



## Meeting Minutes City Commission

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Tuesday, December 12, 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 7:03 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 asked that everyone keep Connie Beauchamp, longtime Deerfield Beach resident, 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 - October 17, 2023

**MOTION was made by Commissioner Preston, 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**

Affordable Housing Advisory Committee Meeting Minutes - August 7, 2023  
Non-Uniformed Employees Retirement Committee Meeting Minutes - August 14, 2023  
Community Redevelopment Agency Meeting Minutes - August 29, 2023  
Firefighter Pension Fund Meeting Minutes - September 11, 2023  
Hillsboro Inlet District Meeting Minutes - October 16, 2023  
Marine Advisory Board Meeting Minutes - October 19, 2023  
Code Compliance Meeting Minutes - October 23, 2023  
Community Appearance Board Meeting Minutes - October 25 & November 8, 2023

**ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED**

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

*December 12, 2023*

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

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

**Nays:** 0

**QUASI-JUDICIAL PUBLIC HEARINGS****1. P.H. 2024-021: APPLICATION 22-RM10-47**

**Applicant: Intracoastal Properties IV, LLC., represented by JSR Design Group, Inc.**

**Proposal:** Seeking Major Site Plan approval to demolish two existing duplexes and construct three new townhomes consisting of 11,446 square feet with associated site improvements, on a 0.33-acre site.

**Location:** The property is generally described as LOTS 11 AND 21, BLOCK 14, OF OCEAN VUE, AMENDED PLAT OF BLOCKS 12, 13, AND 14 OF OCEAN VUE, more particularly described in the file, and located at **513-525 NE 19th Avenue and 1867 NE 5th Street**.

The Resolution was read by title only.

John Reed, 1 West Camino Real, Boca Raton, representing the applicant, waived the quasi-judicial proceeding. Thereafter, he provided a brief overview of the item. Further, he said the north end townhome will be occupied by the applicant and his family will have first rights to the other two, then sold. The property is designed under the Cove Overlay District and provides for a more coastal feel. Thereafter, various photographs of the proposed property were displayed.

In response to Commissioner Hudak's question, Mr. Reed replied that no variances are being requested.

In response to Vice Mayor Parness's question, Mr. Reed replied that the property is going from four residences to three, so it will be less dense.

Mayor Ganz opened the public hearing,

**Rita Masi, 349 NE 19<sup>th</sup> Avenue, Deerfield Beach**, spoke in support of the application as it will enhance the neighborhood and city and increase the City's tax roll.

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach**, said there was discussion during the Planning & Zoning Board Meeting regarding many of the nearby properties being rentals; therefore, having this property homesteaded in Deerfield Beach will be beneficial to the City. Further, he said the project meets all code requirements, so there is no reason it should not be approved.

**Howard Haimowitz, 536 NE 20<sup>th</sup> Avenue, Deerfield Beach**, spoke in support of the application as it is less dense than the previous development. Thereafter, he commented on other developments that are destroying the barrier island and suggested revising the Code to only allow RM-10 rezoning on the barrier island.

**Jon Ounjian, 1938 NE 6<sup>th</sup> Street, Deerfield Beach**, spoke in support of the application. Thereafter, he commented on another development that was discussed at the Planning & Zoning Board Meeting. Further, he agreed with changing the Code to only allow RM-10 on the barrier island.

**QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED**

Mayor Ganz closed the public hearing.

Commissioner Drosky asked if a one-year rental restriction could be enforced.

Al Bova, 17 S. Federal Highway, Deerfield Beach, said he will reside in one of the units, whereas, the other two will be sold, so he is unsure if a restriction can be added; nevertheless, they will be sold for \$3 - \$4 million and he does not believe someone will purchase them for that amount and then rent them out.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 1, adopted Resolution 2023/194. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**PUBLIC HEARINGS**

- 2. P.H. 2024-022: Resolution 2023/195 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the 2022-2023 Consolidated Annual Performance and Evaluation Report ("CAPER") for the United States Department of Housing and Urban Development ("HUD") Programs; authorizing submission of the CAPER to HUD; providing for implementation and an effective date.**

The Resolution was read by title only.

Jonathan Salas, Director of Community Services, highlighted a brief PowerPoint presentation. The (CAPER) is an annual requirement of HUD, due on December 30<sup>th</sup>, that outlines the expenditure of funds and provides a brief overview of the programs. The CAPER reflects the City's 2020 - 2024 Consolidated Plan and highlights the 2022 - 2023 Action Plan, whereby, the goal was to increase affordable housing, provide infrastructure improvements, and increase access to public services. The Homeowner Rehabilitation and Purchase Assistance Programs did not fare well, whereby, assistance was provided to nine low to moderate income families; over \$402,000 was expended in housing, with around \$145,000 being CDBG funds. Staff was unable to assist anyone under the Rental & Utility Assistance Programs due to the restrictions of the program, whereas, it must be COVID related.

Continuing, Mr. Salas said under infrastructure improvements, \$300,000 was allocated into the Oveta McKeithen Recreational Complex Playground and \$150,000 was allocated to sidewalk improvements. The Senior Transportation Program assisted 82 seniors and \$25,000 was expended; the Senior Health and Wellness Program serviced more than 62 seniors; and due to construction, the Alzheimer's Adult Day Care was not fully functional until February 2023, so the services only benefited 24 clients. He said \$659,000 in CDBG funding was received in FY23; \$734,000 was carried forward from the prior year, and over \$500,000 was expended. Furthermore, he stated that the CDBG funds are leveraged with the HOME - \$230,000 and SHIP - \$833,000 Programs. Lastly, he said the draft CAPER was published on November 27<sup>th</sup>, and the public comment period lasted 30 days, whereby, no comments were received.

In response to Mayor Ganz's question, Mr. Salas replied that the Rental & Utility Assistance Programs are HUD requirements, so the goal is to reallocate the funding to other programming, which will be forthcoming.

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 2, adopted Resolution 2023/195. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**PUBLIC HEARINGS - CONTINUED**

3. **P.H. 2024-023: Resolution 2023/196 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Deerfield Beach Affordable Housing Advisory Committee Incentive Report for fiscal year 2022-2023; authorizing submission of the Incentive Report to the Florida Housing Finance Corporation; providing for implementation and an effective date.**

The Resolution was read by title only.

