



Regular City Commission Meeting Agenda

150 NE 2nd Avenue | Deerfield Beach, FL, 33441 | 954-480-4200

Mayor Bill Ganz

Vice Mayor Bernie Parness

District 1 Commissioner Michael Hudak

District 2 Commissioner Ben Preston

District 4 Commissioner Todd Drosky

**Tuesday
January 9, 2024
7:00 PM**

CALL TO ORDER & ROLL CALL

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes

Attachment: November 14, 2023

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Code Compliance Meeting Minutes

Attachment: September 27, 2023, November 17, 2023

Community Redevelopment Agency Meeting Minutes

Attachment: October 17, 2023

Planning & Zoning Board Meeting Minutes

Attachment: November 2, 2023

Cultural Committee Meeting Minutes

Attachment: November 20, 2023

Community Appearance Board Meeting Minutes

Attachment: November 30, 2023

APPROVAL OF THE AGENDA

January 9, 2024

ZOOM INFORMATION

Join Zoom Meeting by clicking the below link:

<https://deerfield-beach.zoom.us/j/89963988577?pwd=MTZ4SGFwd0dTbkNmQ3BxVkxsSjRyQT09>

Join Zoom Meeting via telephone by dialing:

Call-in Number: (301) 715-8592

Meeting ID: 899 6398 8577#

Participant ID: #

Passcode: 697190#

For complete instructions on joining and/or participating during Public Comment, please click the following link or attend in person in the City Commission Chambers:

Attachment: Zoom Instructions

PRESENTATIONS

1. Presentation regarding the Live Local Act.

Sponsor: Department of Planning & Development Services

Attachment: Live Local Act

2. Presentation regarding the cart replacement program.

Sponsor: Department of Sustainable Management

Attachment: Cart Replacement Program

QUASI-JUDICIAL PUBLIC HEARINGS

3. P.H. 2024-032: APPLICATION 23-RM25-49

Applicant: NY DEERFIELD BEACH HOLDINGS, LLC, REPRESENTED BY S.H. BRANDT AND ASSOCIATES

Proposal: Major site plan application seeking approval to construct a 13-unit apartment building.

Location: The properties are generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9 and located at 1974 & 1980 NE 5th Street.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Application 23-RM25-49

PUBLIC HEARINGS

4. P.H. 2024-035: Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the City's purchase of the privately owned beach lot located southeast of the main beach parking lot, and legally described as Deerfield Beach 4-4 B Lots 1 thru 3 BLK 13, for \$913,000.00; providing for the settlement of all claims of the property owner regarding the property for 5 annual payments of \$65,000.00 conditioned upon receipt of a full release; authorizing execution of documents necessary to effectuate the purchase and settlement; providing for implementation and an effective date. (*Funds from Account #399-0200-513-60-11 - Property Acquisition*)

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Office of the City Attorney

Attachment: Beach Lot Purchase

PUBLIC HEARINGS – SECOND READING

5. P.H. 2024-033: ORDINANCE 2024/ - 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 SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING
FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Public Safety

Attachment: Enforcement of School Zone Speed Limits

PUBLIC COMMENT

Persons addressing the Commission shall state his/her name and address and may speak for three (3) minutes unless extended for one (1) additional minute by the Mayor. All remarks made by the public at a Commission meeting on an agenda item shall be addressed to the Commission as a body and limited to the subject matter before the Commission at that particular time. No comments shall be made related to the personal life or personal qualities of any person and no language which would offend persons of ordinary sensibilities shall be permitted. The public shall be given an opportunity to speak on any substantive agenda item, subject to the aforementioned restrictions, prior to a vote on the matter by the City Commission. The Commission shall determine the appropriate time, prior to the vote, for the public to speak. For consent agenda items, the public shall be given an opportunity to speak prior to the approval of the consent agenda. The Commission may, by majority vote, determine that public input on an agenda item be tabled to a future meeting so long as the vote on the agenda item take place at the future meeting and that the public input take place prior to the Commission making any decision.

CONSENT - BOARD APPOINTMENT

- 6. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Shane Cutler as a regular member on the Marine Advisory Board; providing for an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Ben Preston

Attachment: MAB Appointment

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

7. **Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the settlement of all claims against the City in the Litigation Styled *Carolyn McNamara vs. City of Deerfield Beach*; authorizing execution of documents necessary to effectuate the Settlement; providing for an effective date. (Funds from Account #606-0900-519-37-70 - Risk Management/General Liability Legal)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Office of the City Attorney

Attachment: McNamara Settlement Agreement

8. **Resolution 2024/ - 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. (Deferred from December 12, 2023)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Community Services

Attachment: Security Program Plan

9. **Resolution 2024/ - 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. (Deferred from December 12, 2023)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Community Services

Attachment: System Safety Program Plan

DEPARTMENTAL BUSINESS

- 10. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals No. #24-02-BA for the SE 8th Avenue Area Stormwater Capital Improvement Project; authorizing the City Manager to execute an agreement with the top ranked, responsive and responsible proposer, Emerald Construction Corporation d/b/a Neucor Construction in an amount not to exceed \$2,731,792.79; providing for implementation and an effective date. (*Funds from Account #462-5070-538-65-30 - Stormwater Capital Fund*)**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: Emerald Construction Corporation

- 11. Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Ferraro Law Firm, P.A. to serve as outside counsel representing the City in litigation related to Per- and Polyfluoroalkyl Substances (PFAS) at the direction of the City Attorney; approving and authorizing execution of an agreement for retention of outside counsel on a contingent fee basis; providing for implementation and an effective date.**

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Office of the City Attorney

Attachment: Ferraro Law Firm, P.A.

COMMENTS BY ADMINISTRATION & LEGAL

CITY COMMISSION BUSINESS

- 12. ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE II "BOARDS, COMMITTEES, COMMISSIONS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE OF ORDINANCES TO CREATE SECTION 2-26 "CRIMINAL HISTORY BACKGROUND CHECKS"**

FOR CERTAIN ADVISORY BOARDS AND COMMITTEES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance and set public hearing for January 23, 2024

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Todd Drosky

Attachment: Background Checks

13. Discussion regarding the 2022/2023 Deerfield Beach public school grades.

Sponsor: Commissioner Todd Drosky

COMMENTS BY MAYOR & CITY COMMISSION
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ADJOURNMENT

FUTURE CITY COMMISSION MEETINGS

Regular City Commission Meeting - Tuesday, January 23, 2024

Any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meetings or hearings will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and the evidence upon which the appeal is made. The above notice is required by State Law (F.S. 286.0105). Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the presence of a certified court reporter at the hearing.



Meeting Minutes City Commission

Tuesday, November 14, 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 7:01 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 Bill Harris, former Dania Beach City Commissioner, passed this week, and he asked that everyone keep him 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 3, 2023
Special City Commission Meeting Minutes - November 1, 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

Hillsboro Inlet District Meeting Minutes - August 28, September 11, September 11 (First Budget Hearing), & September 18, 2023 (Regular)
Code Compliance Meeting Minutes - September 11 & October 9, 2023
Community Appearance Board Meeting Minutes - September 27 & October 11, 2023
Planning & Zoning Board Meeting Minutes - October 5, 2023
Marine Advisory Board Meeting Minutes - September 21, 2023

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

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

November 14, 2023

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve the agenda as amended. Voice Vote:

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

Nays: 0

AWARDS & RECOGNITION

- 1. Proclamation presented to Doris "Dory" Tarlow, City Volunteer, in honor of her 100th Birthday Celebration.**

Mayor Ganz presented a proclamation to Dory in honor of her birthday; however, she was not in attendance.

- 2. Certificate of Recognition presented to Ronald Durham for his 23 years of service to the City of Deerfield.**

Mayor Ganz presented a certificate of recognition to Ronald Durham for his years of service as a Deerfield Beach employee; however, he was not in attendance.

- 3. Proclamation presented to the United States Small Business Association and Women Impacting Public Policy (WIPP) in support and recognition of Small Business Saturday®.**

Mayor Ganz presented a proclamation to Kris Mory, Director of Economic Development, in recognition of Small Business Saturday.

- 4. Presentation regarding the Florida Redevelopment Association "Out of the Box" award for the Deerfield Beach Central City Redevelopment Plan.**

Kaitlyn Collier, Redevelopment Project Coordinator, presented the "Out of Box" award to the City Commission for the Deerfield Beach Central City Redevelopment Plan.

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

Captain Hofstein, BSO District X, presented certificates of recognition to deputies for their efforts with an event that occurred on October 8th.

ADDENDUM - CITY COMMISSION BUSINESS

- 21. Resolution 2023/193 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, urging the Broward County School Board to proceed with the renovations for Deerfield Beach Elementary School, including preserving and renovating Building 1 (Old School Building); and providing for an effective date.**

The Resolution was read by title only.

Commissioner Hudak stated that construction costs have skyrocketed, whereby, it has become easier to tear down and rebuild than to refurbish; however, he does not want to see School House 1 torn down, as it

ADDENDUM - CITY COMMISSION BUSINESS - CONTINUED

is a part of Deerfield's history. Further, on December 5th, the School Board will have an item on their agenda to determine the fate of the building, so he urged the School Board to not destroy the building and deed the building, along with the \$6 million earmarked for repairs, to the city.

Noel Hyatt, Broward County Public Schools, thanked Commissioner Hudak for his comments and expressed appreciation for the relationship the city has with the School Board. Further, he said a workshop will be held on January 30, 2024 to discuss the School House, as well as the funding earmarked for Deerfield Beach Elementary School. Mr. Hyatt stated that the legislative team urges the Commission, as well as city staff to attend the meeting and provide input and/or set up meetings prior to the workshop.

Mayor Ganz expressed frustration with the partnership the city has with the School Board, as he and the City Manager have been reaching out for months to discuss the situation; nonetheless, a meeting was finally formalized for December 6th, which is the day after the School House discussion. Further, he expressed concerns with the fact that the School Board has allowed the historical building to continue to become dilapidated to the point where costs for repairs exceed the \$8 million. Thereafter, Mayor Ganz continued to express concerns with the way this situation was handled, and spoke in opposition to the Resolution, as presented. Although, he wants to see the building preserved, he believes the School Board needs to step up and do the right thing, and not pass the buck onto the taxpayers of Deerfield Beach, as children from all cities attend the school. Thereafter, he opened the public hearing.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, agreed that the building must be preserved. In 1990, Deerfield Beach Elementary School and auditorium were made a historical landmark. Thereafter, he provided a brief history of the auditorium, and what it can be used as in the future.

Enrique Palacios, Deerfield Beach Historical Society, spoke in support of preserving the auditorium, as well as other historical city facilities; therefore, he urged the city to work with the School Board to seek other options, so the building can not only be preserved, but provide a high-quality learning facility.

Judith Stanich, 2257 Deer Creek Alba Way, Deerfield Beach, stated that the Historical Society will be presenting fliers to the School Board, so she urged all to fill one out. Further, she was under the impression the December 5th meeting was a workshop, whereby, items will be discussed, but no action will be taken.

Danielle Dunfee, 61 NE 5th Avenue Deerfield Beach, spoke in support of preserving the historical building. Thereafter, she expressed confusion with the meeting dates, and asked for clarification. Further, she said the estimate provided in June 2023, stated that the building is unlikely to withstand hurricane winds, which is concerning. Ms. Dunfee said the school continues to grow, whereby, one class is in a portable, so there is a need for more classrooms.

Karen Shelly, 190 Durham D, Deerfield Beach, spoke in support of the School Board restoring the Old School Building, as it was their commitment. Thereafter, she commented on the importance of preserving the facility, as she knows many generations that have attended.

April Bolowich, 899 NE 4th Street, Deerfield Beach, agreed that the facility is a multi-generational building. Thereafter, she briefly highlighted her experiences with the school.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, commented on the history of the facility. Further, she said it is time for the School Board, under new leadership, to step up to the plate and do what has been promised, and get the building back in shape; whereby, it should not fall on the city. She reiterated that it is time for this building to be renovated and brought back into a useable condition.

Mayor Ganz closed the public hearing.

Commissioner Preston agreed that as taxpayers we expect governmental entities to do what is needed and unfortunately that has not been the case with the School Board, and now there is a possibility that history will be lost. Further, he stated that the School Board must make this right, and although the city should be involved in the process, he agreed that the costs should not fall on the City. Thereafter, he

ADDENDUM - CITY COMMISSION BUSINESS - CONTINUED

provided a brief explanation of the importance of history, whereby, once it is gone, it cannot be brought back.

Commissioner Hudak clarified that the Resolution doesn't include deeding the property to the city, nor the earmarked funds; whereby, the Resolution is urging the School Board to proceed with the renovations. He stated that his previous comments were made because he no longer trusts the School Board and is concerned that they will just tear it down, and the city will not have any recourse.

Mayor Ganz spoke in support of urging the School Board to proceed with the renovations. Thereafter, he continued to express frustration with the School Board allowing the building to become so dilapidated and expecting the city to assist with covering the costs.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 21, adopted Resolution 2023/193. Roll Call:

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

QUASI-JUDICIAL PUBLIC HEARINGS**6. P.H. 2024-015: APPLICATION 22-B2-133 (Tabled from July 18, 2023)**

Applicant: Airline HWY JPMC LLC, represented by Bowman Consulting

Proposal: Seeking major site plan modification to demolish an existing bank building and redevelop with a Chick-Fil-A fast food restaurant with associated drive-throughs and site improvements, on a 1.37-acre site.

Location: The property is generally described as ATLANTIC BANK PLAT 103-21 B TRACT A, more particularly described in the file, and located at **101 N Federal Highway**.

The Resolution was read by title only.

Janna Lhota, representing the applicant, waived the quasi-judicial proceeding. Thereafter, she provided a brief PowerPoint presentation, which was presented at the July 8, 2023 Regular City Commission Meeting. Further, she said during the first hearing, there were questions/concerns regarding traffic. She explained that a traffic impact analysis was conducted and reviewed by the city's traffic consultant, which concluded that the proposed site plan and redevelopment will not adversely impact adjacent roadways or affect current levels of service. The analysis also concluded that given the triple drive-thru and operational efficiencies, onsite stacking is sufficient to support peak operations with no spillage on adjacent properties or public rights-of-way. Additionally, real time traffic data was conducted during Chick-Fil-A peak hours (noon to mid-afternoon) on southbound Federal Highway, which was reviewed and approved by the city's traffic consultant.

