



Special Meeting Minutes City Commission

Tuesday, August 22, 2023

6:45 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 6:46 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.

Vice Mayor Parness temporarily left the meeting at 6:48 p.m. and returned at 6:50 p.m.

APPROVAL OF THE AGENDA

August 22, 2023

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

Yeas: 4 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, and Mayor Ganz

Nays: 0

PUBLIC HEARING - SECOND READING

- 1. P.H. 2023-101: ORDINANCE 2023/007 - 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.**

PUBLIC HEARING - SECOND READING - CONTINUED

The Ordinance was read by title only.

Anthony Soroka, City Attorney, stated that there were three minor clarification changes made to the agreement since first reading, which he briefly outlined.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, spoke in opposition to the pier lease agreement. Thereafter, he provided various reasons why the process should be redone.

Toula Amanna, 5030 SW 109th Avenue, Davie, briefly commented on statements she's heard before, during, and after the process. Further, she advised that she was late for the oral presentations and witnessed Danielle Rosse entering and exiting the Purchasing Manager's office, which she believes broke the cone of silence. Thereafter, she briefly commented on LM Restaurant almost being eliminated for changing their initial bid amount and stated that Deerfield Beach Café, LLC should be eliminated as well, as she believes they knew they were going to be awarded the contract prior to the process even beginning.

Thereafter, the following individuals spoke in support of Ms. Amanna's statements:

- **Carlo Torres, 3234 NW 28th Way, Boca Raton.**
- **Jorge (inaudible), 1100 NW 87th Avenue, Coral Springs.**
- **William DeCarlo, 1460 SW 11th Way, Deerfield Beach.**
- **Victor (inaudible), 1411 Siesta Key Trail, Deerfield Beach.**
- **Cortland Biel, 400 Leslie Drive, Hallandale Beach.**
- **Santos Melendez, 5009 31st Avenue, Fort Lauderdale.**
- **Ann Sours, 6441 Pumpkin Seed Circle, Boca Raton.**
- **Alex Papas, 3000 S. Hiatus Road, Davie.**
- **Christopher Papas, 3000 S. Hiatus Road, Davie.**
- **Daniel Alvarado, 142 E. 47th Street, Hialeah.**

Peggy Noland, 325 SE 3rd Terrace, Deerfield Beach, commented on the initial pier design presented years ago. Further, she stated that families visit the beach area often, and this type of restaurant does not seem very family-friendly. Ms. Noland spoke in opposition to having three high-end restaurants at the beach, and reiterated that the City needs a more family-friendly atmosphere with affordable pricing options.

Thereafter, the following individual spoke in support of Ms. Amanna's statements:

- **David Williams, 4300 Sheridan Street, Hollywood.**

Mayor Ganz closed the public hearing.

In response to Mayor's Ganz's question, Mr. Soroka stated that per the City Charter, the second reading will require a 4/5 vote, whereby, first reading required a 3/5 vote.

Vice Mayor Parness said the allegations being made against Ms. Rosse entering/exiting a city employee's office are irrelevant and hearsay without actual evidence being presented. Further, he stated that city staff follows policies and procedures to ensure that the City Commission receives all the information and can make well-informed decisions.

Commissioner Preston agreed that hearsay is hearsay and stated that he has not heard anything incriminating; nevertheless, he spoke in opposition to the current owner feeling mistreated throughout the process. Further, he agreed that this commission ultimately makes the final decision, but having individuals question the process and feel that it was not done fairly concerns him, as people must believe in the process.

PUBLIC HEARING - SECOND READING - CONTINUED

Commissioner Hudak said the pier restaurant has been discussed and debated at lengths, and this commission provided direction at the beginning of the process as to what was desired. Thereafter, he provided a brief overview of the process thus far. Further, Commissioner Hudak stated that he has not seen or heard of any improprieties made by Ms. Rosse.

Commissioner Drosky commented on the contributions Ms. Amanna has made to the community; nevertheless, the statements made this evening are just sour grapes. Further, he believes the process was not violated in any way, and feels that this commission went above and beyond with this process, which he outlined. Thereafter, he reiterated that the statements made do not provide credible evidence to show something was wrong with the process. Commissioner Drosky said this bid was put out and only three bids were received, so this commission worked with what was provided; nevertheless, he reiterated that the process was not flawed and commended the committee for their hard work.

Mayor Ganz agreed that this was put out to anyone to bid on; nevertheless, some prefer the higher bidder because it's more revenue to the City, but they also have higher priced menu options, while others prefer affordable menu options but unfortunately those type of establishments did not bid on the project. He said the statements made this evening are outrageous, whereas, the evaluation committee included the City Attorney who would have immediately notified everyone if violations occurred. Mayor Ganz said there were irrefutable facts showing that LM Restaurant violated the cone of silence, which concerned him. Thereafter, he provided a brief overview of events that have transpired throughout the process. Mayor Ganz commended Ms. Amanna's staff for showing their support, but this commission must do what is in the best interest for the City.

David Santucci, City Manager, clarified that the City has a strict protest procedure and none were received during this process. Further, he stated that Ms. Rosse being in the 2nd floor office at the Central City Campus would not surprise him, as it is the procurement office and their conference room is available to those who are awaiting their turn. He reminded all that the only two entities a bidder can converse with during the bidding process is the City Attorney's Office and procurement.

Vice Mayor Parness said the pricing options are affordable compared to other surrounding establishments. Further, he said the beach is the biggest tourist attraction; therefore, the restaurant should be new, fresh, and exciting.

Commissioner Preston said although he believes Ms. Rosse will do a good job, the process still concerns him, especially since there are individuals stating that it was done incorrectly; nevertheless, he knows this commission, as well as staff followed the proper policies and procedures.

In response to Mayor Ganz's question, Mr. Soroka replied that the contract is for a 20-year lease, whereby, the two five-year renewal options must be mutually agreed upon by both parties.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 1, adopted Ordinance 2023/007. Roll Call:

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

Nays: 1 - Commissioner Preston

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to adjourn the meeting at 7:51 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