Jonathan Salas, Director of Community Services, explained that the City received over \$800,000 in SHIP funding; therefore, the report is required to be submitted to HUD. Thereafter, he provided a brief overview of the duties and responsibilities of the Affordable Housing Advisory Committee. Further, the Committee would like to continue expediting permits for affordable housing projects; continue with the ongoing review of policies and procedures related to affordable housing; and recently, the printed inventory of city-owned property was adopted. The strategies the Committee would like to include, consist of flexibility and densities for affordable housing; flexible lot configurations, including zero lot lines; and supportive development near transportation HUB's.

Mayor Ganz opened the public hearing.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, said the Committee recommended that no action be taken, at this time, on the modification of impact fee requirements, including reduction or waiver of fees, and alternative methods of fee payments for affordable housing, which he disagreed with, as affordable housing is a huge crisis. Thereafter, he commented on a meeting he recently attended, whereby, a presentation regarding the Live Local Act was given.

Mayor Ganz closed the public hearing.

Thereafter, there was a brief discussion regarding the Live Local Act.

Mayor Ganz reopened the public hearing.

**Rita Masi, 349 NE 19<sup>th</sup> Avenue, Deerfield Beach**, asked if the Live Local Act affects the referendum that was passed for the beach area.

Mayor Ganz closed the public hearing.

Anthony Soroka, City Attorney, said developers could argue that; however, the City would advise that the Charter applies and staff would ensure that the Live Local Act is followed.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 3, adopted Resolution 2023/196. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**PUBLIC HEARINGS - SECOND READING**

4. **P.H. 2024-024: ORDINANCE 2023/016 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE UPDATED FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS SET FORTH IN TABLES 10.2 AND 10.4 IN ORDER TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT ("CIE") IN CONFORMANCE WITH SECTION 163.3177, FLORIDA STATUTES, AS MORE SPECIFICALLY SET FORTH IN EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

*There was no discussion amongst the Commission.*

**PUBLIC HEARINGS - SECOND READING - CONTINUED**

Mayor Ganz opened the public hearing.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, said there is a line item for Pioneer Grove Improvements for \$5 million and asked for an explanation as to what that money is earmarked for.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, stated that he can provide Mr. Herz with the capital improvement worksheet, which outlines the project.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 4, adopted Ordinance 2023/016. Roll Call:**

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

**Nays:** 0

5. **P.H. 2024-025: ORDINANCE 2023/017 - AN ORDINANCE OF THE CITY OF DEERFIELD BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF DEBT OBLIGATIONS OF THE CITY ("OBLIGATIONS"), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000, TO PROVIDE FUNDS, TOGETHER WITH OTHER AVAILABLE MONEYS, TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM AND TO PAY COSTS OF ISSUANCE OF THE OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS SHALL BE SECURED BY AND PAYABLE FROM CERTAIN PLEDGED REVENUES CONSISTING PRIMARILY OF THE NET REVENUES OF THE WATER AND SEWER SYSTEM, AS SHALL BE SET FORTH OR PROVIDED FOR IN A SUPPLEMENTAL RESOLUTION TO BE ADOPTED BY THE CITY COMMISSION PRIOR TO THE ISSUANCE OF THE OBLIGATIONS; PROVIDING THAT, SUBJECT TO THE LIMITATIONS HEREIN CONTAINED, THE TERMS OF SUCH OBLIGATIONS SHALL BE ESTABLISHED OR PROVIDED FOR AND THE OBLIGATIONS SHALL BE SOLD AS PROVIDED IN THE SUPPLEMENTAL RESOLUTION; AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE OBLIGATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Ordinance was read by title only.

6. **Resolution 2023/197 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing a loan in the aggregate principal amount not exceeding \$16,500,000 to provide interim financing for certain capital improvements to the City's water and sewer system and related costs; authorizing the issuance of a water and sewer revenue note, Series 2023 to evidence such loan; making findings and determinations as to the loan and the note; accepting the lender's proposal to provide the loan and purchase the note; providing that the City's obligations under the loan and the note shall be secured and payable from pledged funds consisting primarily of the net revenues of the City's water and sewer system; approving the form of a loan agreement with the lender and authorizing the execution and delivery of the Loan Agreement and the Note; authorizing other required actions in connection therewith; and providing an effective date. (Departmental Business)**

The Resolution was read by title only.

Items 5 & 6 were discussed together but voted on separately.

Stephanie Tinsley, Chief Financial Officer, introduced Ted Cole, Davenport.

Mr. Cole said this evening will be the final action, if approved. Thereafter, he provided a brief overview of the steps that have taken place thus far. Further, he said this process will be completed in three Phases, whereby, tonight is the approval of the first borrowing, which is Phase 1. The goal is to get the City the funding needed for water and sewer infrastructure; insulate the City's credit from any financial support for

**PUBLIC HEARINGS - SECOND READING - CONTINUED**

the water and sewer system; be able to fund additional capital needs within the next three to four years; and ensure compliance with the established bond documents. Thereafter, he provided a brief overview of the established bond documents and how they were followed throughout the process. Mr. Cole said after a lengthy process, it is being recommended that the City move forward with TD Bank, with a three year bond anticipation note, and with the ability to prepay, at any time, without penalty; whereby, this will set the City up for the next borrowing, which could take place within the next 12 - 18 months and would cover the Ion Exchange Project. Furthermore, Phase II will consist of refunding the loan and borrowing additional money for those new projects, i.e. ion exchange.

Continuing, Mr. Cole stated that staff is working on getting DEP consent, which is required, and expected within the next two to three weeks, whereas, closing cannot occur until DEP consent is in hand. The rate has not yet been locked in with TD Bank but they have a firm commitment to lend the funding, which can be finalized via a phone call; nevertheless, the rate is currently somewhere around 4.5%, with all planning work being under the assumed 5%. Furthermore, if approved, all of the funding will be available to move a number of projects forward. Lastly, the interest due on the bond, cost of issuance, etc. have also been included in the financing.

In response to Commissioner Preston's question, Mr. Cole replied that all costs are outlined in the Capital Improvement Plan, which establishes the funded projects. Further, the five-year rate plan was established to ensure that there would be no additional costs to the residents for these projects. Lastly, he said there are processes in place for the borrowing mechanism to ensure there aren't any surprises.

In response to Commissioner Hudak's question, Mr. Cole replied that rating agencies look at local governments at a national level, whereby, 'AA' rated cities are compared to cities all over the Country. Thereafter, he provided a brief overview of the rating process and procedure. Lastly, he is unsure how many 'AA' rated cities there are, but once found, he will provide it to Ms. Tinsley.