Continuing, Ms. Lhota said the peak hours for Chick-Fil-A are different than Dunkin Donuts; nonetheless, the traffic study anticipates that there will be 18 trips to Chick-Fil-A during the morning hours via the back-alley way. Additionally, field trip observations were also conducted on the back-alley, whereby, the traffic for the Dunkin Donuts queues very quickly. Further, she said if the back-alley way is blocked, staff will ensure that it is handled and signage will be added. Ms. Lhota said the applicant had two community meetings, and the application was recommended for approval by the Community Appearance Board and Planning & Zoning Board. Thereafter, a video of the real time traffic data was displayed.

In response to comments made from the audience, Andres Mizrahi, P.E., Bowman Consulting, stated that the gas station traffic was included in the traffic data.

In response to Vice Mayor Parness' question, Efraim Silva, owner/operator of Chick-Fil-A in Pompano Beach, 2250 N. Federal Highway, replied that 150-180 cars are serviced during peak hours.

Ms. Lhota clarified that the Pompano Beach location is a full-service restaurant.

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

Mr. Silva also stated that the Pompano Beach location has two drive-thru lanes that convert into one, whereby, the proposal is three to one. Further, he reiterated that the restaurant is located on North Federal Highway, whereby, improvements were recently made to the facility to alleviate congestion. Thereafter, he continued answering questions posed by Vice Mayor Parness.

In response to Commissioner Drosky's questions, Ms. Lhota replied that the wall will be six feet, but an additional two-foot element, i.e. aluminum railing, can be added to the top. Further, she said there is a deed restriction on the property, whereby, it cannot be used as another bank; therefore, the owner has relayed that the highest and best use for the property has been identified as a quick serve restaurant. Ms. Lhota stated that this site has been designed to address issues that occur at other sites, and building more sites will help alleviate issues at other sites.

Mayor Ganz opened the public hearing.

The following individuals spoke in opposition to the site plan application:

Roger Freitag, 418 SE 2nd Street, Deerfield Beach.
Peggy Ross, 103 19th Avenue, Deerfield Beach.
Bob DiChristopher, 517 NE 6th Avenue, Deerfield Beach.
April Bolowich, 899 NE 4th Street, Deerfield Beach.
Jerry West, 514 NE 8th Avenue, Deerfield Beach.
Stephen Bolowich, 899 NE 4th Street, Deerfield Beach.
Dan Herz, 330 SE 19th Avenue, Deerfield Beach.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked for clarification regarding payment outside of the facility.

Thereafter, the following individuals spoke in opposition to the site plan:

Katy Freitag, 418 SE 2nd Street, Deerfield Beach.
Christina DiChristopher, 517 NE 6th Avenue, Deerfield Beach.
Janice Fulmore-Tigner, 1090 SW 4th Terrace, Deerfield Beach.

Mayor Ganz closed the public hearing.

Commissioner Hudak spoke in opposition to the application due to City Code Section 98-17, which he read into the record.

Commissioner Drosky said his decision regarding this application is based upon facts, whereby, a traffic study was reviewed by the City's traffic consultant, who stated that the queueing problems discussed are not an issue. He stated that the parcel has been vacant since 2021, whereby, the tax base must be diversified, and putting a commercial property on Federal Highway will do just that. He said the drop off location for Deerfield Beach Elementary is now at the front entrance of the school, which alleviated the Eller Street traffic. Thereafter, he commented on the Burger King that was previously near this location. Although, he is sympathetic to the residents, he spoke in support of the application.

Commissioner Preston said no matter what the traffic is going to intensify because more and more people are moving to Florida, and driving. Further, he said there is traffic congestion at the Pompano Beach location but it has improved since the upgrades, and although a traffic analysis was performed and approved for this application, there will still be traffic issues at times; nonetheless, he is unsure about what they can do.

Ms. Lhota answered questions/comments/concerns posed by the public. Thereafter, the site plan was displayed. She said the application took so long to come back before the Commission because the applicant was addressing questions raised by the City's traffic consultant. The drive-thru queueing is 31 cars but the site has additional queueing capacity. The Pompano Beach facility is located much closer to the intersection. Further, the application presented in Boca Raton was initially approved but was denied after modifications were brought forward. Mr. Silva will be the operator of this proposed location. Ms. Lhota stated

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

that everything will be done electronically, so no cash will be on hand. Thereafter, she outlined the traffic circulation from three drive-thru lanes into one exit lane. The applicant held two community meetings, which were properly noticed; however, no residents attended, Commissioner Hudak attended the first meeting and Commissioner Drosky attended the second. There will be a 30-foot landscape buffer to the residents to the west, and Chick-Fil-A only operates six days a week, as they are closed Sundays. Ms. Lhota stated that all noise mitigation measures proposed by the city's noise consultant were incorporated into the site plan. Lastly, she said Federal Highway will be the main entrance, anyone who will be picking up or ordering take out will park in the center parking, whereby, parking along the perimeter will be for employees.

In response to Mayor Ganz's question, **Ron Adzima, 530 River Oak Lane, Deerfield Beach**, replied that he does not believe the proposed location will be a good fit for a Chick-Fil-A.

Commissioner Hudak said although he agrees with Commissioner Drosky's position, smart development must be accomplished. Further, he said the applicant has not made any changes to the application since the first reading, expect for the traffic data analysis; nevertheless, after everything the applicant has done, the development still does not fit at this location. Although he agreed that the area does need to be developed, and this development would be a great asset, he reiterated that it does not fit this location.

Commissioner Preston said the applicant performed an independent traffic study, which was completed and approved by the City's consultant; nevertheless, he does believe that there will be some measure of traffic congestion, but he does not think it will be as bad as its being perceived. Further, he said this application should not be based on potential development, i.e. housing on Eller Street.

Mayor Ganz agreed with Commissioner Preston that there will be increased traffic because you are going from nothing to something. The site was previously a bank, which housed drive-thru's, so noise should not be an issue, and the proposed development will be closed on Sunday's. Further, he disagreed with asking the property owner to move the location to a different part of the city; however, should this be approved, he spoke in support of a third Chick-Fil-A on Dixie Highway. Thereafter, he commented on the quality of the restaurant, which is what the City needs, and the changes Chick-Fil-A has made to ensure they are viable to cities. Mayor Ganz said there are limitations on the property that are problematic, but not as problematic as retro fitted old stores. He agreed that drivers are not nice but it cannot be applied to projects, whereby, the study provided by the consultant are the facts and that is what decisions must be based on. Additionally, he said if the traffic worsens, traffic control and changes will need to be made by Chick-Fil-A, which he believes they will address; therefore, he spoke in support of the project.

Vice Mayor Parness spoke in opposition to the project, as it will create an overabundance of traffic.

Thereafter, discussion ensued regarding the use of traffic control on other developments, i.e. Popeyes, Chick-Fil-A (District 4).

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to deny Item 6 based on Section 98-17, Subsection 2 and 3. Roll Call:

Yeas: 2 - Commissioner Hudak and Vice Mayor Parness

Nays: 3 - Commissioner Drosky, Commissioner Preston, and Mayor Ganz

Motion failed by a 2-3 vote.

MOTION was made by Commissioner Drosky, seconded by Commissioner Preston, to approve Item 6 as amended, adopted Resolution 2023/181. Roll Call:

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

Nays: 2 - Commissioner Hudak and Vice Mayor Parness

PUBLIC HEARINGS

7. **P.H. 2024-018: Resolution 2023/182 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an amendment to the Development Agreement with the Developer and Homeowners Association of the Peninsula Plat Development located at NE 9th Avenue/River Oak Lane; authorizing execution of the Amendment; providing for conflicts and an effective date.**

The Resolution was read by title only.

Anthony Soroka, City Attorney, said the City entered into a Development Agreement with both the Peninsula Plat Homeowners Association (HOA), and the developer, Privcap Peninsula Holding, LLC. Thereafter, a map of the location was displayed. He explained that two of the properties, north of the affected property, have been developed, built, and occupied for years; whereby, when the city entered into the development agreement, it was understood that Lots 1 and 2 had been purchased from that developer. Further, the owners of Lots 1 and 2 sought building permits for their homes, and as part of the development review process it was determined by staff that there was a need to reconstruct River Oak Lane. Additionally, there are 5 or 6 lots that exist within the HOA; whereby, at the time the City entered into the development agreement, the HOA had entered into an agreement with the developer to oversee the construction of the roadway but unfortunately a dispute arose between the HOA and developer. Currently, under the development agreement, it states that a Certificate of Occupancy (CO) shall not be issued for any of the lots until the road is completed. The owner of Lot 2, Brandon Hollenberg, qualifies for a CO and is requesting some relief, so him and his family can move into the home.

Continuing, Mr. Soroka said since the October 17th commission meeting, he has been working with the HOA's attorney, and has sent a letter to the developer's attorney outlining the City's expectations, which is that they work it out. Additionally, he said not only has the road not been built, but a permit has not been pulled to start the road; however, within the last couple weeks, the HOA has been diligently working to pursue the permit, and as of today, payment for the engineering permit is pending in order for the permit to be issued. Further, the amendment states that the road must be completed prior to the issuance of a CO for Lot 1, which will allow the Lot 2 owner to get into their home, whereby, the Lot 1 owner has about six to eight months to construct their home.

David Santucci, City Manager, commended Mr. Soroka for his efforts during such a small timeframe. Further, he explained that withholding the issuance of the CO on the first property was conditioned upon completion of the road, so if the amendment is approved, then the private road completion requirement will fall onto the next property. The HOA has done a great job with trying to obtain the permit but reiterated that payment of the permit is still pending.

Mayor Ganz opened the public hearing.

Adam Leoffler, 560 River Oak Lane, Deerfield Beach, HOA president, spoke in support of allowing the owner of Lot 2, to obtain his CO, so Mr. Hollenberg and his family can move into their home. Further, he explained that the HOA is working to get the roadway completed, but unfortunately there is a disagreement with the developer; nevertheless, they are trying to obtain the funds in order to move forward with the permit.

Cutler Alrier, 550 River Oak Lane, Deerfield Beach, spoke in support of allowing the owner of Lot 2, to obtain his CO, as Mr. Hollenberg and his family deserve to move into their home. Further, he said building costs are skyrocketing, and the owner of Lot 2 fell victim to that and his property took longer than anticipated. Lastly, he said the HOA is trying to rectify the situation with the previous developer and hold him accountable for the agreement he proposed.

Ron Adzima, 530 River Oak Lane, Deerfield Beach, said he purchased his property from a second party, who advised that it was a project that could be developed. Thereafter, he commented on his permit fees, as well as issues he encountered with the developer. He encouraged the Commission to allow Mr. Hollenberg and his family to move into their home. Lastly, he said these developments are being built to beautify the neighborhood, and he would like the road to be developed, as he is Lot 1.

PUBLIC HEARINGS - CONTINUED

Brandon Hollenberg, 540 River Oak Lane, Deerfield Beach, said he has done everything required and is asking the Commission to amend the development agreement. Further, he stated that he should not have to write a \$20,000 check in order to receive the permit, whereby, the permit has been approved. Thereafter, he outlined the amount of money he has spent on Airbnb's and attorney fees, and reiterated his request for the Commission to approve the amendment. If the Commission approves the amendment, with the stipulation that the \$20,000 would need to be paid, he will find a way to do it. Lastly, he outlined the issues that have transpired with the developer, as well as the promises they made.

Kent Stern, 889 NE 5th Street, Deerfield Beach, said this has been an ongoing issue for 18 years, which he has continued to bring to the City's attention. He said his property is heavily impacted, whereby, the public right-of-way that adjoins his property is being taken for this road. Further, he said the property owners knew what they were buying and getting into when they purchased their properties; therefore, he asked that the agreement remain as is. Mr. Stern said the properties being built are million-dollar homes, so he expressed dissatisfaction with money being an issue. Although he feels for the homeowners, everyone knew what had to be done when this agreement was signed, and there is nothing stopping the road from being built in a year. Lastly, he urged the Commission to stand by the Developer's Agreement, which is only one year old.

Mayor Ganz closed the public hearing. Thereafter, he stated that the City allows development, but there are requirements, i.e. building of a road, prior to the issuance of a CO.

Mr. Soroka agreed. Further, he said there was a plea to have the building permits issued, so home construction could begin without building the road.

Mayor Ganz expressed frustration with the comments regarding the \$20,000 permit fee, as he does not think the residents should have to pick up the tab for a road that was agreed to be developed. Thereafter, he expressed concerns with approving the amendment, as it will now fall onto Lot 1, who will eventually come before the Commission to ask for leniency. Although he feels for the homeowners, he agreed that the agreement was signed and put into place for a reason. He reiterated that the development of the road should not fall on the taxpayers.

In response to Mayor Ganz's questions, Mr. Santucci replied that the road must be developed so they are accessible to public safety and solid waste vehicles. Further, Lot 2 would not have been developed if the City stuck to the original plan of the road being built.

Mayor Ganz said as long as the City receives a signed check for the permit and there is an understanding that the road is working toward development, he is okay with approving the amendment.

Commissioner Preston said the item has been brought forward because this commission asked staff to look into the situation to see what can be done; therefore, he expressed dissatisfaction with comments being made that this commission does not care.

Commissioner Hudak clarified that he asked that this item be brought forward. Thereafter, he thanked Mr. Soroka, as well as Mr. Santucci for their efforts. Further, he agreed that payment should be made.

In response to Commissioner Hudak's question, Mr. Santucci replied that approval of the amendment as is does not give the City any assurance of the road being built, whereby, the fees for the permit have not been received, the requirement to build the roadway is being moved to the next Lot, and permits expire after a certain amount of time; nevertheless, he understands the predicament the Lot 2 owner is in.

In response to Commissioner Hudak's question, Mr. Soroka replied that whether the amendment is approved or not, there are enforcement rights within the original development agreement.

Mr. Alrier stated that he owns the Lot where the road starts, so his property will be the one impacted, not Mr. Stern's. Further, him and Mr. Leoffler have owned their homes for six years, whereby, there has never been a request for the City, nor taxpayers to chip in. He stated that there was not a problem until the other lots were sold; nevertheless, they agreed to chip in \$10,000 per lot to get the road completed, which they

PUBLIC HEARINGS - CONTINUED

did in good faith.

Mr. Leoffler stated that the HOA was under the assumption that the developer was responsible for getting the road completed, whereby, Lots 1 and 2 were both going to contribute \$20,000 each, him and Mr. Alrier were contributing \$10,000 each, and the developer would contribute the remaining, for a total of \$80,000.

