. Lastly, he applauded Ms. Aziz for her work in the community.

Commissioner Preston said individuals come forward to clarify the information being provided to them because they care about the community; nevertheless, when funding is reduced for an event people understand how catastrophic it could be when organizing and getting everyone on the same page. Thereafter, he spoke in support of allowing the public to speak for five minutes.

Vice Mayor Parness spoke in opposition to increasing the time limit.

Thereafter, there was a brief discussion regarding allowing the public to speak for a total of five minutes in lieu of four.

CONSENT - BOARD APPOINTMENTS

5. **Resolution 2023/137 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, reappointing Robert Amante to the Board of Trustees of the Municipal Police Officers' Retirement Trust Fund of the City of Deerfield Beach; and providing for an effective date.**
6. **Resolution 2023/138 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Aaron LoCascio as a regular member to fill an unexpired term on the Marine Advisory Board; providing for an effective date.**

CONSENT - BOARD APPOINTMENTS - CONTINUED

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

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Items 5 & 6 in concert. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Mayor Ganz opened the public hearing for Items 8 - 11; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Items 8 - 11 in concert. Roll Call:

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

Nays: 0

7. **Resolution 2023/139 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Special Event Permit Application submitted by the Sheriff's Foundation of Broward County, Inc. for the "Italian Festival on the Beach" Special Event taking place at 2096 NE 2nd Street on October 21, 2023 from 7:00 am to 11:45 pm; approving a waiver of fees; and providing for an effective date. (Funds from Account #001-7015-579-10-02 - Overtime)**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

David Santucci, City Manager, stated that staff and key internal stake holders have met with the applicant, and reviewed the application in its entirety, whereby, the City supports the requested fee waivers.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked if the Sheriff's Foundation of Broward County, Inc. could assist with sponsoring city events.

Mayor Ganz advised that they assisted during the backpack giveaway.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of the event, as these type events help everyone learn about different cultures. Thereafter, he commented on the Brazilian Festival and Juneteenth.

Islah May Abdul Aziz, 425 NW 1st Terrace, Deerfield Beach, commented on being invited to Cultural Committee meetings.

Mayor Ganz stated that this item is regarding the Italian Festival on the Beach Event.

John DiPrato, 1456 Sabal Palm Drive, Boca Raton, said local groups will be assisting as well, i.e. Rotary and Kiwanis. Thereafter, he provided a brief overview of what the Sheriff's Foundation of Broward County does. He explained that it was important to him to get the foundation in Deerfield Beach to show the public

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

what they do.

Mayor Ganz closed the public hearing.

Commissioner Hudak spoke in support of the event and said if anything additional is needed, he will support it.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 7, adopted Resolution 2023/139. Roll Call:

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

Nays: 0

8. **Resolution 2023/140 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of ITB #2023-24-BA for ground storage tank repairs and cleaning project for the East and West Water Treatment Plant; authorizing execution of a contract with Underwater Solutions, Inc., the lowest priced responsive and responsible bidder, in an amount not to exceed \$60,630.00; providing an effective date. (Funds from Account #401-5020-533-60-31-Improvements Other Than Buildings)**
9. **Resolution 2023/141 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of ITB #2023-16-BA for the purchase of nano flow meters for the West Water Treatment Plant to Core & Main, LP for ITB Item No. 1 in an amount not to exceed \$25,500.00 and to Consolidated Pipe and Supply Company, Inc. for ITB Items 2 through 7 in an amount not to exceed \$72,715.00; authorizing the issuance of purchase orders to both vendors, the lowest priced responsive and responsible bidders for the respective item categories; providing an effective date. (Funds from Account #401-5020-533-60-31 - Improvements Other Than Buildings)**
10. **Resolution 2023/142 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with McKim and Creed, Inc. to provide professional engineering services related to the Integration of Radio Telemetry Units at the West Water Treatment Plant and Remote Sites in an amount not to exceed \$125,901.00; providing for execution and an effective date. (Funds from Account #401-5020-533-30-33 - Other Professional Services)**
11. **Resolution 2023/143 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of ITB #2023-28-BA for the purchase of liquid chlorine for the Water Treatment Plant to Allied Universal Corporation; authorizing the execution of a contract with Allied Universal Corporation, the sole responsive and responsible bidder, in an annual amount not to exceed \$288,405.00 for a one-year term, with four additional one year renewal options; providing an effective date. (Funds from Account #401-5020-533-35-11 - Chemicals)**

DEPARTMENTAL BUSINESS

12. **Resolution 2023/144 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Carollo Engineers, Inc. to provide professional engineering services for the development of a bond feasibility study related to the City's Integrated Utilities Master Plan Capital Improvement Program in an amount not to exceed \$43,900.00; providing for execution and an effective date. (Funds from Account #401-5020-533-30-99 - Other Professional Services & Account #401-5030-533-30-99 - Other Professional Services)**

The Resolution was read by title only.