Mayor Ganz opened the public hearing.

**Maria LoRicco, 1551 SE 12<sup>th</sup> Street, Deerfield Beach**, commented on the annual revenues that will be used for collateral, whereby, she asked if enough is being produced in revenues to generate collateral or will it fall on the future increases.

**Rita Masi, 349 NE 19<sup>th</sup> Avenue, Deerfield Beach**, asked if the City will be locked into the 4.5% when the loan is refinanced in 12 - 18 months.

**Janet Castrogiovanni, 1523 E. Hillsboro Blvd., Deerfield Beach**, commented on the fluoride issue in the water, and asked for an update.

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach**, stated that the population is growing; therefore, this loan is a necessity, as we must ensure that our water and sewer infrastructure can handle the growth. Thereafter, he commented on the issue that occurred in Fort Lauderdale.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, commented on the contract the City has with Davenport, as well as the costs outlined within the contract. Thereafter, he outlined various calculations that he was able to come up with and disagreed with hiring an outside consultant, and using piggyback contracts.

Mayor Ganz closed the public hearing.

In response to Mayor Ganz's question, David Santucci, City Manager, replied that the projects themselves are distinct from this borrowing, whereby, the projects will be designed by professional engineers and completed by qualified contractors.

Thereafter, there was a brief discussion between Mayor Ganz and Ms. LoRicco.

Mr. Cole said the future borrowings, whenever they occur, will be based on the market rates at that time. Further, he said you cannot borrow on a tax-exempt basis for multiple years of funding.

**PUBLIC HEARINGS - SECOND READING - CONTINUED**

In response to Mayor Ganz's question, Mr. Cole replied that this loan is for a three-year period.

Mayor Ganz stated that outside consultants are brought in to assist staff with complex issues and an 18-month piggy back contract is not a long period of time. Further, some of these projects, i.e. ion exchange, are not an immediate necessity; however, it is a proactive attempt to ensure those forever chemicals are weeded out; therefore, he spoke in support of the funding, as it is the right approach.

Commissioner Drosky agreed that these improvements are needed, as Deerfield Beach does not want to face the issues posed by Fort Lauderdale. Further, he spoke in support of hiring consultants, as they are the experts in this area, as well as the loan being collateralized by the revenues from the water and sewer system and not the General Fund. Thereafter, he agreed with Mr. Cole on his explanation of becoming 'AA' rated; whereby, developments and projects that come before this commission have a long ranging effect on what is decided moving forward. Commissioner Drosky said denying projects has real consequences, and although he does not believe every project should be approved, Deerfield Beach's rating can be approved, and increasing the tax base is one way of doing that. Lastly, he spoke in support of the funding mechanism.

Vice Mayor Parness spoke in support of Items 5 & 6.

Commissioner Preston agreed that this commission must be proactive, but stated that it is also the responsibility of this commission to ensure that the City's financial stability is preserved.

In response to Mayor Ganz's question, Mr. Santucci replied that the fees outlined in the contract will not be utilized during the next borrowing. Further, he stated that the City has had financial advisors in the past, which he outlined.

**MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 5, adopted Ordinance 2023/017. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 6, adopted Resolution 2023/197. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**PUBLIC COMMENT**

**Rita Masi, 349 NE 19<sup>th</sup> Avenue, Deerfield Beach**, commended the Commissioners and staff for the Christmas celebration. Further, she asked for an update on the S-Curve, as it is atrocious from the lack of maintenance.

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach**, commented on the Broward County School Board meeting that took place on December 5<sup>th</sup> regarding the Deerfield Beach elementary auditorium.

**Katy Freitag, 418 SE 2<sup>nd</sup> Street, Deerfield Beach**, asked that the Commission listen to their residents.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, commented on legal fees being spent on the lawsuit against Class Act Restaurant Group d/b/a Deerfield Beach Café Restaurant, as well as the process that occurred during pier lease restaurant negotiations. Further, he asked when legal services were last bid out. Lastly, he commented on various events he's attended.

**Janet Castrogiovanni, 1523 E. Hillsboro Blvd., Deerfield Beach**, commented on the fluoride issue, as well as the water quality, and suggested proper testing be done to the City's water.

**PUBLIC COMMENT - CONTINUED**

Mayor Ganz stated that the City must follow the County requirements when it comes to the water; therefore, the issue must be addressed with the County. Further, he stated that he has spoken to Broward County Commissioners Lamar Fisher and Mark Bogen and suggested that she reach out to ask for the requirements to be changed.

**Carrie Hellenbrecht, 884 NW 47<sup>th</sup> Street, Deerfield Beach**, spoke but her comments were inaudible.

Mayor Ganz asked that Ms. Hellenbrecht e-mail or call him with her questions.

**Joyce Roebke, 500 SE 21<sup>st</sup> Avenue, Deerfield Beach**, commented on a fire that took place on August 18<sup>th</sup>, and asked why permits are taking so long.

In response to Mayor Ganz's question, Ms. Roebke replied that according to the HOA, Surf Pro, and contractors, the permits have been submitted. Further, she is unable to stay at her home due to the issuance of the permits, as well as the work that must be performed. Lastly, she agreed that the streets need to be cleaned up.

**Patricia Link, 252 Ventnor R, Deerfield Beach**, asked for an update on the permits for the project taking place in Century Village.

Mayor Ganz closed the public hearing.

Vice Mayor Parness provided a brief overview on the permitting process for the guardhouse at Century Village.

Mayor Ganz answered questions/comments/concerns posed by the public. Further, he said there are maintenance issues along the S-Curve, which are being addressed by code compliance; nevertheless, he agreed with Ms. Masi's frustration. Mayor Ganz said the School Board meeting was encouraging, and thanked city staff for their efforts.

Anthony Soroka, City Attorney, said the City is in pending litigations, so he is going to refrain from litigating the case this evening; however, he said the City did file an eviction lawsuit against Class Act Restaurant Group and the City is proceeding to evict them from the City owned property in accordance with the lease and applicable law. Further, he said Ms. Amanna stayed past her lease, hence the need to file an eviction lawsuit. Additionally, the City was sued by Class Act, so generally when that happens you must defend that lawsuit, which is taking place; nevertheless, he said his firm is, and will continue to vigorously defend the City. Lastly, Mr. Soroka stated that they are seeking attorney's fees as part of the City's claim.