Mr. Alrier clarified that the development agreement is more than a year old.

Mr. Hollenberg stated that no one is expecting the City, nor taxpayers to pay for the road. Thereafter, he commented on the letter of credit, which should have been completed by the developer, but wasn't. Further, he said money can be taken out of the escrow to cover the \$20,000 permit fee.

In response to Mayor Ganz's question, Mr. Soroka replied that if the roadway is not developed and an issue occurs, he would defend the City and claim an indemnification.

Mr. Adzima said building permit fees should not have been issued on a building that cannot obtain a CO; nevertheless, if the \$20,000 is what the City needs, he will pay it himself.

Mr. Santucci said he recommends to allow the HOA to determine how the payment will be made, and suggested that approval be contingent on the payment.

In response to Mr. Adzima's comments, Mr. Soroka stated that this agreement was recorded in the Broward County records.

Commissioner Hudak temporarily left the meeting at 9:44 p.m. and returned at 9:45 p.m.

Commissioner Drosky stated that although he has empathy for the homeowner, everyone knew the rules, which were outlined and recorded in the Development Agreement. Further, he agreed that the permit fee must be paid; however, he asked where the money will come from to construct the road, which is estimated at \$250,000 to \$400,000. Commissioner Drosky stated that what if the owner of Lot 1 decides not to build or what if the permit expires, the City will be in the same exact situation, which he agreed, is not fair to the citizens. Lastly, once the \$20,000 permit fee is paid, he again asked how payment will be made for the construction of the road.

Commissioner Hudak reiterated that the permit must be paid, as well as a timeframe must be provided for the completion of the road.

In response to Commissioner Hudak's question, Mr. Santucci replied that the contractor would have to answer questions pertaining to the timeline of the construction.

Thereafter, discussion ensued regarding amending the Development Agreement.

Commissioner Drosky suggested tabling the item to the next meeting to allow the HOA, Mr. Hollenberg, and Mr. Adzima to figure out how the road will be paid for. Although he feels for Mr. Hollenberg and his family, the commission must protect the City. Further, he reiterated that the commission must know how the road is being paid for.

In response to Mayor Ganz's question, Mr. Soroka replied that it would move to Lot 1, as they are the next owner in line that pulled a building permit.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 7 as amended, adopted Resolution 2023/182. Roll Call:

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

Nays: 1 - Mayor Ganz

PUBLIC HEARINGS - FIRST READING

8. **P.H. 2024-016: ORDINANCE 2023/ - 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 a brief recess from 9:58 p.m. to 10:01 p.m.

David Santucci, City Manager, explained that the CIE is a requirement of the Comprehensive Plan and per Florida Statutes the City is required to update the CIE annually to reflect the approved budget.

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

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 8 on first reading. Roll Call:

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

Nays: 0

PUBLIC HEARINGS - SECOND READING

9. **P.H. 2024-017: ORDINANCE 2023/015 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; APPROVING VARIOUS DEPARTMENTAL BUDGET TRANSFERS WITHIN THE GENERAL FUND, AS SET FORTH IN EXHIBIT "A"; APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE BUILDING SERVICES FUND IN THE AMOUNT OF \$411,384, THE HOME INVESTMENT PARTNERSHIP PROGRAM FUND IN THE AMOUNT OF \$140,540, AND THE STATE HOUSING INITIATIVE PROGRAM FUND IN THE AMOUNT OF \$230,559, AND REDUCING APPROPRIATIONS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND BY \$116,199, AS SET FORTH IN EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

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

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 9, adopted Ordinance 2023/015. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Kristin Taylor, 1328 SE 7th Court, Deerfield Beach, expressed concerns with a three-bedroom residential home directly across from her property being turned into an eight-bedroom sober living home. Thereafter, she commented on the amount of money the owner of the sober living home will receive in a year, the services that will be provided, etc. Further, Ms. Taylor stated that the owner of Mandy's House has not obtained a FAR certificate, which she believes may be a requirement. Although she has sympathy for those who need assistance, she expressed concerns with people having the ability to turn residential properties into rehabilitation facility.

PUBLIC COMMENT - CONTINUED

Richard Forester, 1328 SE 7th Court, Deerfield Beach, also expressed concerns with the home being turned into a rehabilitation facility. Thereafter, he provided a brief overview of what has transpired thus far. Lastly, he agreed with what was said by Ms. Taylor.

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, thanked the Commission and City staff for the installation of the fence at Johnie McKeithen Park, as it has made the area safer.

Dan Lundy, 917 SE 17th Street, Deerfield Beach, stated that he has been working with Parks & Recreation on the Skate Park Project, whereby, the project is further behind than when it was first approached to staff; therefore, he requested that it be added to the next agenda. Further, he said grants have been put into place for the design and construction of the skate park, as well as money set aside by Jamie Foy, local professional skateboarder and resident.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of adding school speed zone cameras to the Deerfield Beach schools. Thereafter, he commented on the importance of the cameras and suggested adding traffic calming devices to Hillsboro Boulevard.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on the pier restaurant lease.

Maureen Kenny, 615 SE 7th Avenue, Deerfield Beach, stated that she has not spoken to anyone associated with the Class Act Restaurant Group, LLC. Further, she invited all to attend her 2nd Annual Pub Crawl.

Janice Fulmore-Tigner, 1090 SW 4th Terrace, Deerfield Beach, asked if a solicitation policy has been put into place. Further, she commented on the medians not being kept up by the Wawa gas station. Lastly, she stated that she was under the impression that anything affected from the sidewalk project would be addressed by the city, whereby, the sidewalk near the Church of the Living God was damaged.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked what the Commission's vision of the City is, whereby, builders and developers are taking advantage of the City. Further, she asked for the status of the Eller building project.

Mayor Ganz answered questions/comments/concerns posed by the public. Further, he said sober homes in residential neighborhoods are protected by the Federal government, which is an issue the City has been dealing with for quite some time.

Anthony Soroka, City Attorney, said the Americans with Disabilities Act (ADA) does provide certain protections but there is a process; nevertheless, he is unaware of this property but will look into it with staff.

In response to Mayor Ganz's comment, Mr. Soroka stated that he would recommend against disparaging any property owners but certainly those that may be ADA protected; nonetheless, the City has codes in place, but there are times staff receives requests for a reasonable accommodation under the Federal Law to deviate from those codes. Further, he reiterated that he will work with staff, so additional information can be sought.

Mr. Ganz said he is not looking to add the skatepark project to the next agenda, but he will work with staff. Thereafter, he stated that traffic calming devices cannot be added to state roads.

David Santucci, City Manager, stated that there were six responses received in 2012 for the pier lease. Further, he never instructed the Purchasing Division to only use the e-procurement marketplace; nevertheless, it's the City's official bid system and all bids are released through the site, there are times other avenues are utilized.

Mayor Ganz stated that due to the litigation, other comments regarding the pier restaurant lease cannot be addressed.

PUBLIC COMMENT - CONTINUED

Vice Mayor Parness stated that he voted for LM Restaurants twice, whereby, his vote never changed.

Mayor Ganz stated that door to door solicitation is allowed as long as they have permit; otherwise, they are in violation and the police or code enforcement can be notified.

Mr. Santucci said staff will look into the sidewalk issue at the church. Further, the medians mentioned are privately maintained by Home Depot; nevertheless, the City is trying to regain control of the medians.

CONSENT - BOARD APPOINTMENT**10. Resolution 2023/183 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Daniel Shanetzky as an alternate member of the Planning and Zoning Board; and providing for an effective date.**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, spoke in support of the appointment.

Mayor Ganz closed the public hearing.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 10, adopted Resolution 2023/183. 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 11 and 13 - 16; 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 Preston, to approve Items 11 and 13 - 16 in concert. Roll Call:

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

Nays: 0

11. Resolution 2023/184 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting the Investment Policy and Internal Controls Certification from the City's Chief Financial Officer for the Fiscal Year ending September 30, 2023; providing for an effective date.**12. Resolution 2023/185 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the special event permit application submitted by the Deerfield Beach Historical Society for the "Art Stroll" Special Event taking place on 21st Avenue from 2nd to 4th Street on February 17, 2024 from 10:00 a.m. to 10:00 p.m. and February 18, 2024 from 10:00 a.m. to 6:00 p.m.; approving a waiver of fees; and providing for an effective date. (Funds from Account #001-7015-579-35-99 - Pioneer Days)**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, asked for clarification on the admittance fee. Further, he asked if this is the first the City is being asked to pay taxpayer dollars to an organization for them to run a business venture.

Deborah Sullivan, 937 SE 12th Way, Deerfield Beach, stated that she is part of the Cultural Committee, Kiwanis Club, and Historical Society. Thereafter, she spoke in support of the Historical Society's assistance with the event.

Thelema Lamar, 660 NW 2nd Terrace, Deerfield Beach, stated that she is part of the Cultural Committee, and spoke in support of sharing the responsibility of the event, but spoke in opposition to the Historical Society taking the event over. She asked that the item be tabled, so the Cultural Committee can come back with a counter offer.

Judith Stanich, 2257 Deer Creek Alba Way, Deerfield Beach, said she is on the Historical Society and was instrumental in bringing forth the proposition of sponsoring the Art Festival. She stated that the Historical Society is excited about taking the lead, as the event deserves to be successful.

Karen Shelly, 190 Durham D, Deerfield Beach, spoke in support of the Resolution. Thereafter, she commented on events she has attended that have been hosted by the Historical Society.

Enrique Palacios, 355 SE 1st Way, Deerfield Beach, stated that he is a member of the Historical Society. Further, he said the event is free, so there will be no admittance fee; nevertheless, fees will be accessed to vendors.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, stated that the Cultural Committee has put their heart and soul into the event in years past, but spoke in support of the Resolution, as the event must be maximized. Thereafter, he commented on other events hosted by the Historical Society. Further, the Cultural Committee will still be a part of Pioneer Days.

Vice Mayor Parness temporarily left the meeting at 10:46 p.m. and returned at 10:48 p.m.

Ashley Gombs, 1331 SW 10th Terrace, Deerfield Beach, stated that she is a part of the Cultural Committee. Further, she spoke in support of the Historical Society stepping in since the event is nearing; however, the committee was blindsided about them completely taking it over. Thereafter, she commented on the history of the event and the importance of the Cultural Committee maintaining the event, i.e. revenue generation.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked if other 501(c)(3) organizations will be allowed to have bars for the event.

Maureen Kenny, 615 SE 7th Avenue, Deerfield Beach, said she is a part of the Historical Society, and knows how hard they work; therefore, she supports the Resolution.

Mayor Ganz closed the public hearing.

In response to Mayor Ganz's questions, David Santucci, City Manager, replied that the Cultural Committee is comprised of five regular members and five alternates; however, there are currently three members on the Committee, making it difficult to meet quorum. Thereafter, he outlined their duties and responsibilities.

Commissioner Preston agreed with the Historical Society taking over since the event is nearing; however, he spoke in opposition to the possibility of eliminating the Cultural Committee. Further, he wants assurance that the committee will be given the opportunity to display its function as a cultural committee. Lastly, he expressed concerns with the lack of communication given to the committee.

Commissioner Hudak agreed that the communication may have not been ideal but the event is nearing, and his representative advised that planning has not commenced. Further, he said with there only being three members, a quorum is hard to accomplish; nevertheless, the Committee has seemed to lose their

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

identity, but it's imperative that they find a way to get it back. Thereafter, he spoke in support of the Resolution. Commissioner Hudak spoke in support of other 501(c)(3) organizations having the opportunity to put up tents for liquor sales.

Mr. Santucci said it is his understanding that temporary liquor sale permits are allowed three times a year but it has changed. Further, he said there will be multiple 501(c)(3) organizations providing liquor sales; nevertheless, staff is looking to see how the City can become equitable while still finding structure as well.

Mayor Ganz said when there is a three-person board and one person does not advise that they are attending, meetings get cancelled. Further, he stated that the Cultural Committee is an advisory board to the Commission; nevertheless, no one is looking to strip them of their power. Mayor Ganz commended the Historical Society for taking initiative and working with other 501(c)(3) organizations; whereby, there is a history of outside groups overseeing events, i.e. Mango Festival. Thereafter, he spoke in support of the item.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 12, adopted Resolution 2023/185. Roll Call:

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

Nays: 0

- 13. Resolution 2023/186 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the issuance of a purchase order to AWC Louisiana, Inc. to furnish and supply programmable logic control devices in an amount not to exceed \$33,645.68 for the City's West Water Treatment Plant in accordance with Section 38-116(3)(c)(2) of the City's Procurement Code for sole source purchases; providing for implementation and an effective date. (Funds from Account #413-5020-533-65-30 - CIP - Infrastructure)**
- 14. Resolution 2023/187 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the issuance of a purchase order to Blackburn Controls, Inc. d/b/a BCI Technologies to furnish General Electric Wireless Communication Hardware in the amount of \$59,668.15 for the City's West Water Treatment Plant in accordance with Section 38-116(3)(c)(2) of the City's Procurement Code for sole source purchases; providing for implementation and an effective date. (Funds from Account #413-5020-533-65-30 - CIP Infrastructure)**
- 15. Resolution 2023/188 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the City of Deerfield Beach Public Transportation Agency Safety Plan; authorizing execution of the Plan; and providing for an effective date.**
- 16. Resolution 2023/189 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with Gladstone & Associates, LLC for consulting services for the Community Services Department for a one-year term in an amount not to exceed \$45,175.00, with one, one-year renewal option; waiving the requirements for competitive solicitations pursuant to Section 38-116(3)(e) of the Code of Ordinances; authorizing execution of the Agreement; providing for an effective date. (Funds from Account #001-1703-564-32-99 - Other Contractual Services)**

DEPARTMENTAL BUSINESS

- 17. Resolution 2023/190 - A Resolution of the City of Deerfield Beach, Florida, declaring the City's intent to use the Uniform Method for Collection of Special Assessments to be levied upon all properties within the City, as more specifically described in Exhibit "A", to fund the installation of a stormwater management system and related improvements; stating a need for such levy; providing for transmittal of the Resolution; providing for an effective date.**

The Resolution was read by title only.

DEPARTMENTAL BUSINESS - CONTINUED

David Santucci, City Manager, provided a brief overview of the stormwater program. Further, he clarified that this item is not an increase to the fees, nor a new fee; whereby, staff is recommending to change the billing methodology. Thereafter, he outlined the stormwater billing method impacts to the City and customers.