David Santucci, City Manager, stated that this scope of services is to allow the Utility Master Plan consultant to compile the required information needed for a utility bond that will come before the City Commission at a later date. Thereafter, he provided a brief overview of the Utility Master Plan.

DEPARTMENTAL BUSINESS - CONTINUED

There was no discussion amongst the Commission.

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 12, adopted Resolution 2023/144. Roll Call:

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

Nays: 0

13. Resolution 2023/145 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Hazen and Sawyer, P.C. to provide professional engineering construction administration services for the Rehabilitation of Injection Well IW-1 at the West Water Treatment Plant in an amount not to exceed \$70,508.00; providing for execution and an effective date. (Funds from Account #413-5020-533-60-31 - Capital Improvements-Water Plant Improvements Other than Buildings)

The Resolution was read by title only.

Items 13 and 14 were discussed together but voted on separately.

Priscilla Cygielnik, Director of Environmental Services, highlighted a brief PowerPoint presentation. She explained that the injection well is where the City disposes our concentrate during the water production process. The deep injection well, located at the West Water Treatment Plant, has an increased operating pressure causing a loss of injection capacity, making it more difficult to dispose the concentrate; therefore, the design professionals have prepared specifications and a plan to rehabilitate the well. Thereafter, she provided a brief overview of the bid process, whereby, three offerings were received with one being a no bid due to their current workload. The lowest bidder came in at \$1,088,000, which exceeds the cost estimate that was derived from the 2017 rehabilitation project; therefore, the \$500,000 budgeted amount will not suffice, so money from the Utility Fund Balance will be used to fund the project, which is a critical piece of infrastructure.

In response to Mayor Ganz's comments, Ms. Cygielnik stated that this project is absolutely mandatory and there are only a few vendors that can perform the work. Thereafter, she provided a brief overview of the extraction process. Further, she said the money will come from the Utility Fund Balance, which dips into the cash reserves.

In response to Mayor Ganz's question, David Santucci, City Manager, replied that if there are operating savings in fiscal year 2023, they will be applied to the cost of this project.

Mayor Ganz opened the public hearing for Items 13 and 14.

Diane Chisholm, 375 NW 7th Court, Deerfield Beach, asked what other cities are doing with these type situations. Further, she asked for clarification on the cost estimate.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked if the additional cost will affect the taxpayers in the long run.

Mayor Ganz replied no; thereafter, the public hearing was closed.

Mr. Santucci said the cost relates to the supply/demand issue, whereby, there is high demand and low supply; nevertheless, the estimated cost was based off historical data and market rate information that was available at the time. Further, he said this cost will not affect the rate plan. Lastly, Mr. Santucci stated that other cities are doing the same thing.

DEPARTMENTAL BUSINESS - CONTINUED

Vice Mayor Parness spoke in support of the item, as these wells must be taken care of and properly maintained to ensure we are providing the best water.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 13, adopted Resolution 2023/145. Roll Call:

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

Nays: 0

14. Resolution 2023/146 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of ITB #2023-19-BA for the Injection Well Rehabilitation Project at the West Water Treatment Plant to All Webbs Enterprises, Inc.; authorizing the execution of a contract with All Webbs Enterprises, Inc., the sole responsive and responsible bidder, in an amount not to exceed \$1,088,000.00; providing an effective date. (Fund from Account #413-5020-533-60-31 - Capital Projects-Water Plant Improvements Other than Buildings)

The Resolution was read by title only.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 14, adopted Resolution 2023/146. Roll Call:

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

Nays: 0

15. ORDINANCE 2023/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF DEERFIELD BEACH AND DEERFIELD BEACH CAFÉ, LLC FOR THE LEASE OF THE CITY'S PIER RESTAURANT FOR A TWENTY-YEAR TERM, WITH TWO, FIVE YEAR RENEWAL OPTIONS; PROVIDING FOR EXECUTION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Anthony Soroka, City Attorney, outlined the key business terms; whereby, the lease provides for a 20-year lease, with two five-year renewal options that must be mutually agreed upon by both parties; provides for a \$210,000 base rent in year one, which will increase 2% annually. Additionally, there is a percentage rent clause of 5%; the lease premises includes the use of the observation deck in an as is condition; rent will begin May 1, 2024 or when the certificate of occupancy is received, whichever occurs first; tenant is responsible for the completion of the tenant proposed improvements outlined in the conceptual plan; the tenant improvements ultimately become city property at the end of the lease; there is a six-month letter of credit securing the rent; they are required to be open year-round, with two exceptions, closure on Thanksgiving and/or Christmas, if they so choose; the observation deck can be closed for up to three city sponsored events; the tenant is responsible for maintenance and repairs of the restaurant, with the exception of the roof or significant structural repairs to the building not caused by the tenant; restaurant hours of operation consist of 8:00 a.m. to 10:00 p.m. with the observation deck being operable for restaurant purposes from noon to 10:00 p.m.; however, the tenant does have the ability to make adjustments to the hours based on seasonal flow but they cannot adjust the hours to be operable between midnight to 6:00 a.m. without commission approval. Lastly, Mr. Soroka stated that there are restrictions under ability to assign or sell their interest in this agreement, whereby, if the restauranter decides to sell more than 50% of their interest or assets, it would need to come before the Commission for approval, and they would have to document that the proposed purchaser meets the qualifications of the ITN and assume all obligations of the lease.

In response to Commissioner Preston's comment, Mr. Soroka clarified the process that would occur if the current restaurateur decided to sell 50% of their assets.

DEPARTMENTAL BUSINESS - CONTINUED

Mayor Ganz opened the public hearing.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked if it's the same operator as before and for clarification on the rent structure.

Mr. Soroka replied no; thereafter, he provided a brief overview of the rent structure.

Ms. Jackson asked how the rent amount came about, i.e. was it compared to other beach restaurants.

Mayor Ganz stated that the restaurateur came up with the amount.

Ms. Jackson spoke in opposition to twenty years as it's a long time.

Jose Pena, 443 NW 45th Avenue, Deerfield Beach, asked where the funds received by the City are allocated to.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on events that occurred during the August 1st commission meeting when the invitation to negotiate was discussed. Thereafter, he commented on the class action lawsuit filed against Ms. Rosse. Further, he said there is not a finalized version of the lease agreement, which is embarrassing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, expressed concerns with the tenure of the lease, as well as the process that's in place should they decide to sell 50% of their assets.

Mayor Ganz closed the public hearing.

Mr. Soroka clarified that the landlord, which is the City, shall have the right to approve or disapprove any proposed sale of more than 50% of the assets of tenant or the entity that constitutes the tenant, or the entity that owns or is the managing member of the tenant or more than 50% of the beneficial interest thereof, and may specifically disapprove such sale if the new tenant cannot demonstrate that the purchaser meets the qualifications of the ITN. Additionally, any such proposed purchaser must agree to assume all obligations under the agreement.

Commissioner Hudak left the meeting temporarily at 8:43 p.m. and returned at 8:44 p.m.

David Santucci, City Manager, said the City's restaurant consultant confirmed that the rents provided were fair market value for the location.

Mayor Ganz said this was opened up to all to bid on, but only three proposals were received. Thereafter, he provided a brief overview of the process thus far.

Mr. Santucci said the restaurant is a General Fund revenue source, so all funds will go into the General Fund.

Mayor Ganz said no one on this dais was vying for a certain restauranter; nevertheless, he spoke in opposition to the other restauranter because their numbers changed numerous times, which concerned him. Further, he said anyone within the restaurant business gets sued for a number of reasons. Thereafter, he outlined various lawsuits filed against LM Restaurants, which were not disclosed by Mr. Herz.

Vice Mayor Parness said he asked about the lawsuit at the August 1st meeting to get an answer, which he did. Further, he spoke in support of the lease length as the restauranter is putting a lot of money into the property which takes years to recoup. Thereafter, he agreed that restaurants get sued for various reasons and spoke in support of the chosen restaurant.

Commissioner Drosky commended Vice Mayor Parness for speaking in support of the chosen restaurant since he was on the opposing side on August 1st. Thereafter, he thanked the City Attorney for negotiating and protecting the City, and adding the extra protections outlined in the proposed lease. Further,

DEPARTMENTAL BUSINESS - CONTINUED

Commissioner Drosky agreed with the length of the lease, as it will take time for the restaurateur to recoup the investment. Although, both proposals were similar, the winning operator's vision was more closely aligned to his, as well as his residents. Lastly, he congratulated all who participated in the process.

Mayor Ganz left the meeting temporarily at 9:12 p.m. and returned at 9:13 p.m.