Eric Power, Director of Planning & Development Services, stated that work was performed without a permit, which essentially caused the fire; nevertheless, due to insurance claims not all permits have been submitted for the common areas, which is partially the reason why work has not been completed. Lastly, he said certain unit permits have been approved.

**CONSENT - BOARD APPOINTMENT**

- 7. Resolution 2023/198 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Patricia O'Neil as a member of the Affordable Housing Advisory Committee; and providing for an effective date.**

David Santucci, City Manager, requested that Items 18 and 19 be deferred to January 9, 2024.

Mayor Ganz opened the public hearing for Items 7 - 9, 12, 15, 17, and 20 - 22; however, there were none to speak and the public hearing was closed.

**CONSENT - BOARD APPOINTMENT - CONTINUED**

**MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Items 7 - 9, 12, 15, 17, and 20 - 22 in concert. Roll Call:**

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

**Nays:** 0

**MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to defer Items 18 & 19 to January 9, 2024. Roll Call:**

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

**Nays:** 0

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS**

8. **Resolution 2023/199 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Governmental Agency Order Publicly Accessible Website Agreement with Civic Plus, LLC, relating to the publication of legal notices on Broward County's designated website; authorizing the execution of the Agreement; and providing for an effective date. (*Funds from Account #001-0305-513-39-21 - Advertising*)**
9. **Resolution 2023/200 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing the Law Offices of John J. Hearn, P.A. as Code Enforcement Special Magistrate and Zoning Appeals Special Master in accordance with the provisions of the City of Deerfield Beach Code of Ordinances and Land Development Code; and providing for an effective date. (*Funds from Account #001-3009-524-30-26 - Code Compliance/Code Enforcement/Special Magistrate & Account #001-1100-515-32-99 - Other Contractual Services*)**
10. **Resolution 2023/201 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and adopting the National Institute of Standards and Technology's Cybersecurity Framework as the City's Cybersecurity Standards pursuant to Section 282.3185, Florida Statutes; and providing for an effective date.**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

***Daniel Shanetzky, 34 Keswick B, Deerfield Beach,*** spoke in support of the item.

Mayor Ganz closed the public hearing.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 10, adopted Resolution 2023/201. Roll Call:**

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

**Nays:** 0

11. **Resolution 2023/202 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of a Community Participation Grant to DPR Youth Enrichment Association for Academics & Athletics, Inc. in the amount of \$45,000.00 to support the Packer Rattlers Youth Football, Cheerleading, and Academic Support Programs; providing for execution, severability, conflicts, and an effective date. (*Funds from Account #001-7025-572-39-14 - Athletic Program Supplement*)**

The Resolution was read by title only.

Mayor Ganz asked for an explanation on why the additional monies are being requested.

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED**

Tyrone Philpart, 5808 Australian Pine Drive, Tamarac, thanked the Commission for their continued support. Further, he said prices for equipment, etc. have continued to increase but additional monies were never requested, as they have been able to stay afloat from sponsors, etc.; however, the current increase is being sought due to transportation issues, whereby, they were notified two weeks before the season that city transportation would not be accessible due to the lack of drivers, so they contracted with the school district, which is an additional fee of \$1,200 per weekend. Mr. Philpart said they, unfortunately, went over their first budget, and asked the City Manager if money could be taken out of next year's budget. Additionally, he said BSO officers cannot be secured because they are not paying the detail rate, so a higher rate will have to be provided for security.

Mayor Ganz provided a brief overview of the monies provided to get the program restarted. He stated that the registration fee has been eliminated, which was a business decision that is being left out; whereby, numbers have gone down from 2022 to 2023, and the product cannot be given away for free, which is concerning.

Mr. Philpart said the decrease in registration were due to factors out of their control, i.e. an ex-NFL player making comments that pushed individuals away. He stated that the league is coach driven, and many coaches were upset because they would not give in to their demands, which led them to leave and take teams with them. Further, he said due to the decrease in participants, they decided to eliminate the registration fee, so they could move the program forward.

Mayor Ganz said although he understands their dilemma, they made the business decision, without notifying the City, knowing the City funds the program. Further, he expressed concerns with the equipment expenses and asked for clarification.

*Commissioner Hudak temporarily left the meeting at 9:00 p.m. and returned at 9:01 p.m.*

Mr. Philpart said every two years the helmets have to be reconditioned. Thereafter, he provided a brief overview of the process.

Mayor Ganz said \$3,750 was used for the appeals process, with six out of the ten coaches being rejected. He expressed concerns with money being wasted on some of the appeals as the charges were outrageous, i.e. failure to register as a career offender, etc.

Mr. Philpart said they do not dive into their backgrounds, whereby, they ask for an appeal and it is processed accordingly; nevertheless, he agreed with the unnecessary use of funds.

Mayor Ganz outlined various cities that do not have an appeals process. Thereafter, he continued to express frustration with the use of funds for the appeals process. Further, he expressed appreciation to Mr. Philpart and others involved as it is a volunteer job; however, he reiterated that additional monies were allocated to the program in the first year, and expressed concerns with giving money to a program that is not bringing in enough kids to cover the expenses.

Mr. Philpart stated that the issues surrounding the decrease in participation was resolved; however, by the time it concluded, kids had already left and committed to other teams.

In response to Mayor Ganz's question, Mr. Philpart replied that he felt not charging a registration fee made sense at the time; nevertheless, they are trying to do what is best interest for the program and kids, and unfortunately, mistakes are going to be made.

Commissioner Preston said although there are cities that do not have an appeals process, there are some that do. Further, he said there will always be a struggle with registration because kids and parents cannot afford it, and stressed the importance of getting kids involved. Thereafter, he commented on the City of Pompano Beach's football program and how their funds are utilized. Commissioner Preston said various organizations face challenges and need our help, i.e. the Historical Society, so it's imperative that the City meets those challenges, so programs can exist.

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED**

Commissioner Hudak thanked the volunteers for all their hard work. Although, he understands challenges exist, parents must step up, as this commission, nor the volunteers are failing these kids. Further, he spoke in support of the Packer Rattlers, as it provides kids an outlet, positive role models, etc. Commissioner Hudak stated that he does not believe the organization should pay for the appeals process.

Mayor Ganz clarified that the City pays for the appeals process.