In response to Mayor Ganz's question, Mr. Santucci replied that through the enforcement mechanism of the water and sewer bill, the City cannot foreclose the property if it is homesteaded.

Mr. Santucci outlined the billing comparisons for utility billing versus non-ad valorem. Further, he said there is a net annual saving to the City of \$113,800 should the fee be added to the tax bill. Mr. Santucci said the non-ad valorem billing methodology aligns the billing method with benefited party; offers discounts to property owners for early payment; increased equity in billing; increased collection rate; etc. Lastly, he reiterated that staff's recommendation is to migrate the stormwater billing from water/sewer bills to non-ad valorem assessment, effective October 2024.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, asked if this is the same stormwater fee that had a 20% increase. Thereafter, he asked for clarification on the delinquency rate. Further, he asked what if a property is not homesteaded.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, asked how much this will increase his annual tax bill, as he had an increase this year.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked where will the savings go.

Mayor Ganz closed the public hearing.

Mr. Santucci said the stormwater fee is the same fee currently outlined on the water/sewer bill; whereby, the rate structure approved by the Commission is not being changed. Further, the tax delinquency rate is statutorily 5%, but staff also budgets for the previous year's delinquencies received. He stated that moving the fee to the tax bill will provide an increase; however, the water/sewer bill will be decreased. Lastly, the savings will allow the City to obtain additional drainage, or be absorbed within the existing program to support the projects.

Commissioner Hudak spoke in support of the Resolution.

Mayor Ganz spoke in support of the Resolution.

Commissioner Drosky said this should have been implemented at the time of adoption in 2017, whereby, this is going to be a surprise to the residents, which he disagreed with. Thereafter, he provided various examples as to why the change makes sense.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 17, adopted Resolution 2023/190. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS - CONTINUED

18. ORDINANCE 2023/ - 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.

Stephanie Tinsley, Chief Financial Officer, provided a brief overview of the item. Further, she advised that the City will be taking out a Bond Anticipation Note (BAN), which allows staff to begin to design and engineer projects. She advised that the Resolution will be forthcoming upon adoption on second reading.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, asked questions pertaining to the consultant hired by the City. Further, he asked why a consultant was needed.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if the stormwater payments will be used to payback this loan.

Mayor Ganz closed the public hearing.

Ms. Santucci said the consultants fee structures are outlined in their contract. Thereafter, he provided a brief overview of their role. Further, he stated that stormwater funds will not be used to payback this loan.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 18 on first reading. Roll Call:

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

Nays: 0

19. Resolution 2023/191 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals #23-18-BA for construction phase services for the Pioneer Grove Local Activity Center Drainage Improvements Project; authorizing execution of an agreement with the top ranked, responsive and responsible proposer, Heavy Civil, Inc., for the services in an amount not to exceed \$1,055,540.38; providing for implementation and an effective date. (Funds from Account #462-5070-538-65-30 - Stormwater Capital Fund & Account #358-5060-519-61-12 - FY24 City Hall Renovations CIP Project)

The Resolution was read by title only.

Priscilla Cygielnik, Director of Environmental Services, is part of the Hazard Mitigation Grant Program, whereby, the City was awarded around \$1.5 million, which is inclusive to improvements to the exterior hardening and drainage of City Hall. Further, the two contracts were contracted separately because one is for a heavy civil contractor who does underground work, and the other, which is forthcoming, will be for a general contractor to perform the exterior envelope of the building. He said this item includes the drainage

DEPARTMENTAL BUSINESS - CONTINUED

improvements, as well as a trunk line that will handle the drainage basin for the entire Local Activity Center (Pioneer Grove).

David Santucci, City Manager, said this item will allow for future development of the area.

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 Hudak, to approve Item 19, adopted Resolution 2023/191. Roll Call:

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

Nays: 0

20. Resolution 2023/192 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with Tyler Technologies, Inc., for an Enterprise Resource Planning Software System in an amount not to exceed \$3,507,859.00; authorizing execution of the Agreement; providing for implementation and an effective date. (Funds from Account #399-0600-513-64-10 - General Capital Project - Finance/Machinery)

The Resolution was read by title only.

David Santucci, City Manager, provided a brief overview of the item. Although the process took time, it was necessary to ensure the City was getting what is needed from the system.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach outlined the projected cost of the Enterprise Resource Planning Software (ERP) System in the 2021 CIP. Further, he asked how much has been spent on the ERP system thus far; what insurance does the City have to ensure the system will work; what rights will the City have to lost data; will intrusion into the system allow for City funds to be transferred; what is the secured path, i.e. encrypted lines or T1; and shouldn't the agreement be renewed annually, rather than guaranteed over the next five years.

Mayor Ganz closed the public hearing.

Mr. Santucci said the total cost of the ERP is outlined in the backup, but there are additional consulting service costs. Further, he said the \$4.5 million is budgeted and meant to be financed overtime. The ERP is not directly attached to City funds, it only holds the transaction data. The reoccurring maintenance costs are consistent with what is being paid today.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 20, adopted Resolution 2023/192. 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

School Board - David Santucci, City Manager, said he is working with the School Advisory Council to set up a meeting prior to their December 5th meeting. Once finalized, he will advise accordingly.

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

Agenda Items - Commissioner Drosky said there was a sign variance approved for Chick-Fil-A, which he supported; whereby, he reiterated his request to update the Code. Further, he reiterated his request to have background checks for certain boards.

Veteran's Day Event - Commissioner Drosky commended Parks & Recreation for the event. Thereafter, he thanked Mr. Santucci, Vice Mayor Parness, and Commissioner Hudak for their service.

Happy Thanksgiving - Commissioner Drosky wished everyone a Happy Thanksgiving.

VICE MAYOR PARNESS**DISTRICT 3**

Veteran's Day - Vice Mayor Parness said serving this Country was an honor.

COMMISSIONER PRESTON**DISTRICT 2**

Happy Thanksgiving - Commissioner Preston wished everyone a Happy Thanksgiving. He said if you are able to, help out a family.

Developments - Commissioner Preston urged everyone to drive by the Johnny Tigner Center and Braithwaite Center for Active Aging. Thereafter, he commented on the history that he has learned regarding Braithwaite, which he will be bringing forward at a later date.

COMMISSIONER HUDAK**DISTRICT 1**

Veteran's Day Event - Commissioner Hudak said the event was small and intimate but suggested that it be expanded, i.e. provide different services at the event to help Veterans transition into society, etc.

Happy Thanksgiving - Commissioner Hudak wished everyone a Happy Thanksgiving.

MAYOR GANZ

S-Curve Issues - Mayor Ganz asked for stronger enforcement on the S-Curve, whereby, people are not stopping when individuals are in the crosswalk.

Happy Thanksgiving - Mayor Ganz wished everyone a Happy Thanksgiving.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to adjourn the meeting at 11:59 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

CODE COMPLIANCE OF DEERFIELD BEACH

MINUTES OF A CODE COMPLIANCE HEARING

September 27, 2023

Douglas Gonzales

Presiding

Special Magistrate Douglas Gonzales in the City Commission Room called the meeting to order at 9:30 AM.

PRESENT: Roy Davis, Code Compliance Manager
Jean Placide, Code Compliance Inspector
Patesha Johnson, Code Compliance Inspector
Dominique Ash, Code Compliance Inspector
Thomas Braga, Code Compliance Inspector
Victor Padilla, Code Compliance Inspector
Katherine Delva, Code Compliance Inspector
Winlett Banton, Special Magistrate Clerk

For the record Maritza Martinez, Special Magistrate Clerk swore the attendees.

<u>Tab#</u>	<u>Case Nr.</u>	<u>Owner Name</u>	<u>Property Address</u>	<u>Violation</u>	<u>Disposition</u>
1	23080042	DUTRA,SIMONE	206 NW 47 AVE, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(L)(1)(a- g) - Tree preservation.	RESPONDENT NOT PRESENT CONTINUED TO 10/23/2023
2	23080003	PUBLIX SUPER MARKETS INC ATTN: REAL EST TAX DEPT	777 SW 12 AVE, DEERFIELD BEACH, FL 33442	Chapter 58 - SOLID WASTE ARTICLE I. - IN GENERAL Section 58-3. - Maintenance of area. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(L)(1)(a- g) - Tree preservation. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N)(1) - Landscape Requirements. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N)(2) - Landscape Requirements.	RESPONDENTS WERE PRESENT- JAMES LALIFF DUSTIN BETSILL FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$125 PER DAY PER VIOLATION \$80 PROSECUTION COST

6	23080047	OZINGA SOUTH FLORIDA INC	2030 NW 40 CT, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(d)(1) - Tree preservation. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(K)(13) - Landscape Requirements.	RESPONDENT WAS PRESENT - EDWARDS WILLIAMS CONTINUED TO 11/29/2023
7	23080048	SANDCASTLE 1 LLC	233 NE 21 AVE, DEERFIELD BEACH, FL 33441	Chapter 38 - FINANCE AND TAXATION Section 38-263. - Local business tax receipt required.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$175 PER DAY \$80 PROSECUTION COST
9	23080122	LEGUNN,LINDA	40 FAIRWAY DR, DEERFIELD BEACH, FL 33441	Chapter 38 - FINANCE AND TAXATION Section 38-263. - Local business tax receipt required.	RESPONDENT NOT PRESENT CONTINUED TO 10/23/2023
10	23090001	COLONIAL SUITES INC	1197 S MILITARY TRL, DEERFIELD BEACH, FL 33442	Chapter 58 - SOLID WASTE ARTICLE I. - IN GENERAL Section 58-3. - Maintenance of area. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 9/26/2023 FOR \$100 PER DAY PER VIOLATION

				ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(L)(1)(a-g) - Tree preservation. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(L)(2) - Landscape Requirements. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N)(1) - Landscape Requirements.	
11	23060070	TRAIL PLAZA LLC	1801 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442	Chapter 102 - SIGNS Section 102-5.(a) – Permits Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT- DONALD ANDERSON FINAL ORDER ISSUED COMPLY BY 11/24/2023 \$125 PER DAY PER VIOLATION \$80 PROSECUTION COST
12	23070005	A&J COMPLETE LLC	1807 S POWERLINE RD, UNIT 107, DEERFIELD BEACH, FL 33442 107	Chapter 38 - FINANCE AND TAXATION Section 38-263. - Local business tax receipt required	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/7/2023

				Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IX. - CERTIFICATES OF USE Section 98-161(b) - Certificate of use permit requirements.	\$250 PER DAY PER VIOLATION \$80 PROSECUTION COST
13	23060014- Attorney Mr. Kuhn	1098 HILLSBORO LLC	1098 E HILLSBORO BLVD, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT WAS PRESENT- ATTORNEY LISA DANIELS CONTINUED TO 12/11/2023
15	23050067	QUIET WATER SHOPPS LLC	404 S POWERLINE RD, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 9/22/2023 FOR \$100 PER DAY
16	23050064- Attorney Dwayne L. Dickerson	INFINITE 786 HOLDINGS LP	1299 S MILITARY TRL, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT WAS PRESENT- ATTORNEY DWAYNE DICKERSON EXTENDED TO 11/10/2023
93	23070069	ELSTON,CRISTINA & VERN E.	181 LYNDHURST L, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT NOT PRESENT CONTINUES TO 10/23/2023

				ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	
94	23070041	GATEWAY POWERLINE BP LLC %STOCKBRIDGE CAPITAL GROUP	4100 N POWERLINE RD, UNIT N1-O5, DEERFIELD BEACH, FL 33073 N1-O5	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT- WENDY GUILLEN FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$100 PER DAY \$80 PROSECUTION COST
97	23070052	OSTUNI, MICHAEL	235 DURHAM F, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENTS WERE PRESENT- MICHAEL OSTUNI KEMELY LOPES FINAL ORDER ISSUED COMPLY BY 11/24/2023 \$100 PER DAY \$80 PROSECUTION COST
98	23070037	10604 SW VILLAGE PARKWAY LLC % NATIONAL TAX SEARCH LLC	1051 E HILLSBORO BLVD, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/7/2023 \$250 PER DAY \$80 PROSECUTION COST
99	23070029	ALLEN, MAMIE	1320 SW 5 TER, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT WAS PRESENT- NANCY ALLEN

				ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	CONTINUED TO 11/29/2023
101	23070022	BPREP DEERFIELD PARK LLC %BROOKFIELD PROPERTY GROUP	674 S MILITARY TRL, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$200 PER DAY \$80 PROSECUTION COST
102	23070084	PARK,COREY	2281 SW 15 ST, UNIT 145,DEERFIELD BEACH, FL 33442 145	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$200 PER DAY \$80 PROSECUTION COST
103	23070085	MARKUS,DONALD	617 SE 13 AVE, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$150 PER DAY \$80 PROSECUTION COST
104	23060482	PRAKASH INVESTMENTS LLC	405 SW 13 PL, UNIT 121,DEERFIELD BEACH, FL 33441 121	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- ATTORNEY BRIAN ALBAUM JAY CUNNINGHAM FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$250 PER DAY

					\$80 PROSECUTION COST
105	23060354	JIMINIAN,RICHARD RAFAEL H/E GUTIERREZ,YURI	4228 VELEIROS AVE, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98- 113(a) Building permits	RESPONDENT WAS PRESENT- RICHARD JIMINIAN FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$100 PER DAY \$80 PROSECUTION COST
107 Thru 122	23060111	WERTHEIM,BRIGITTE EST	411 SE 8 ST, UNIT 225,DEERFIELD BEACH, FL 33441 225	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- MIGUEL VASQUES STEWART STEINBERG FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$250 PER DAY \$80 PROSECUTION COST
123 Thru 131	23060119	H L S INVESTMENT PROPERTY CORP	1061 NW 45 ST, UNIT 4,DEERFIELD BEACH, FL 33064 4	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- ERNIE WILLIS EWALD HURWATH FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$250 PER DAY \$80 PROSECUTION COST