Commissioner Hudak stated that both entities supported his 2019 and 2023 campaigns; nonetheless, both restauranters run high-class operations. Thereafter, he commented on the process and stated that all three proposals required a twenty-year lease, which is a standard operating procedure when bidding on something of this magnitude. Commissioner Hudak thanked the City Attorney for protecting the City and commended him for his negotiation skills. Lastly, he spoke in support of the chosen restaurant and agreed that businesses are sued for various reasons.

In response to Mayor Ganz's question, Mr. Santucci replied that construction will not impact city operations; however, the three city events may impact the restaurant but concessions will be made.

Mayor Ganz spoke in support of the twenty-year lease, as it will take them that long to recoup their investment, which will be at no cost to the taxpayers; thereafter, he reopened the public hearing.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked how much the City pays in taxes for the property, how much profit will the City receive, and who is liable should someone get injured at the restaurant.

Mayor Ganz closed the public hearing.

Mr. Soroka stated that the restauranter would be responsible, unless they can prove the incident occurred from the City's negligence. Further, the City does not pay taxes on the land, but there is a taxable value attributed to the lease hold interest.

Mr. Santucci said that is correct, whereby, the property taxes paid by the current tenant is approximately \$20,000.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 15 on First Reading. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - None.

CITY MANAGER - None.

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

Deerfield Beach Lifeguards - Commissioner Hudak commended the lifeguards for their local and national accomplishments and asked that the information be placed on a brag board and located at the pier or Kirk Cottrell Pavilion. Thereafter, he commented on their achievements and stated that it should be displayed for all to see.

Commissioner Cops & Coffee (D1) - Commissioner Hudak said the event will be held at the Starbucks on Federal Highway and Hillsboro Boulevard on Sunday, August 20th at 10:00 a.m.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED**COMMISSIONER PRESTON****DISTRICT 2**

Commissioner Cops & Coffee (D2) - Commissioner Preston said the event will be held at the Dunkin' on Hillsboro Boulevard and Martin Luther King on Thursday, August 17th at 9:00 a.m.

Poppin' Pop-Up Community Event - Commissioner Preston said the event will take place on Friday, August 18th from 6:00 p.m. to 9:00 p.m. at Mayo Howard Park. Thereafter, he provided a brief overview of the event.

Fire Station 75 - Commissioner Preston stated that the flag flown at the fire station is not illuminated during the evening hours and asked that staff investigate.

David Santucci, City Manager, said staff will investigate, but it may not be illuminated due to turtle season.

Debating - Commissioner Preston said he prefers addressing issues at the time they are being discussed instead of waiting to make his comments during this portion of the meeting.

VICE MAYOR PARNESS**DISTRICT 3**

Shredding Event - Vice Mayor Parness said the event is for residents only and will be held at Fire Station 66 on Saturday, August 19th from 8:00 a.m. to noon.

Street Racing - Vice Mayor Parness commented on the issues that have occurred on Green Road, Powerline, 10th Street, and Hillsboro, which were taken care of. Thereafter, he thanked law enforcement for their efforts.

COMMISSIONER DROSKY**DISTRICT 4**

Commissioner Cops & Coffee (D4) - Commissioner Drosky said his event was held on August 15th, which was a success.

Florida League of Cities Fast Fly In - Commissioner Drosky said the event will take place in Washington, D.C. on October 17th - 18th, and one attendee per city is being requested to attend due to the events popularity.

Code Enforcement - Commissioner Drosky said many have come forward with complaints against code compliance and stated that the concerns have been heard and will not go unnoticed. Thereafter, he asked staff to speak to those who expressed concerns this evening.

MAYOR GANZ

Accolades - Mayor Ganz thanked staff for their quick response on the water break that occurred.

Roadway Issues - Mayor Ganz said the asphalt near Powerline and 6th Street is coming up, causing reoccurring issues; therefore, he asked that it be investigated as he is unsure if the area of concern belongs to the City.

AC Issues - Mayor Ganz commented on an issue regarding AC units being replaced on two-story condominiums in Century Village.

Vice Mayor Parness provided a brief overview of the required protocols for replacing AC units within Century Village.

Mayor Ganz thanked Vice Mayor Parness for the information but asked that the City Manager seek further guidance.

Debate - Mayor Ganz provided a brief overview of how and why he runs the meetings the way he does.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

Johnie McKeithen Fence - Mayor Ganz stated that although the fence will be re-installed, it will take time, so he urged the community to be patient.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to adjourn the meeting at 9:39 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