Commissioner Hudak stated that he does not believe the City, nor the organization should pay for the appeals process, whereby, the cost should come from the individual, so that additional money can be used for the program itself. Further, he said it's important that the City sticks to the standards, whereas, he would rather kids be exposed to positive individuals than those with football knowledge and a criminal background. Commissioner Hudak said the majority of the kids will not make it to the NFL, but hopefully many will receive a college scholarship; nonetheless, the program allows them to make the right decisions and instills them with a strong foundation. Lastly, he reiterated his support but asked that a fundraising plan be put into action.

Vice Mayor Parness said when he coached, there was a rule in place stating that if an individual was convicted of a felony, there was no appeal. Further, he said his league went to merchants in an attempt to seek sponsorships. Thereafter, he provided various examples of how sponsorships can be obtained. Lastly, he spoke in support of the program and thanked the volunteers for their contributions.

Commissioner Drosky commended the volunteers for their contributions. Further, he stated that he was under the impression that after the initial seed money, \$75,000, all future allocations would decrease overtime. He disagreed with this being a cost of doing business, as this is not a city program, but a private organization; nevertheless, if the name was removed from the organization, taxpayers may have an issue with money being allocated to a program that is losing money. Although the Packer Rattlers do great work in the City, there must be some assurances going forward as to how the program will be ran, as the competition has intensified. Lastly, he proposed funding the \$10,000 deficit and have a written action plan brought forward as to what is going to change moving forward.

Commissioner Preston disagreed, whereby, if they are not able to live up to the plan, they will be held accountable. Thereafter, he commented on the economic challenges some neighborhoods face. Further, he agreed that the parents need to step up and commit, but unfortunately, many just don't care. Lastly, he said this organization has not presented failures in the past, whereby, this is a one-time occurrence.

Mayor Ganz said no one is debating the need and importance of the program, nor the efforts of the volunteers; nevertheless, he expressed concerns with the lack of communication. Further, he disagreed with parents not being able to afford the registration fee, as the numbers increased every year. Thereafter, he continued to express frustration with the registration fee being eliminated, as that is where the deficit is coming from. Lastly, he said these type business decisions must include the Commission.

Mr. Philpart outlined various costs that the organization incurred that were out of their control, as well as the situations that took place that resulted in a decrease in participation; nevertheless, he agreed with Commissioner Preston, whereby, this was a one-time occurrence and they look forward to working with city staff to find new ways to support the program. Further, he said they were blindsided by these outstanding invoices, and just want to find a resolution to move forward.

Mayor Ganz said he does not need a business plan but moving forward something needs to be put into place, as he wants decisions brought to the Commission, prior to them being finalized.

Mr. Philpart agreed.

Commissioner Preston stated that the organization does not have the authority to look into potential coaches' backgrounds.

Mayor Ganz agreed with Commissioner Hudak, whereby, the cost for the appeals process should come from the individual, which he would like to see implemented in the future.

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED**

Commissioner Drosky said he is not looking for a full-blown business plan but said steps need to be put into place on how they are going to proceed in the future. Thereafter, he reiterated his request to fund the \$10,000 this evening and have them come back in January with a plan of action. If the Commission is not amendable to his request, is the Commission willing to fund the full amount with their verbal assurances.

Vice Mayor Parness spoke in support of funding the entire amount, but stated that a plan must be established, or he will not support the funding next year.

Commissioner Preston disagreed with an action or business plan at this time and suggested having the organization work with city staff to help guide them; whereby, if city staff sees a decline with the situation, then he agreed that something should be done at that time, i.e. implement a business plan.

Mayor Ganz opened the public hearing.

**Katy Freitag, 418 SE 2<sup>nd</sup> Street, Deerfield Beach**, stated that playing football does not keep individuals out of jail. Further, she stated that marketing must be implemented, whereas, she never sees any fundraisers being done. Lastly, she suggested funding \$5,000 and allow them to come back with a plan.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, spoke in support of the funding.

**Gwyndolen Clarke-Reed, 1430 SW 6<sup>th</sup> Way, Deerfield Beach**, said the \$75,000 was given to the organization in 2019, so she is unsure how that is relevant, as costs have increased. Thereafter, she outlined the expenses that they have incurred. Lastly, she spoke in support of the funding and encouraged the Commission to get involved in the organization.

**Karen Shelly, 190 Durham D, Deerfield Beach**, spoke in support of the funding.

Mayor Ganz closed the public hearing.

Commissioner Preston stated that he never said football would keep kids out of jail, whereby, football can become an instrument to help kids stay out of jail.

Mayor Ganz spoke in support of the funding, but reiterated that the organization must keep this commission in the loop. Thereafter, he stated that the unpaid invoices totaled \$11,451.16; therefore, he suggested funding \$46,451.16, and producing some type of plan moving forward.

In response to Commissioner Drosky's comment, Commissioner Preston stated that he does not believe the production of a business plan needs to be outlined in the motion, only the additional funding, whereby, the President of the organization gave his word, which is sufficient.

After a brief discussion between Commissioners Drosky and Preston, David Santucci, City Manager, stated that staff has had discussions with the organization, whereby, staff is amendable to working with them to put forth a small action plan prior to the season.

Mr. Philpart said there will be budget issues in the future, whereas, costs have increased for transportation and security; nevertheless, they plan to reimplement the registration fee, seek fundraising opportunities, etc. Further, he stated that the organization wants to be a bigger partner with the City; therefore, he agreed to work with staff on an action plan.

Mayor Ganz stated that they must inform the Commission of these increases during budget time.

**MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve Item 11, as amended, adopted Resolution 2023/202. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED**

12. Resolution 2023/203 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting right-of-way dedications for seven properties, as set forth on Exhibits "A" through "G", as part of the Habitat for Humanity Development Project; providing for implementation and an effective date.
13. Resolution 2023/204 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a change order in the amount of \$146,379.86 to design and implement modifications to the architectural distribution of the floor space for the Johnny L. Tigner Community Center Project to accommodate the Department of Parks and Recreation staff, including audio visual infrastructure and equipment, for a total project cost of \$11,529,596.17; providing for execution of the Change Order, implementation and an effective date. (*Funds from Account #358-5060-572-61-12 - 2018 Revenue Bond Fund - Construction*)

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

*Commissioner Hudak temporarily left the meeting at 10:17 p.m. and returned at 10:19 p.m.*

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach**, spoke in support of the item.