133	23060018	BROOKFIELD GARDENS RECREATIONAL	495 SE 8 ST, DEERFIELD BEACH, FL 33441	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$250 PER DAY \$80 PROSECUTION COST
135	23060044	DEERFIELD LAKE CONDO MGMT ASSN	777 SE 2 AVE, DEERFIELD BEACH, FL 33441	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WAS PRESENT- DAVE KATZ FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$250 PER DAY \$80 PROSECUTION COST
136	23060053	BALISTRERI,JAMES M	321 SE 15 AVE, DEERFIELD BEACH, FL 33441	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT WAS PRESENT- JAMES BALISTRERI CONTINUED TO 11/29/2023
137	23060057	BEATRICE ROLLINS REV LIV TR ETAL %WATERHOUSE RE INVESTMENTS LLC	1257 SW 1 WAY, DEERFIELD BEACH, FL 33441	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$250 PER DAY \$80 PROSECUTION COST
138 Thru 147	23060155	LULOS LLC	4321 NW 9 AVE, UNIT 102,DEERFIELD BEACH, FL 33064 102	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS	RESPONDENT NOT PRESENT FINAL ORDER ISSUED

				Sec 110.15 (B)(1) Building Safety Inspection 40 Year	COMPLY BY 10/20/2023 \$250 PER DAY \$80 PROSECUTION COST
151	23060060	BTL HOLDINGS LLC	1223 SW 1 WAY, DEERFIELD BEACH, FL 33441	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 9/22/2023 FOR \$250 PER DAY
153	23050077	BIEN-AIME,HERO	1341 SW 5 TER, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98- 113(a) Building permits	RESPONDENT WAS PRESENT- HERO BIEN-AIME FINES IMPOSED AS OF 9/22/2023 FOR \$100 PER DAY
154	23080096	MURE,JOSEPH JR	500 SE 21 AVE, UNIT 610,DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98- 113(a) Building permits	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 9/21/2023 FOR \$500 PER DAY
157 Thru 166	23060110	FIGUEIRA,JULIE A	1962 NE 6 ST, UNIT 1B,DEERFIELD BEACH, FL 33441 1B	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- ANN WINTERS GARY PIECLUK ELAINE ROSS FINES IMPOSED AS OF 9/22/2023 FOR \$250 PER DAY

169	23080043	MGF PROPERTY III LLC	272 SW 3 ST, UNIT A-D, DEERFIELD BEACH, FL 33441 A-D	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 58 - SOLID WASTE ARTICLE I. - IN GENERAL Section 58-3. - Maintenance of area.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/7/2023 \$250 PER DAY PER VIOLATION \$80 PROSECUTION COST
174	23080066	RANDALL, LIMBERT EST	182 SW 6 ST, DEERFIELD BEACH, FL 33441	Chapter 34 - ENVIRONMENT - ARTICLE III. - NUISANCES ARTICLE VII. - ABANDONED REAL PROPERTY Section 34-144 - Maintenance requirements	RESPONDENT NOT PRESENT CONTINUED TO 10/9/2023
176	23070014	THOMAS, STEPHANIE D EST	229 SW 2 CT, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas.	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 9/22/2023 FOR \$150 PER DAY
184	23080030	LOPES, TAINARA SANTANA	117 NW 2 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/20/2023 \$175 PER DAY

				ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(L)(1)(a-g) - Tree preservation.	\$80 PROSECUTION COST
187	23090004	CASH ON CASH OFFERS LLC	303 MARKHAM N, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98- 113(a) Building permits	RESPONDENT WAS PRESENT- DON CHORMIERE FINAL ORDER ISSUED COMPLY BY 10/7/2023 \$250 PER DAY \$80 PROSECUTION COST
189	23080039	CASA DEERFIELD II LLC	1221 SW 6 AVE, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98- 113(a) Building permits	RESPONDENT WAS PRESENT- RAY MAGEE FINES IMPOSED AS OF 9/26/2023 FOR \$500 PER DAY
190	23080099	LD DEERFIELD LLC % DIAMONDS & DOGGIES	197 SE 3 AVE, DEERFIELD BEACH, FL 33441	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VII. - ABANDONED REAL PROPERTY Section 34-144 - Maintenance requirements.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 10/7/2023 \$250 PER DAY \$80 PROSECUTION COST
A	21080216/Attorney Dwayne Dickerson	DCGC PROPERTIES LLC	2801 DEER CREEK COUNTRY CLUB BLVD, DEERFIELD BEACH, FL 33442	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS	RESPONDENT WAS PRESENT- ATTORNEY DWAYNE DICKERSON

				Sec 110.15 (B)(1) Building Safety Inspection 40 Year Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	FINES MITIGATED FOR \$5,680 TO BE PAID BY 10/23/2023
B	17010024	BURTON,ELNORA	250 SW 1 CT, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(3). - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(8). - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b). - Minimum standards for yard and landscape areas. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-113(a) Building permits	RESPONDENT WAS PRESENT- WANDA RUSSELL FINES MITIGATED FOR \$2,080 TO BE PAID BY 10/23/2023

C	15100124	PAMATAT,MARIA ANGELICA	941 CRYSTAL LAKE Dr DEERFIELD BEACH, FL 33064 401	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-113(a) Building permits	RESPONDENT NOT PRESENT VACATE ORDER ISSUED
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SPECIAL MAGISTRATE MINUTES
CITY OF DEERFIELD BEACH, FLORIDA

Doug Gonzales, Special Magistrate

Date

CODE COMPLIANCE OF DEERFIELD BEACH

MINUTES OF A CODE COMPLIANCE HEARING

November 17, 2023

Douglas Gonzales

Presiding

Special Magistrate Douglas Gonzales City Commission Room called the meeting to order at 9:30 AM.

PRESENT: Roy Davis, Code Compliance Manger
Bernard Pita, Code Compliance Director
Patesha Johnson, Code Compliance Inspector
Victor Padilla, Code Compliance Inspector
Thomas Braga, Code Compliance Inspector
Katherine Delva, Code Compliance Inspector
Caleb Gomez, Code Compliance Inspector
Erica Strauss, Administrative Clerk

For the record Winlett Jordan-Banton, Special Magistrate Clerk swore the attendees.

<u>Tab#</u>	<u>Case Nr.</u>	<u>Owner Name</u>	<u>Property Address</u>	<u>Violation</u>	<u>Disposition</u>
4	23070034	BRE/ESA P PORTFOLIO LLC %EXTENDED STAY-PROPERTY TAX 0328	1200 SW 11 WAY, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT NOT PRESENT CONTINUED TO 11/29/2023
5	22100011	WEARCHECK LUBRICATION SERVICES LLC	637 JIM MORAN BLVD, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT WAS PRESENT- GINGER HOLLIDAY CONTINUED TO 2/12/2024
6	23050064	INFINITE 786 HOLDINGS LP	1299 S MILITARY TRL, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT NOT PRESENT CERTIFIED WITH \$80 PROSECUTION COST
8	23070073	CORKYS WAREHOUSE LLC	109 SE 3 CT, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT WAS PRESENT- JOSHUA BRAMNICK EXTENDED TO 1/5/2024
14	23090016	MANSON,DALE E	230 N FEDERAL HWY, UNIT 402,DEERFIELD BEACH, FL 33441 402	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENTS WERE PRESENT- DALE MANSON AND KIM ZUTATAS FINAL ORDER ISSUED

					COMPLY BY 1/5/2024 \$125 PER DAY \$80 PROSECUTION COST
15	23070050	CCC FINANCING I CORP C/O RYAN LLC	3001 DEER CREEK COUNTRY CLUB BLVD, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT- JUSTIN BRIMFIELD FINES IMPOSED AS OF 11/10/2023 FOR \$250 PER DAY
16	23080108	TOP FIT CLINIC ADVANCED AESTHETIC INC	831 SE 9 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT CERTIFIED WITH \$80 PROSECUTION COST
17	23090056	LEONARD ASSOCIATES INC	1636 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits FIRE PREVENTION CODE 4.5 Electrical wiring not to code. FIRE PREVENTION CODE 7.10.2.2 Directional Signs NFPA 101 2012 ed. FFPC	RESPONDENT WAS PRESENT- ANNE CHACKMAN FINES IMPOSED AS OF 11/10/2023 FOR \$250 PER DAY PER VIOLATION
18	23060046	JULIA L O'GRADY LIV TR O'GRADY,JULIA L TRSTEE ETAL	1501 SE 15 CT, UNIT 302,DEERFIELD BEACH, FL 33441 302	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(2) Building Safety Inspection 40+ Year	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 11/10/2023 FOR \$250 PER DAY
19 Thru 29	23060094	FRANCA,LUIZ /HOA PRESIDENT	4251 NW 9 AVE, UNIT 101,DEERFIELD	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS	RESPONDENT WAS PRESENT- LUIZ FRANCA

			BEACH, FL 33064 101	Sec 110.15 (B)(1) Building Safety Inspection 40 Year	FINES IMPOSED AS OF 11/10/2023 FOR \$250 PER DAY
30 Thru 62	23060142	A D CARTER IPUG TR TIMMEL,MARGARET TRSTEE/Attorney David Krempa	1100 CRYSTAL LAKE DR, UNIT 102,DEERFIELD BEACH, FL 33064 102	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENTS WERE PRESENT- ATTORNEY DAVID KREMPA MOURA SILMO FINES IMPOSED AS OF 11/10/2023 FOR \$250 PER DAY
63	23070022	BPREP DEERFIELD PARK LLC %BROOKFIELD PROPERTY GROUP/Permit	674 S MILITARY TRL, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 10/20/2023 FOR \$200 PER DAY
64	23070020	MORGAN,ELISE MORA LE ELISE MORA MORGAN LIV TR	1445 SE 6 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENTS WERE PRESENT- ELISE MORGAN AND DIANE PATNAUDE EXTENDED TO 1/5/2024
66	23090006	JAMES,SUSAN	628 DEER CREEK HOLLOWS CIR, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT – ATTORNEY TIM SHANE CONTINUED TO 1/8/2024
67	23070055	URBAN HOLDINGS GROUP 1 INC	357 SW 1 TER, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT WAS PRESENT- HARRY ROLLE CONTINUED TO 1/8/2024

				ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	
68	23090039	BURGOS,JIMMY D	257 NE 44 ST, DEERFIELD BEACH, FL 33064	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. - PROPERTY EXTERIOR MAINTENANCE CODE; Section 14-105(8) - Exterior building and structure standards. Chapter 66 - TRAFFIC AND VEHICLES Section 66-117.(a) - Parking prohibitions; enforcement. Chapter 66 - TRAFFIC AND VEHICLES Section 66-117.(b) - Parking prohibitions; enforcement.	RESPONDENT NOT PRESENT CONTINUED TO 1/8/2024
75	23100004	VALDEZ,EDGARDO	821 NE 52 CT, DEERFIELD BEACH, FL 33064	Chapter 66 - TRAFFIC AND VEHICLES Section 66-117.(b) - Parking prohibitions; enforcement.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 11/27/2023 \$135 PER DAY \$80 PROSECUTION COST
76	23100012	FLEMING,EDDIE J JR & JOYCE	5050 NE 6 AVE, DEERFIELD BEACH, FL 33064	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT WAS PRESENT – JOYCE FLEMING FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$100 PER DAY PER VIOLATION \$80 PROSECUTION COST

				ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N)(1) - Landscape Requirements.	
77	23100014	MARTINELLO,REGINALDO T RIZZON,ALESSANDRA CAMATA	271 SE 6 AVE, DEERFIELD BEACH, FL 33441	Chapter 66 - TRAFFIC AND VEHICLES DIVISION 3. BSO ENFORCED-REGULATIONS, GENERALLY Section 66-59. (c)(1)(a)- Parking on residentially zoned lots.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY 11/27/2023 \$175 PER DAY \$80 PROSECUTION COST
78	23090026	HEALTH SERVICES DELAWARE INC	3201 SW 15 ST, DEERFIELD BEACH, FL 33442	Chapter 34 - ENVIRONMENT - ARTICLE III. - NUISANCES Sec. 34-36. - Maximum noise level by receiving land use unit and measurement period	RESPONDENT WAS PRESENT – BENNY MATHEW FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$125 PER DAY \$80 PROSECUTION COST
79	23090031	A & L HOMES GROUP LLC	1370 SW 6 AVE, DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas.	RESPONDENT WAS PRESENT- ANDRES LASAGA FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$80 PER DAY \$80 PROSECUTION COST
80	23080041	GAROFALI,ANTHONY JOSEPH III	4116 NW 5 DR, DEERFIELD BEACH, FL 33442	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VI. - NUISANCE ABATEMENT PROPERTY CODE DIVISION 1. - GENERALLY Section 34-121 - Declaration of nuisance.	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 11/27/2023 \$250 PER DAY \$80 PROSECUTION COST
81	23090042	BIGGIE,JOHN J JR & BIGGIE,MARIA/Attorney Christopher A. Sajdera	1572 SE 9 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENTS WERE PRESENT-

				ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	ATTORNEY CHRISOPHERA. SAJDERA JOHN BIGGIE ANGIE ADLER FINAL ORDER ISSUED COMPLY 11/27/2023 \$200 PER DAY \$80 PROSECUTION COST
84	23080066	RANDALL,LIMBERT EST/NAB	182 SW 6 ST, DEERFIELD BEACH, FL 33441	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VII. - ABANDONED REAL PROPERTY Section 34-144 - Maintenance requirements.	RESPONDENT NOT PRESENT FINES IMPOSED AS OF 11/1/2023 FOR \$250 PER DAY
85	23090057	BATMASIAN,JAMES H & MARTA	101 NE 2 AVE, DEERFIELD BEACH, FL 33441	Chapter 102 - SIGNS Section 102-7. (3)- Certain sign or sign structures prohibited. Chapter 102 - SIGNS Section 102-8.(c)(3)(a)(1) - Signs allowed. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IX. - CERTIFICATES OF USE Section 98-161(b) - Certificate of use permit requirements.	RESPONDENT WAS PRESENT – DONALD ANDERSON FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$125 PER DAY \$80 PROSECUTION COST
86	23090058	BATMASIAN,JAMES H & MARTA	101 NE 2 AVE, DEERFIELD BEACH, FL 33441	Chapter 102 - SIGNS Section 102-7. (3)- Certain sign or sign structures prohibited. Chapter 102 - SIGNS Section 102-8.(c)(3)(a)(1) - Signs allowed.	RESPONDENT WAS PRESENT – DONALD ANDERSON FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$125 PER DAY