**Gwyndolen Clarke-Reed, 1430 SW 6<sup>th</sup> Way, Deerfield Beach**, asked if the Department of Parks and Recreation will be moved to this facility and if so, will it diminish the banquet space.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, stated that the entire department will not be moved, and banquet space will not be impacted.

Commissioner Drosky spoke in opposition to the change order, as this should have been anticipated from the beginning and explained to the Commission that the cost could potentially change.

Commissioner Preston said although he is in support of the item, he agreed with Commissioner Drosky's comments.

**MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 13, adopted Resolution 2023/204. Roll Call:**

**Yeas:** 3 - Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 2 - Commissioner Drosky and Commissioner Hudak

14. Resolution 2023/205 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and adopting the City's Comprehensive Emergency Management Plan; and providing for an effective date.

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach**, asked if the SW 10<sup>th</sup> Street Connector Project is incorporated into the plan, since the interconnection will be a key element for emergency evacuation.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, stated that evacuation procedures are generally discussed, but are not specific to any one roadway.

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED**

**MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 14, adopted Resolution 2023/205. Roll Call:**

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

**Nays:** 0

**15. Resolution 2023/206 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Statewide Mutual Aid Agreement with the Florida Division of Emergency Management; providing an effective date.**

**16. Resolution 2023/207 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the City's 2024 State Legislative Agenda; providing for transmittal, implementation, and an effective date.**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach,** asked if anything other than home rule is outlined in the agenda.

Mayor Ganz closed the public hearing. Further, he stated that the agenda has project specific requests with very detailed descriptions of each. Thereafter, he commended staff for the agenda.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 16, adopted Resolution 2023/207. Voice Vote:**

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

**Nays:** 0

**17. Resolution 2023/208 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting a grant award from the Florida Department of Environmental Protection in an amount of \$435,000 for the Martin Luther King Jr. Avenue Stormwater Project; approving and authorizing execution of the Grant Agreement; and providing for an effective date.**

**18. Resolution 2023/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an updated Security Program Plan for the Community Shuttle Program with Broward County; providing for implementation and an effective date.**

**19. Resolution 2023/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an updated System Safety Program Plan for the Community Shuttle Program with Broward County; providing for implementation and an effective date.**

**20. Resolution 2023/209 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an amendment and restatement of the 2019 Edward Byrne Justice Local Assistance Solicitation Grant Memorandum of Understanding between the participating agencies and the City of Pompano Beach for the administration of the 2019 Edward Byrne Memorial Justice Assistance Grant funds; authorizing execution of the amended and restated Memorandum of Understanding; and providing for an effective date.**

**21. Resolution 2023/210 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a funding agreement with the Broward County Sheriff in the amount of \$20,252.70 in 2019 Edward Byrne Memorial Justice Assistance Grant funds to implement the Railroad Crossing Education and Enforcement Program; authorizing execution of the Funding Agreement; providing for an effective date.**

**CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED**

- 22. Resolution 2023/211 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Second Amendment and Restatement to the Subrecipient Agreement with the City of Pompano Beach for the 2019 Edward Byrne Justice Assistance Solicitation Grant Award to extend the Agreement term end date to September 30, 2024; authorizing execution of the Second Amendment and Restatement Agreement; and providing for an effective date.**

**DEPARTMENTAL BUSINESS**

- 23. Resolution 2023/212 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a close-out agreement and release with Siemens Industry, Inc. related to the Guaranteed Energy, Water, and Wastewater Performance Savings Agreement between the City and Siemens Industry, Inc.; providing for severability, implementation, and an effective date.**

The Resolution was read by title only.

*Commissioner Drosky left the meeting temporarily at 10:28 p.m. and returned at 10:30 p.m.*

David Santucci, City Manager, explained that what is being presented this evening is a result of formal mediation with Siemens, whereby, if not approved, a formal litigation will have to be sought. Thereafter, he highlighted a brief presentation. He stated that the project provides an opportunity for the City, through State Statute, to conduct performance contracting, which is energy performance savings in specific projects that have deferred maintenance and/or provide energy savings, i.e. lighting, HVAC, etc. Thereafter, he briefly outlined the timeline of what the City was supposed to receive throughout the entirety of the project. He said the initial project cost was \$9.2 million; the all-in cost was \$12.7 million; the investment grade audit presented by Siemens's outlined a 17-year savings of \$15 million, which would result in a net cash flow of \$2.6 million in years 15, 16, and 17. Thereafter, he outlined the project accomplishments, as well as the completed projects.

Continuing, Mr. Santucci stated that the project challenges consisted of COVID-19 impacts, design and permitting, and investment grade audit discrepancies. Further, operational changes, stipulated savings, various units of measurement for CNG, and industry standard versus actual data affected the CNG calculations, which resulted in a potential net negative cash flow of just under \$3.5 million over the 17-year period. Thereafter, he briefly outlined the lengthy negotiation and mediation timeline. Mr. Santucci reiterated that the project started with a potential negative net cash flow of almost \$3.5 million, whereby, the monetary settlement is \$1.9 million, the termination of the agreement for the measurement and verification amounts to approximately \$750,000 over a 17-year period; resulting in a negative net cash flow of approximately \$850,000 for \$9.2 million in projects.

Moreover, Mr. Santucci explained that staff, along with the independent ESCO expert came up with a strategy to reinvest into the program. He said if the \$1.9 million is reinvested into a full CNG fleet, bus CNG conversion, and CNG station expansion, it would produce a return net savings of \$716,000. Additionally, the diesel and RNG savings will produce over \$3 million in savings, and tax incentives will consist of \$1.1 million; therefore, the net cash flow after reinvestment would be \$4.1 million over 17 years. Thereafter, he outlined the CNG benefits.

Thereafter, Mr. Santucci entertained questions posed by the Commission.

Mayor Ganz opened the public hearing.

*Vice Mayor Parness temporarily left the meeting at 10:54 p.m. and returned at 10:56 p.m.*

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, suggested tabling the item until the next meeting, as the information outlined in the presentation was not provided in the backup. Thereafter, he asked various questions pertaining to the item.

**Katy Freitag, 418 SE 2<sup>nd</sup> Street, Deerfield Beach**, asked what the life span of the vehicles will be and

**DEPARTMENTAL BUSINESS – CONTINUED**

how much upkeep and repairs will be needed on the vehicles and station. Further, she agreed that a lot of the information presented was not outlined in the backup.

Mayor Ganz closed the public hearing.

Commissioner Preston stated that he does not mind tabling the item, if it is the consensus of the Commission, so the public can be better informed; nevertheless, he stated that he was well informed and commended staff for a job well done.

Mr. Santucci answered various questions posed by the public.

Anthony Soroka, City Attorney, stated that pursuant to the terms of the settlement agreement, which is signed by Siemens', it must be approved within 60 days of their execution which would put the City at December 30, 2023. Further, he said numerous conversations have been held, individually, with the Commission but he recognizes the public's concerns with the documentation; nonetheless, documents were not included in the backup, should this go to litigation.

Mayor Ganz said there have been numerous executive sessions. Further, with all of the projects that were accomplished he can live with \$50,000 a year for the next 17 years; nonetheless, if the reinvestment works out, it will be great for the City.

Commissioner Preston agreed that numerous meetings occurred; however, he urged staff to keep the public informed. Further, he said had staff not found the discrepancy, it would be a way worse situation; therefore, he spoke in support of moving forward.

Commissioner Drosky said it's unfortunate this occurred, but it's time to get out. Further, he agreed that extensive meetings and negotiations were held, and the settlement proposed is the best the City is going to get. He said the reinvestment strategy is yet to be determined, and agreed if it works, it will be great and put the City a head of the game. Commissioner Drosky stated that the amount projects that were completed are reasonable, but reiterated it's time to move on.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 23, adopted Resolution 2023/212. Roll Call:**

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

**Nays:** 0

**24. Resolution 2023/213 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a contract with Waste Connections of Florida, Inc. for the disposal of municipal solid waste, bulk materials, and construction and demolition debris for a three-year term commencing on December 28, 2023, with one, three year renewal option; waiving the requirements for competitive solicitations set forth in Section 38-116 of the City Code of Ordinances; providing for severability, implementation, and an effective date. (Funds from Account #450-4551-534-32-14 - Disposal Expense)**

The Resolution was read by title only.

David Santucci, City Manager, commended Chad Grecsek for his efforts on this item. Thereafter, he highlighted a brief presentation. Mr. Santucci outlined the disposal timeline, whereby, staff was directed to enter into direct negotiations with Waste Connections and Waste Management in the fall. He stated that Waste Management stated that the City could dispose of the C&D and bulk materials at a price of \$54/ton; however, they advised it would go to the Monarch Landfill. Currently, the City pays \$4.8 million annually, the proposed annual cost is \$6.4 million, which is a 32% increase; whereby, rate increases will not be sought at this time. There is a 5% cap on the proposed contract, it will have a three-year initial term, with renewal options, and Waste Connections will be providing the City with \$10,000/year in litter abatement costs. Further, staff recommends entering into the three-year contract, continue curbside recycling suspension, evaluate the Master Plan that is being developed by the Broward County Solid Waste Working

**DEPARTMENTAL BUSINESS - CONTINUED**

Group, and conduct feasibility study related to potential city owned transfer station and/or public/private partnership options.

Mayor Ganz opened the public hearing.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach**, asked why the City keeps waiting until the last minute to make these type negotiations. Although, the Commission is against the expansion of Monarch Hill, entering into a contract with Waste Management will be a cost savings to the City, so it should be taken into consideration.

**Katy Freitag, 418 SE 2<sup>nd</sup> Street, Deerfield Beach**, said when the original bid was put out, Coastal Waste was the only company that put a bid in; therefore, she asked for clarification as to why it was bid out again and why was Coastal Waste not included in the second bid. Further, she said that there is no termination or early termination language outlined in the contract, which she disagreed with.

Mayor Ganz closed the public hearing.

Chad Grecsek, Director of Sustainable Management, stated that Coastal Waste's numbers were in the mid to high 60s for bulk and C&D only. Additionally, their facilities are further outside of the City limits, whereby, the City hauls its own materials, which would have a big impact on the operations and costs. Although, the contract ends at the end of the month, negotiations with Waste Connections have been ongoing since early spring; nevertheless, staff has been preparing for this for over a year, which is why the five-year rate plan was approved about a year ago.

Mayor Ganz stated that going with Waste Connections for three years at \$59/ton is better, in the long term, than going with Waste Management for one year at \$54/ton, as the market will change, and the City wants to stand by their position regarding the Monarch Hill expansion.

Mr. Santucci agreed, whereby, Waste Management can only commit to one-year due to the uncertainties of the Land Use Plan Amendment.

Thereafter, Mayor Ganz provided a brief history of contract negotiations for waste disposal throughout the years. Further, he spoke in support of the contract, as it's a good deal for the City. Lastly, he said companies that submit bids and are rejected is a part of doing business.

In response to Commissioner Hudak's request, Mr. Santucci said there is no termination for convenience due to where the industry is going, as they need commitments on the volume in order to stay viable.

Anthony Soroka, City Attorney, explained that as part of the Interlocal Agreement (ILA) for regional solid waste authority, the City cannot enter into any agreements that conflict with that ILA; therefore, a provision has been added stating that if the authority establishes a disposal opportunity that is available to the City and directs us to dispose of it there, then the City would provide the contractor with 365 days' notice. Further, he said should the receiving facility go down, there is a provision stating that they must provide the City with an alternative disposal facility no more than 24 hours, and additional any difference on the transportation cost would be the contractor's cost.

**MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 24, adopted Resolution 2023/213. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**DEPARTMENTAL BUSINESS - CONTINUED**

**25. ORDINANCE 2023/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE I "IN GENERAL" OF CHAPTER 66 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES TO CREATE SECTION 66-2 "SPEED DETECTION SYSTEMS FOR ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS" TO AUTHORIZE THE PLACEMENT AND INSTALLATION OF SPEED DETECTION SYSTEM ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

David Santucci, City Manager, stated that upon approval on first reading, the contract will come before the Commission during the second reading, along with a presentation outlining the program.

Anthony Soroka, City Attorney, said a public hearing is required on second reading, whereby, based on the information presented the Commission will have to make a determination as to whether there is a heightened safety risk at the school zone locations outlined.

Commissioner Drosky spoke in support of the item, as the numbers in the previous presentation speak for themselves.

Mayor Ganz opened the public hearing.

**William Lane, 11 Tilford A, Deerfield Beach**, spoke in support of the item as the numbers are outrageous, and wished that it could be implemented in Century Village.

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach**, spoke in support of the item as it can be used 24/7 and can be apart of vision zero.