					\$80 PROSECUTION COST
87	23100033	EUTHENIA USA LLC	1337 S DIXIE HWY, UNIT 523,DEERFIELD BEACH, FL 33441 523	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(1) - Exterior building and structure standards.	RESPONDENTS WERE PRESENT – EUTHENIA SONYA CUEVAS FINAL ORDER ISSUED COMPLY BY 11/27/2023 \$135 PER DAY \$80 PROSECUTION COST
88	23100017	SMITH,THOMAS T JR	4324 NW 3 TER, DEERFIELD BEACH, FL 33064	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE IV. - JUNKED VEHICLES AND ABANDONED PROPERTY- Section 34-160 -Parking or storage for over 72 hours restricted. Chapter 46 – OFFENSES Section 46-28(a) - Storage of materials. Chapter 94 MIN HOUSE CHAPTER 94 HOUSING; Sec. 94-8 (c) (2) (e) (d) (1) - Minimum standards for interior of structures.	RESPONDENT WAS PRESENT- THOMAS SMITH FINES IMPOSED AS OF 1/6/2023 FOR \$250 PER DAY PER VIOLATION
89	22120238	HUBER,SCOTT	205 SE 10 ST, UNIT 2E, DEERFIELD BEACH, FL 33441 2E	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(C)(3) - Landscape Requirements.	RESPONDENT WAS PRESENT- SCOTT HUBER FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$150 PER DAY \$80 PROSECUTION COST

91	23090055	BLACK,NOAH P BUSSEK,DAYANA	935 NW 53 ST, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 1/5/2024 \$135 PER DAY \$80 PROSECUTION COST
92	23090059	VAGLE,JACQUELINE	5152 NW 11 LN, DEERFIELD BEACH, FL 33064	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT - JACQUELINE VAGLE CONTINUED TO 1/8/2024
93	23090060	MDSA INVESTMENTS LLC	165 NW 41 WAY, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT - ANDREY SMEJKAL CONTINUED TO 1/8/2024
94	23090062	VAN DYKE NORMA JEAN LE CORRELL,DYLAN MATTHEW FRANKLIN	2006 OAKRIDGE A, DEERFIELD BEACH, FL 33442	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	RESPONDENT WAS PRESENT - NORMA VAN DYKE CONTINUED TO 1/8/2024
99	23080127	ROCHA,MARIA H/E LOPEZ DE JESUS,FERNANDO	1460 SW 9 AVE, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE II. - DEERFIELD BEACH LAND DEVELOPMENT CODE Section 98-16 - Maintenance of development.	RESPONDENT WAS PRESENT - MARIA ROCHA CONTINUED TO 1/8/2024
100	23110008	SML DEERFIELD BEACH LLC	2030 NE 2 ST, DEERFIELD BEACH, FL 33441	Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS	RESPONDENT NOT PRESENT FINAL ORDER ISSUED COMPLY BY 11/27/2023

				ARTICLE V. - ADMINISTRATION AND ENFORCEMENT Section 98-113(a) Building permits	\$250 PER DAY \$80 PROSECUTION COST
101	23110023	RST SPORTS LLC	3650 SW 10 ST, DEERFIELD BEACH, FL 33442	Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VI. - NUISANCE ABATEMENT PROPERTY CODE DIVISION 1. - GENERALLY Section 34-121 - Declaration of nuisance. Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE VI. - NUISANCE ABATEMENT PROPERTY CODE; DIVISION 1. - GENERALLY Sec. 34- 121. - Declaration of nuisance.	RESPONDENT NOT PRESENT CONTINUED TO 1/8/2024
A	17050031	VENTURA,HUGO & MARIA CARMEN	401 NE 44 ST, DEERFIELD BEACH, FL 33064	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(b) - Minimum standards for yard and landscape areas. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-106(e) - Minimum standards for yard and landscape areas. Chapter 58 - SOLID WASTE DIVISION 3. - RESIDENTIAL COLLECTION Section 58-69.(g) - Preparation and storage of residential refuse Chapter 66 - TRAFFIC AND VEHICLES	RESPONDENT WAS PRESENT- MARIA CARMEN VENTURA FINES MITIGATED FOR \$300 TO BE PAID BY 1/8/2024

				DIVISION 3. - REGULATIONS, GENERALLY Section 66-59. (c)(1)(a)- Parking on residentially zoned lots.	
B	21060108	PADLAD,LEERON	320 NW 4 AVE, DEERFIELD BEACH, FL 33441	Chapter 46 – OFFENSES Section 46-13 - Trees, bushes and shrubs—Encroaching on public right-of-way. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98-81(d)(1) - Tree preservation. Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. SUPPLEMENTARY REGULATIONS Sec. 98-80(N)(1) - Landscape Requirements.	RESPONDENT WAS PRESENT – ATTORNEY MICHAEL MACKSON FINES MITIGATED FOR \$5,080 TO BE PAID BY 1/8/2024
C	16060164	JOHNSON,PAMELA A GERVIN,RANDERICK LEE	610 SW 14 PI DEERFIELD BEACH, FL 33441	Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(7). - Exterior building and structure standards. Chapter 14 - BUILDINGS AND BUILDING REGULATIONS Section 14-105(8). - Exterior building and structure standards. Chapter 34 - ENVIRONMENT - ARTICLE III. – NUISANCES ARTICLE IV. - JUNKED VEHICLES AND ABANDONED PROPERTY- Section 34-160. -Parking or storage for over 72 hours restricted.	RESPONDENT WAS PRESENT- PAMELA JOHNSON FINES MITIGATED FOR \$80 TO BE PAID BY 1/8/2024

				Chapter 98 - LAND DEVELOPMENT REGULATIONS - ARTICLE IV. - SUPPLEMENTARY REGULATIONS ARTICLE IV. - SUPPLEMENTARY REGULATIONS Section 98 -88(j)(1) Off-street parking and loading.	
D	23060118	DLJ MORTGAGE CAPITAL INC %SELECT PORTFOLIO SERVICING INC	4251 NW 9 AVE, UNIT 202,DEERFIELD BEACH, FL 33064	40-50 Year Section 110.15 BUILDING SAFETY INSPECTIONS Sec 110.15 (B)(1) Building Safety Inspection 40 Year	RESPONDENT NOT PRESENT VACATE ORDER ISSUED

SPECIAL MAGISTRATE MINUTES
CITY OF DEERFIELD BEACH, FLORIDA

Douglas Gonzales, Special Magistrate

Date



Meeting Minutes

Community Redevelopment Agency

Tuesday, October 17, 2023

6:45 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Chair Bill Ganz at 6:48 p.m., in the City Commission Chambers, 150 NE 2nd Avenue, Deerfield Beach, Florida.

Present:

Mr. Todd Drosky
Mr. Michael Hudak
Mr. Ben Preston
Vice Chair Bernie Parness
Chair Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Heather Montemayor

PLEDGE OF ALLEGIANCE

There was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Community Redevelopment Agency Meeting Minutes - August 29, 2023

MOTION was made by Vice Chair Parness, seconded by Mr. Hudak, to approve the August 29, 2023 minutes as submitted. Voice Vote:

Yeas: 5 - Mr. Drosky, Mr. Hudak, Mr. Preston, Vice Chair Parness, and Chair Ganz

Nays: 0

APPROVAL OF AGENDA

October 17, 2023

MOTION was made by Vice Chair Parness, seconded by Mr. Hudak, to approve the agenda as submitted. Voice Vote:

Yeas: 5 - Mr. Drosky, Mr. Hudak, Mr. Preston, Vice Chair Parness, and Chair Ganz

Nays: 0

GENERAL ITEMS

1. **Resolution 2023/008 - A Resolution of the City of Deerfield Beach Community Redevelopment Agency (CRA), adopting the CRA regular meeting schedule for fiscal year 2023/2024; providing for an effective date.**

The Resolution was read by title only.

Kris Mory, Director of Economic Development, said this item approves the CRA meeting schedule for fiscal year 2023/2024.

There were no comments from the board.

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

MOTION was made by Vice Chair Parness, seconded by Mr. Preston, to approve Item 1 adopted CRA Resolution 2023/008. Voice Vote:

Yeas: 5 - Mr. Drosky, Mr. Hudak, Mr. Preston, Vice Chair Parness, and Chair Ganz

Nays: 0

ADMINISTRATION COMMENTS

There were no comments from administration.

BOARD COMMENTS

New Businesses - Mayor Ganz asked that the Board be updated, regularly, regarding any new businesses coming into the CRA area, especially along the S-Curve and beach.

There were no other board comments.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

MOTION was made by Vice Chair Parness, seconded by Mr. Preston, to adjourn the meeting at 6:52 p.m. Voice Vote:

Yeas: 5 - Mr. Drosky, Mr. Hudak, Mr. Preston, Vice Chair Parness, and Chair Ganz

Nays: 0

BILL GANZ, CHAIR

Heather Montemayor, City Clerk

**PLANNING AND ZONING BOARD
CITY OF DEERFIELD BEACH, FLORIDA
November 2, 2023
MEETING MINUTES**

A regular meeting of the Planning and Zoning Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:01 p.m. in the City Commission Chambers by Chair Plaut.

ROLL CALL

Present: Thomas Plaut, Chair
Brian Bennett, Vice Chair
Bridget Beckford
William Lane
David Kurlander, Alternate

Also Present: Eric Power, Director of Planning & Development Services
Chris Suneson, Assistant Director of Planning & Development Services
Rafaela Thermidor, Planner
Anthony Soroka, City Attorney
Heather Montemayor, City Clerk

Absent: Michelle Balaun
Joe Chancy, Alternate
Kanthiah Easwara Chandran, Alternate

PLEDGE OF ALLEGIANCE

SEATING OF ALTERNATES

None.

APPROVAL OF MINUTES

Motion was made by Ms. Beckford and seconded by Vice Chair Bennett to approve the October 5, 2023 minutes as submitted. The motion CARRIED by unanimous vote.

NEW BUSINESS

P.H. 2024-011 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.**

SUMMARY BACKGROUND/EXPLANATION

Major site plan approval to demolish two (2) existing duplexes of 4,925 square feet and to redevelop the property with three (3) townhomes consisting of 11,446 square feet with associated site improvements.

The Applicant, Intracoastal Properties IV, LLC, is seeking major site plan approval to demolish two (2) existing duplexes of 4,925 square feet and to redevelop the property with three (3) fee-simple attached townhomes consisting of 11,446 square feet with associated site improvements.

The overall structure is proposed to be 47 feet-6 inches in height and the maximum allowed under the RM-10 district is 55 feet. Each townhome will have different square footage: Unit 513 – 4,134 square feet, Unit 523 – 3,558 square feet, and Unit 525 – 3,754 square feet. The development proposal includes individual swimming pools, carports, and boat docks for each unit.

The architecture compliments the requirements of the Coastal Community Architectural District. The building façade will consist of various materials including white, grey, and charcoal stucco; exposed concrete; wood looking tile; wood louvers; and standing seam metal roofing.

The site meets all setback, parking, lighting, landscape and appearance requirements.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

On September 27, 2023, the item was heard and approved by the Community Appearance Board.

John Reed, 1 West Camino Real, Boca Raton, representing the applicant, provided a brief overview of the item. He explained that two drive-ways are off 19th Avenue and the other is off NE 5th Avenue. Further, he said the application complies with all requirements. Thereafter, various photographs of the proposed project were displayed. Although they are townhouses, they are three unique properties and adjustments were made to comply with the Cove Overlay District, as well as FEMA flooding requirements.

In response to Chair Plaut's question, Mr. Reed replied that a community meeting was held.

Al Bova, owner, stated that a meeting was held for the neighbors within 500 feet of the property, whereby, six attended. They spoke in favor of the project, but expressed concerns with the carports, and suggested a wall in lieu of a fence.

In response to Chair Plaut's question, Chris Suneson, Assistant Director of Planning & Development Services, replied that no letters were returned.

Chair Plaut opened the public hearing.

Howard Haimowitz, 536 NE 20th Avenue, Deerfield Beach, spoke in support of the project, as it does not increase density, but actually decreases it by two units.

Motion was made by Ms. Beckford and seconded by Vice Chair Bennett to close the public hearing. The motion CARRIED by unanimous vote.

In response to Chair Plaut's question, Mr. Suneson replied that all staff comments have been addressed.

Motion was made by Ms. Beckford and seconded by Vice Chair Bennett to approve Application 22-RM10-47. The motion CARRIED by unanimous vote.

P.H. 2024-012 APPLICATION 22-RM25-49

Applicant: NY Deerfield Beach Holdings, LLC., represented by S.H. Brandt and Assoc. Inc.

Proposal: Seeking Major Site Plan approval to demolish an existing triplex and two single family structures and construct a 13-unit apartment complex consisting of 19,196 square feet with associated site improvements, on a 0.46-acre site.

Location: The property is generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9, more particularly described in the file, and located at **1974 and 1980 NE 5th Street**.

SUMMARY BACKGROUND/EXPLANATION

The Applicant, NY Deerfield Beach Holdings, LLC, is seeking a major site plan approval to construct a 13-unit apartment building on a 0.46-acre site described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9 and located at 1974 & 1980 NE 5th Street.

The subject site is currently developed with one (1) single-family home and three (3) apartment units. The applicant proposes to redevelop the property to construct 13 apartment units comprised of three (3) one-bedrooms, six (6) two-bedrooms, three (3) three-bedrooms, and one (1) four bedroom with associated parking and landscaping improvements.

The building is proposed to be 54 feet-9 inches high, and the maximum height allowed in the RM-25 district is 55 feet. The architecture compliments the requirements of the Coastal Community Architectural District with main façade colors of "Spirited Green" and "Eider White" and an accent of "Quench Blue". Materials include standing seam metal roof, textured and float finished stucco, and balconies with bronze colored aluminum railing to match the window and door frames.

A traffic impact analysis was provided with an estimated 59 daily trips which would represent an increase of 30 daily vehicle trips compared to the existing development on the site. Even with this increase in volume, a traffic impact study was not required.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

On October 25, 2023, the item was heard and unanimously approved by the Community Appearance Board.

Chris Suneson, Assistant Director of Planning & Development Services, suggested pushing the item to the end of the meeting, as the applicant has not yet arrived.

Motion was made by Ms. Beckford and seconded by Mr. Lane to table Application 22-RM25-49 until the applicant arrives. The motion CARRIED by unanimous vote.

P.H. 2024-014 DEVELOPMENT AGREEMENT AMENDMENT

Applicant: City of Deerfield Beach

Proposal: A Resolution of the City Commission of the City of Deerfield Beach, Florida, Approving an Amendment to the Development Agreement with the Developer and Homeowners Association of the Peninsula Plat Development Located on NE 9th Avenue/River Oak Lane; Authorizing Execution of the Amendment; Providing for Conflicts and an Effective Date.