Mayor Ganz closed the public hearing.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Drosky, to approve Item 25 on first reading. Roll Call:**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**26. Resolution 2023/214 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a professional services agreement with Jacobs Engineering Group, Inc. to develop a design criteria package and provide administrative services for the Anion/Ion Exchange System Treatment Upgrades for Water Treatment Plant Operations in an amount not to exceed \$1,749,686.00; and providing for an effective date. (Funds from Account #413-5020-533-60-31 - Improvements Other than Buildings & Account #413-5020-533-65-30 - CIP - Infrastructure)**

The Resolution was read by title only.

David Santucci, City Manager, provided a brief overview of the item, which was discussed during the July 18, 2023 commission meeting.

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

**MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 26, adopted Resolution 2023/214. Roll Call:**

**DEPARTMENTAL BUSINESS - CONTINUED**

**Yeas:** 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz  
**Nays:** 0

**27. Presentation regarding the architectural enhancements to the International Fishing Pier.****28. Resolution 2023/215 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals No. #24-03-BA for the Deerfield Beach International Fishing Pier Repairs and Renovations; authorizing the City Manager to negotiate and execute an agreement with the top ranked, responsive and responsible proposer, Brothers' Construction Inc. in an amount not to exceed \$3,234,075.00; providing for implementation and an effective date. (Funds from Account #399-5060-519-65-30 - International Fishing Pier Structural Repair & Rehabilitation)**

Items 27 & 28 were discussed together; thereafter, the Resolution was read by title only.

David Santucci, City Manager, thanked Priscilla Cygielnik, Director of Environmental Services, for her efforts on the project. Thereafter, he highlighted a brief presentation. Further, he stated that a survey was conducted, which resulted in a mixture of responses from sightseers and fishermen who were predominately Deerfield Beach residents. The highest responses included improvements to the fishing pole rod holders, additional fish cleaning stations, more seating and furniture, more shade structures, and more trash cans. Mr. Santucci said data was collected of the pier sales, whereby, 82% were sightseers and 18% fishermen; thereafter, a graph was displayed illustrating the number of fishermen versus sightseers, whereby, when the sightseer numbers go down, the fishermen numbers go up.

Continuing, Mr. Santucci said there is one fisherman to every four sightseers and there was a good response to the survey. He reiterated that the fishermen requested more cleaning stations and wood notches for fishing poles; and the sightseers requested more shade structures, more seating and furniture, and separation from fishing. Thereafter, various renderings of the proposed project were displayed. Mr. Santucci said the base bid is \$3.6 million and the additional improvements are \$1.6 million. He explained that \$4.5 million was budgeted, whereby, if approved this evening, staff recommends moving forward with the base bid and then have the designer move forward with the additional amenities. Once finalized, the revision will be reviewed by the current contractor, so a cost for the additional improvements can be provided; if the costs are reasonable, staff will seek a change order, but if they are not, staff recommends issuing a competitive bid, which can be done in a phased approach. Lastly, he said the design of the additional amenities will take approximately 90 days to produce.

*Commissioner Hudak left the meeting temporarily at 11:46 p.m. and returned at 11:48 p.m.*

Commissioner Preston thanked Mr. Santucci for listening to the concerns of this commission. Further, he said it is imperative to get the entire pier up and running again, but it must be done right, which he believes will happen with the changes presented.

Mayor Ganz opened the public hearing.

**Dan Herz, 330 SE 19<sup>th</sup> Avenue, Deerfield Beach,** spoke in support of the poll and asked if more surveys/polls will be implemented in the future.

**Daniel Shanetzky, 34 Keswick B, Deerfield Beach,** said this upgrade is needed and the additions are warranted; however, he expressed concerns with the wood railings and suggested vinyl railings.

Mayor Ganz closed the public hearing.

Vice Mayor Parness commented on his years as a fisherman, whereby, wood is the best option.

Commissioner Preston agreed.

**DEPARTMENTAL BUSINESS - CONTINUED**

**MOTION** was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 28, adopted Resolution 2023/215. Roll Call:

Mr. Santucci asked if approval includes the authorization to move forward with the design services for renderings that were presented.

*There were no objections from the Commission.*

**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**

Building One - Deerfield Beach Elementary - David Santucci, City Manager, stated that he attended the workshop, and expects to have a call with the Superintendent within the next day or so.

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

Happy Holidays - Commissioner Drosky wished everyone a happy holiday and hopes everyone has a happy and healthy 2024.

Zoom - Commissioner Drosky requested that zoom participants have their camera on.

**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.

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

**COMMISSIONER PRESTON****DISTRICT 2**

Accolades - Commissioner Preston commended staff for a job well done on the Ocean Way Holiday Event. Further, he thanked IT for their efforts in keeping us safe. He also thanked his colleagues for their efforts this year and always ensuring that the residents are put first. Lastly, he thanked all city employees for a job well done.

Happy Holidays - Commissioner Preston wished everyone a happy holiday and a hopeful 2024.

**COMMISSIONER HUDAK****DISTRICT 1**

Accolades - Commissioner Hudak thanked his colleagues, the City Manager, and City Attorney for a job well done.

Happy Holidays - Commissioner Hudak wished everyone a happy holiday and happy and healthy 2024.

**MAYOR GANZ**

Happy Holidays - Mayor Ganz thanked his colleagues for their efforts and the residents for allowing them to serve. Thereafter, he wished everyone a happy holiday.

**COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED**

Speeding - Mayor Ganz encouraged everyone to staff safe, as a fatality occurred Sunday morning.

Beach Area - Mayor Ganz asked that the crosswalks be monitored and staff stay abreast to the violations.

Building Regulations - Mayor Ganz asked that staff stay proactive with our building codes and ensure they are up to date with Broward County.

Ethics Training - Mayor Ganz requested that the 2024 training be broken up, instead of the four hours being held on one night.

Quiet Zones - Mayor Ganz thanked those involved in the project.

Hannukah Event - Mayor Ganz said the event he attended at Century Village was extremely moving. Thereafter, he commented on various conversations he had with residents which was unsettling and stated that he will not be silent when it comes to Anti-Semitism.

**ADJOURNMENT**

There was no additional business to discuss.

**MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to adjourn the meeting at 12:22 a.m. Voice Vote:**

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

**Nays:** 0

CITY OF DEERFIELD BEACH

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BILL GANZ, MAYOR

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Heather Montemayor, CMC, City Clerk