SUMMARY BACKGROUND/EXPLANATION

In June of 2022, the City Commission approved Resolution 2022/100, which approved and authorized the execution of a Development Agreement (the “Agreement”) with Privcap Peninsula Holdings LLC (the “Developer”) and the Peninsula Property Owners Association (the “HOA”).

The Agreement required the Developer, with the consent of the HOA, to construct private road improvements for the extension of NE 9th Avenue/River Oak Lane prior to the City issuing a certificate of occupancy for any residential dwellings that were not constructed at the time.

A residential building permit for a single-family residence at 540 River Oak Lane was issued in late June 2022. Construction on the single-family residence proceeded without the road improvements being completed. At this point in time, the construction at 540 River Oak Lane has proceeded to qualifying for a certificate of occupancy, except for the condition in the Development Agreement. The Agreement provides for construction of the private roadway prior to the issuance of any certificate of occupancy for the Project.

The homeowner and HOA have requested an amendment to the Development Agreement to address the timing of the roadway construction that would permit a certificate of occupancy to be issued for the residence at 540 River Oak Lane.

The Resolution was read by title only.

Anthony Soroka, City Attorney, provided a brief overview of the item. Thereafter, an aerial of the property was displayed. Further, he stated that an amendment requires two hearings and this application was requested to be expedited, so tonight will be the first hearing, whereas, the Commission only has one meeting in November and one in December.

In response to board member questions, Mr. Soroka replied that the Development Agreement addresses the two lots west of the existing homes. Further, he stated that the HOA and homeowner are asking for relief, so the individual can move into his home, while the parties work on getting the roadway built. He explained that an engineering permit has been applied for the construction of the road but it has not yet been issued due to payment requirements and

minor comments that must be addressed. Mr. Soroka stated that there is an existing road but during the development review for this project it was determined that it was insufficient for emergency access. Lastly, waste removal is addressed within the agreement; whereby, the change being proposed this evening is language allowing for the one lot owner to obtain his certificate of occupancy.

Chair Plaut opened the public hearing.

Brandon Hollenberg, 540 River Oak Lane, Deerfield Beach, stated that he is looking for some relief, so him and his family can move into their home. Further, he said there is a road with fire hydrants in place, whereby, there have never been fire truck access issues, but issues with the turning radius of the fire trucks.

Motion was made by Ms. Beckford and seconded by Vice Chair Bennett to close the public hearing. The motion CARRIED by unanimous vote.

In response to Vice Chair Bennett's question, Mr. Soroka, replied that the Board is moving this forward, so the Commission can make the ultimate determination, whereby, this Board provides recommendations to the Commission. Further, he reiterated that this is being brought before the Board to expedite the process.

Mr. Lane spoke in support of moving the item forward.

Motion was made by Ms. Beckford and seconded by Vice Chair Bennett to approve the Development Agreement Amendment. The motion CARRIED by unanimous vote.

P.H. 2024-012 APPLICATION 22-RM25-49

Applicant: NY Deerfield Beach Holdings, LLC., represented by S.H. Brandt and Assoc. Inc.

Proposal: Seeking Major Site Plan approval to demolish an existing triplex and two single family structures and construct a 13-unit apartment complex consisting of 19,196 square feet with associated site improvements, on a 0.46-acre site.

Location: The property is generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9, more particularly described in the file, and located at **1974 and 1980 NE 5th Street**.

The application was pulled off the table; however, the applicant was not in attendance.

Motion was made by Vice Chair Bennett and seconded by Ms. Beckford to defer Application 22-RM25-49 to December 7, 2023. The motion CARRIED by unanimous vote.

CHAIRMAN'S REPORT

Israel Support - Chair Plaut spoke in support of the approval of the Resolution by the City Commission.

STAFF REPORT

Vision Zero - Eric Power, Director of Planning & Development Services, provided a brief update regarding the Vision Zero Program. Further, he stated that staff is working on a Master Plan, which is the static document, and the Action Plan, which will outline items that will be addressed over the years and require board recommendations. Thereafter, he continued outlining the future of the Vision Zero Program.

Due to technical difficulties, comments by the Board were inaudible.

In response to Mr. Lane's question, Mr. Power replied that the incidences on I-95 had to be removed due to the volume of accidents. Further, he said a little less than 80% of incidences occur at or near intersections.

In response to board member questions, Mr. Power replied that the program has been around since the 1990's and is international.

CHAIRMAN'S REPORT - CONTINUED

Israel Support - Continued - Chair Plaut provided a brief overview of the Resolution and previous city support.

Anthony Soroka, City Attorney, provided a brief history of the interaction between the City and Israel years' ago.

MEMBERS' REPORTS

None.

ADJOURNMENT

Motion was made by Vice Chair Bennett and seconded by Mr. Lane to adjourn the meeting at 7:46 p.m. The motion CARRIED by unanimous vote.

Thomas Plaut, Chair
Planning and Zoning Board

City of Deerfield Beach – Cultural Committee
Meeting Minutes
Monday, November 20, 2023, | 6:30 PM
Hillsboro Community Center | 50 Hillsboro Technology Drive

Call to Order and Roll Call

Carolyn Marshall called the meeting to order at 6:35 P.M.

Members Present: Ashley Gombs, Chair, arrived at 6:46 P.M.
Deborah Sullivan, District 1
Thelema Lamar, District 2

Also Present: Carolyn Marshall, Manager I
Lauren Goas, Administrator of Special Events & Athletics
Amelia Jadoo, Assistant City Attorney
Elizabeth Ricci, CPRP, Assistant Director of Parks and Recreation
Greg Warner, Director of Parks and Recreation

Staff Updates

Elizabeth Ricci, Assistant Director of Parks and Recreation, introduced Greg Warner, Director of Parks and Recreation.

Amelia Jadoo, City Attorney Updates – None

Art Stroll Opportunities

Lauren Goas presented Art Stroll volunteer opportunities to the Committee.

MOTION was made by Ms. Sullivan and seconded by Ms. Lamar to have a tent set up for the Cultural Committee to sell snacks, drinks, and merchandise. The motion PASSED unanimously.

Comments from Committee

Ms. Lamar suggested doing a virtual Kwanzaa celebration via the City's social media platform. She also presented a movie fundraiser for *The Color Purple* for Saturday December 29th and advised that she will reach out to the movie theater to obtain more information regarding the rights to market the movie. Once received, a written proposal will be presented to Carolyn Marshall by close of business on November 21, 2023.

MOTION was made by Ms. Lamar and seconded by Ms. Sullivan to purchase \$500 worth of tickets for the fundraiser. The motion PASSED unanimously.

Comments from Staff – None

Comments from the Public – None

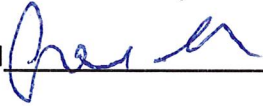
Next Meeting

December 18th, 2023

Adjournment

The meeting adjourns at 7:35 p.m.

Minutes Approved



Date

12/18/23

**COMMUNITY APPEARANCE BOARD
MEETING MINUTES
CITY OF DEERFIELD BEACH, FLORIDA
November 30, 2023**

A regular meeting of the Community Appearance Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:00 p.m. in the City Commission Chambers, Deerfield Beach, by Chair Belton.

Roll Call:

Present: Joseph Cummings, Alternate
Jack Hugentugler
Harry Belton, Chair

Also Present: Bonnie Jacobson, Senior Planner
Daniel Mantell, Planning and Zoning Manager
Debra Reese, Assistant City Attorney
Heather Montemayor, City Clerk

Absent: Tinka Ellington

APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Hugentugler made a motion, seconded by Mr. Cummings to approve the November 8, 2023 meeting minutes as submitted. The motion CARRIED by unanimous vote.

NEW & DEFERRED ITEMS

**#7112 GEM Deerfield, LLC
5340 – 5390 NE 5th Terrace
Paint Change**

Daniel Mantell, Planning and Zoning Manager, displayed images captured via Google maps.

Claudia Miranda, applicant, provided renderings of the proposed paint change; Thin Ice and Flagstone for the body, Dove Gray for the stairs and trim, and Knight's Armor for the railings.

Mr. Hugentugler made a motion, seconded by Mr. Cummings to approve Item #7112 as submitted. The motion CARRIED by unanimous vote.

**#7094 Cove Brewery
1500 SE 3rd Court
Master Sign Plan Amendment**

Daniel Mantell, Planning and Zoning Manager, displayed images captured via Google maps.

Glen Welden, applicant, explained that the trellises that were initially intended to hold the signage are structurally weak, but will remain purely decorative. The amendment includes that the Cove Brewery

signage be relocated to the top level, the signage for in-line level one tenants will have push-thru acrylic faces and will be located under the overhang, providing better visibility, and the trim-less acrylic channel will be installed on a fabricated bearing structure.

Bonnie Jacobson, Senior Planner, requested that stipulations for the type three signs be added to the application in order for signage to comply with code.

Mr. Cummings made a motion, seconded by Mr. Hugentugler to approve Item #7095 with the stipulation to limit signage to two lines of text, including logos; limit messages to two lines of text; and to allow for logos to be 36 inches tall. The motion CARRIED by unanimous vote.

Comments by Deerfield Beach City Attorney

None.

Comments by Deerfield Beach Planning and Development Services Department

Daniel Mantel, Planning and Zoning Manager, said that the next meeting will be held on December 14, 2023.

In response to Mr. Hugentugler's question, Bonnie Jacobson, Senior Planner, replied that the City is still waiting for the master signage plans from Panda Express and Chipotle.

ADJOURNMENT

Mr. Hugentugler made a motion, seconded by Mr. Cummings to adjourn the meeting at 7:25 p.m. The motion CARRIED by unanimous vote.

Harry Belton, Chair
Community Appearance Board



Regular City Commission Meeting - January 9, 2024

DEERFIELD BEACH - YOU ARE HEREBY NOTIFIED that the **Regular City Commission** meeting will be held on **Tuesday, January 9, 2024, at 7:00 PM in the City Commission Chambers located at the City Hall Complex, 150 NE 2nd Avenue, Deerfield Beach, Florida.** A quorum of the City Commission will be physically present at the meeting and the City will be utilizing communications media technology with most City staff participating through video conferencing.

The January 9, 2024, Regular City Commission meeting will proceed utilizing communications media technology; **however, the City Commission Chambers located at the City Hall Complex, 150 NE 2nd Avenue, Deerfield Beach, will be open to the public as an additional method** for speakers wishing to speak on items. A copy of the agenda for the January 9, 2024 meeting will be available at <http://www.deerfield-beach.com/1554/Meetings-Agendas>.

Attending and Viewing the City Commission Meeting:

This meeting will be broadcast live for members of the public. There are several options available to the public to attend/view the meeting:

1. In Person Attendance. Attend in person in the City Commission Chambers.

2. Zoom

a. Via Zoom Online - Access to the meeting will begin at 6:45 PM on January 9, 2024.

i. Use the following link below to access the meeting via Zoom:

<https://deerfield-beach.zoom.us/j/89963988577?pwd=MTZ4SGFwd0dTbkNmQ3BxVkxsSjRyQT09>

ii. The video camera display feature is disabled for public use.

b. Via Zoom Telephone - Join the meeting via telephone (audio only) using the Call-in number below, followed by the Meeting ID when prompted. No computer or access code is required.

Call-in Number: (301) 715-8592, Meeting ID: 899 6398 8577#, Participant ID: #, Passcode: 697190#

For more information on using Zoom, please visit Zoom Support at the following link: <https://support.zoom.us/hc/en-us>.

3. YouTube

The meeting will also be available to the public via YouTube for audio and video access; however, public participation, i.e. comments are not possible. The link to watch the meeting via YouTube will be active no later than 6:45 PM on January 9, 2024, and can be found by clicking the camera icon in the Media column at <http://www.deerfield-beach.com/1554/Meetings-Agendas>.

Providing Public Comment:

Public participation is strongly encouraged. Your comments will be limited to three minutes per person. To participate, please choose the option best for you and remember to include your name and address for the record.

1. **In person** - Public comment may be given in the Commission Chambers during the applicable public comment portion of the meeting.
2. **Live Zoom Video Participation** - If attending via Zoom online, at the appropriate public comment period, click “raise hand” which is located at the bottom of the screen under the “reactions” tab, and your audio will be unmuted when you are recognized.
3. **Live Zoom Telephone Participation** - If attending via Zoom by telephone, at the appropriate public comment period, press *9 to “raise your hand” and your audio will be unmuted when you are recognized.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK NO LATER THAN 3 DAYS PRIOR TO THE MEETING AT (954) 480-4213 FOR ASSISTANCE.

Should you have any questions, please feel free to contact the City Clerk’s Office at 954.480.4213. For additional information on the agenda items for the Commission meeting, please visit www.dfb.city.



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2315

Agenda Date: 1/9/2024

Status: PRESENTATIONS

In Control: City Commission

Title

Presentation regarding the Live Local Act.

Background/History

Planning & Development Services staff along with the City Attorney's Office will provide an overview presentation of Senate Bill 102, more commonly known as the Live Local Act and how this new State regulation impacts the City of Deerfield Beach.



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2313

Agenda Date: 1/9/2024

Status: PRESENTATIONS

In Control: City Commission

Title

Presentation regarding the cart replacement program.

Background/History

In 2012, the City of Deerfield Beach launched the automated side-load cart program for curbside collections, providing 2 standard 65 gal. carts, one for recycling and one for solid waste to curbside customers. In 2020, the residential curbside recycling program was suspended. While some residents have continued to store the recycling containers on their properties, many residents currently use the recycling cart as an overflow for garbage.

Current Activity

The City of Deerfield Beach is launching a garbage cart replacement program. Curbside collection customers will have existing garbage (brown) and recycling (blue) carts upgraded to a single, new 95-gallon garbage cart.

Starting in mid-January 2024, the City will begin delivering the new carts. This process is anticipated to take up to 4 weeks for the new containers to be delivered to every curbside collection customer in Deerfield Beach. Customers will store these new containers until the old carts have been collected. Once delivery across the city is completed, we will remove old carts. Cart retrieval will take about 4 weeks to be completed.

Curbside collection customers will benefit from new, larger carts that provide greater collection capacity and will only need to bring one cart to the curb. Servicing the new, larger carts twice weekly will provide a slightly larger collection capacity than the older, smaller 65-gallon carts. The cart replacement program will also help optimize collection service, reducing the number of carts at the curb.



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2314

Agenda Date: 1/9/2024

Status: QUASI-JUDICIAL PUBLIC
HEARINGS

In Control: City Commission

Title

P.H. 2024-032: APPLICATION 23-RM25-49

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The subject site is currently developed with one (1) single-family home and three (3) apartment units. The applicant proposes to redevelop the property to construct 13 apartment units comprised of three (3) one-bedrooms, six (6) two-bedrooms, three (3) three-bedrooms, and one (1) four bedroom with associated parking and landscaping improvements.

The building is proposed to be 54 feet-9 inches high, and the maximum height allowed in the RM-25 district is 55 feet. The architecture compliments the requirements of the Coastal Community Architectural District with main façade colors of “Spirited Green” and “Eider White” and an accent of “Quench Blue”. Materials include standing seam metal roof, textured and float finished stucco, and balconies with bronze colored aluminum railing to match the window and door frames

A traffic impact analysis was provided with an estimated 59 daily trips which would represent an increase of 30 daily vehicle trips compared to the existing development on the site. Even with this increase in volume, a traffic impact study was not required.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

On October 25, 2023, the item was heard and unanimously approved by the Community Appearance Board.

On December 7, 2023, the item was heard and unanimously approved by the Planning and Zoning Board.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING A MAJOR SITE PLAN FROM NY DEERFIELD BEACH HOLDINGS, LLC, TO DEMOLISH THREE EXISTING APARTMENT UNITS AND A SINGLE-FAMILY HOME AND CONSTRUCT A 13 UNIT APARTMENT BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY LOCATED AT 1974 & 1980 NE 5TH STREET (APPLICATION NO. 23-RM25-49); PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Application No. 23-RM25-49 (the “Site Plan Application”) has been submitted to the City by NY Deerfield Beach Holdings, LLC (the “Applicant”) seeking site plan approval to demolish three existing apartment units and a single-family home and construct a 13-unit apartment building and associated site improvements on the property located at 1974 & 1980 NE 5th Street, Deerfield Beach, Florida (the “Development”); and

WHEREAS, the Development site is approximately .46 acres of land generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9, and located at 1974 & 1980 NE 5th Street, Deerfield Beach, Florida, in the RM-25 Zoning District (collectively, the “Property”); and

WHEREAS, the proposed Development includes 13 apartment units comprised of three (3) one-bedrooms, six (6) two-bedrooms, three (3) three-bedrooms, and one (1) four bedroom with associated parking and landscaping improvements; and

WHEREAS, the Site Plan Application was previously reviewed by City staff, and on October 25, 2023, the Community Appearance Board unanimously approved the Site Plan Application; and

WHEREAS, the Planning and Zoning Board voted unanimously to recommend approval of the Site Plan Application on December 7, 2023; and

WHEREAS, based upon the evidence in the record and presented at the hearing before the City Commission, the City Commission finds that all applicable Land Development Code requirements have been met, the Site Plan Application is consistent with the City’s Comprehensive Plan and approval of the Site Plan Application is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The Site Plan Application is hereby approved, subject to the conditions set forth in the Site Plan Application and the Development Review Comments as amended, and dated October 17, 2023, all of which conditions are incorporated herein by this reference as conditions of approval and shall be satisfied by the Applicant.

Section 3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Should any section or provision of this Resolution or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, DENYING A MAJOR SITE PLAN FROM NY DEERFIELD BEACH HOLDINGS, LLC, TO DEMOLISH THREE EXISTING APARTMENT UNITS AND A SINGLE-FAMILY HOME AND CONSTRUCT A 13 UNIT APARTMENT BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY LOCATED AT 1974 & 1980 NE 5TH STREET (APPLICATION NO. 23-RM25-49); PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Application No. 23-RM25-49 (the “Site Plan Application”) has been submitted to the City by NY Deerfield Beach Holdings, LLC (the “Applicant”) seeking site plan approval to demolish three existing apartment units and a single-family home and construct a 13-unit apartment building and associated site improvements on the property located at 1974 & 1980 NE 5th Street, Deerfield Beach, Florida (the “Development”); and

WHEREAS, the Development site is approximately .46 acres of land generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9, and located at 1974 & 1980 NE 5th Street, Deerfield Beach, Florida, in the RM-25 Zoning District (collectively, the “Property”); and

WHEREAS, based upon the evidence in the record and presented at the hearing before the City Commission, the City Commission finds that the Site Plan Application for the Property fails to satisfy the requirements of Section _____ of the City of Deerfield Beach Land Development Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The Site Plan Application is hereby denied based upon the failure to meet the requirements of Section _____ of the City of Deerfield Beach Land Development Code.

Section 3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Should any section or provision of this Resolution or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

**CITY OF DEERFIELD BEACH, FLORIDA
CITY COMMISSION
NOTICE OF QUASI-JUDICIAL PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED of a Quasi-Judicial Public Hearing before the City Commission on **Tuesday, January 9, 2024** at 7:00 p.m. in the City Commission Chambers, City Hall, 150 NE 2nd Avenue, Deerfield Beach, Florida, and/or utilizing communications media technology with some elected officials and City staff participating through video conferencing via Zoom (virtual meeting) to consider the following:

P.H. 2024-032: APPLICATION 23-RM25-49

Applicant: **NY DEERFIELD BEACH HOLDINGS, LLC, REPRESENTED BY S.H. BRANDT AND ASSOCIATES**

Proposal: Major site plan application seeking approval to construct a 13-unit apartment building.

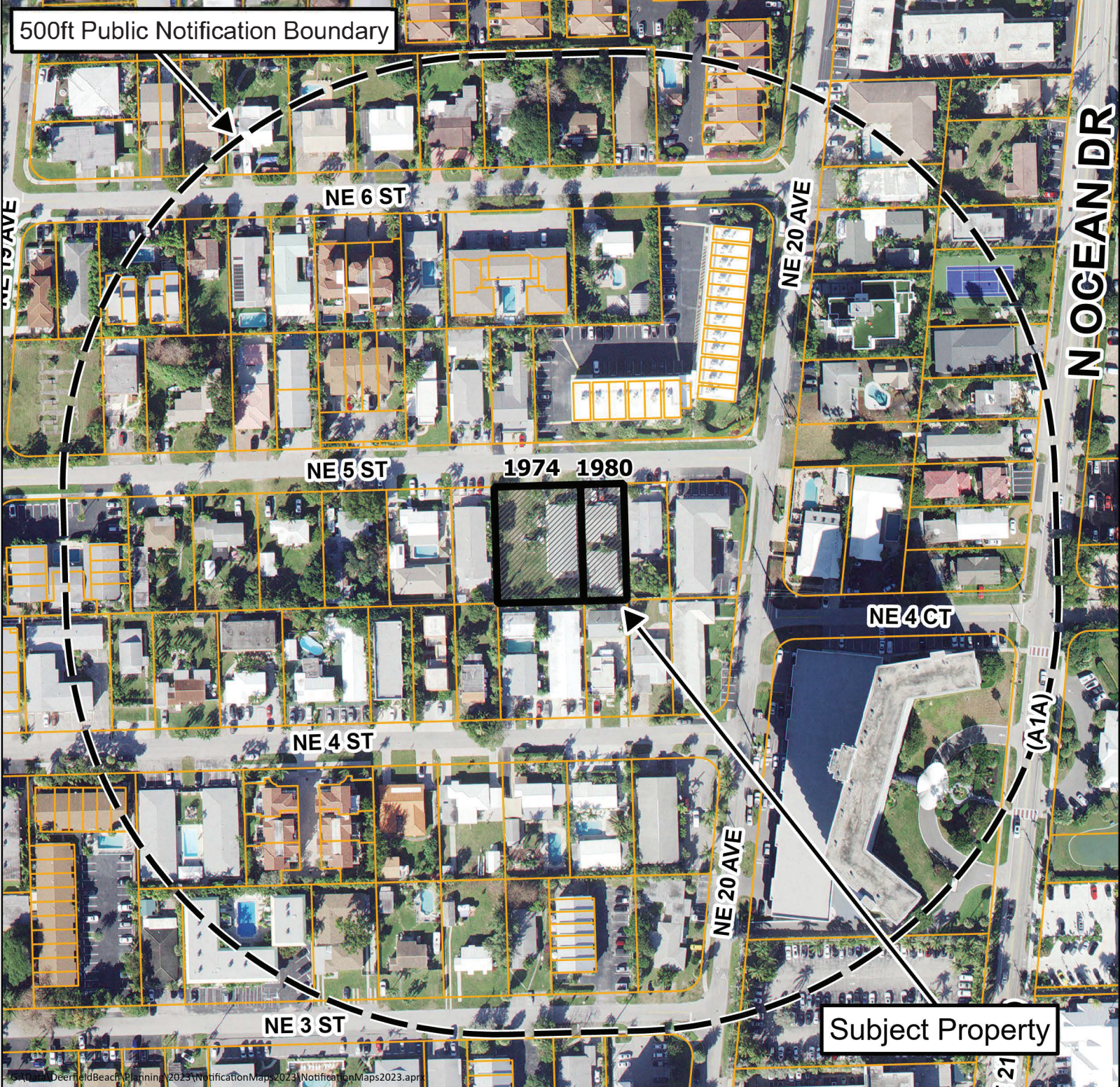
Location: The properties are generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9 and located at **1974 & 1980 NE 5th Street**.

You may either be present in person at the Quasi-Judicial Public Hearing or attend online or by telephone utilizing Zoom, represented by counsel or letter. All interested persons take due notice of the time and place of these Public Hearings and govern yourselves accordingly.

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting would need a record of the proceedings. And for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State law.) Anyone desiring a verbatim transcript shall have the responsibility, at his own expense, to arrange for the transcript.

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 480-4213 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

**CITY OF DEERFIELD BEACH, FLORIDA
BY: HEATHER MONTEMAYOR, CMC, CITY CLERK**



Public Hearing Notice Map

Application 23-RM25-49

1974 & 1980 NE 5 St

For additional information
call the Planning Department at 954-480-4206
or visit www.deerfield-beach/boardagendas





Development Review Committee Summary Report Development Plan Application Review

General Information

Application No.	23-RM25-49
Project Name:	NY Deerfield Apartments
Applicant:	NY Deerfield Beach Holdings LLC
Agent:	S. H. Brandt and Associates, Inc.
Requested Action/Description:	Major site plan site plan application seeking approval to construct a 13-unit apartment building.
Location:	1974 & 1980 NE 5 th Street.
Legal Description:	Generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9
Size:	0.55 acres (gross) / 0.46 acres (net)
Existing Zoning:	RM-25 Residence, Multifamily
Existing Land Use:	Residential High (25 du/ac)
Future Land Use Plan Designation:	Residential High (25 du/ac)
Surrounding Land Use and Zoning:	
<u>Existing Land Use</u>	<u>Zoning</u>
North: Residential High	RM-25 Residential, Multifamily
East: Residential High	RM-25 Residential, Multifamily
South: Residential High	RM-25 Residential, Multifamily
West: Residential High	RM-25 Residential, Multifamily
Applicable Regulations:	Deerfield Beach Land Development Code
Plat Restrictions:	None

Department Comments & Requirements

REQUEST:

The Applicant, NY Deerfield Beach Holdings, LLC, is seeking a major site plan approval to construct a 13-unit apartment building on a 0.46-acre site described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9 and located at **1974 & 1980 NE 5th Street**.

BACKGROUND:

The subject site is currently developed with one (1) single-family home and three (3) apartment units. The applicant proposes to redevelop the property to construct 13 apartment units comprised of three (3) one-bedrooms, six (6) two-bedrooms, three (3) three-bedrooms, and one (1) four bedroom with associated parking and landscaping improvements.

The building is proposed to be 54 feet-9 inches high, and the maximum height allowed in the RM-25 district is 55 feet. The architecture compliments the requirements of the Coastal Community Architectural District with main façade colors of “Spirited Green” and “Eider White” and an accent of “Quench Blue”. Materials include standing seam metal roof, textured and float finished stucco, and balconies with bronze colored aluminum railing to match the window and door frames

A traffic impact analysis was provided with an estimated 59 daily trips which would represent an increase of 30 daily vehicle trips compared to the existing development on the site. Even with this increase in volume, a traffic impact study was not required.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

On October 25, 2023, the item was heard and unanimously approved by the Community Appearance Board.

SUMMARY OF DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The application has been reviewed by the Development Review Committee (Planning & Zoning, Landscape, Environmental Services, Sanitation, Traffic). Staff comments have been addressed and the application is considered to be in compliance with the Land Development Code. Staff DRC comments are attached to this report.

PLANNING CONSIDERATIONS:

1. Compliance with the Comprehensive Plan. Per Section 98-9, no permit or approval for development of land shall be approved which does not comply with the goals, objectives and policies (GOPs) of the Deerfield Beach Comprehensive Plan. The Future Land Use (FLU) Map designation identifies the site as Residential High (25 dwelling units/acre. The Residential High land use category permits multi-family uses at a density of 25 dwelling units per gross acre. The site would allow a maximum of 13.0 dwelling units per gross acre, and the apartment development proposes 13 dwelling units total.
2. Land Development Requirements: Pursuant to the City of Deerfield Beach official zoning map, the property is currently located within the RM-25 Multi-Family Residential zoning district. The proposed development complies with all the zoning

requirements for the RM-25 Residential, Multi-Family zoning district, and the proposed use is a permitted use within that zoning district.

3. Finding of compatibility of a proposed development with adjacent and neighboring (500 feet) uses and zoning; Per Section 98-17(15), there must be a finding of compatibility as defined in the Land Development Regulations, between adjacent and neighboring uses (500-feet) and the proposed development. By definition, compatibility is to be measured based on the following compatibility characteristics of the proposed development in relationship to the immediate surrounding area:

(a) Permitted uses, structures and activities allowed within the zoning category;

All of the proposed uses are permitted within the RM-25 Residential, Multi-Family zoning district and the structure is designed to meet all required setbacks and bulk Residential, Multi-Family requirements in that zoning district.

(b) Building location, dimensions, height and floor area;

Resident parking is provided under the 5-story building fronting NE 5th Street with bicycle storage and open access to the elevator. The maximum height for a structure in the RM-25 zoning district is 55 feet. The residential development proposes a structure at a height of 54' 9", which is the height to the elevation of the flat roof. Certain rooftop improvements are also present such as AC units and pediment (which measure at a height of 64').

The development includes a mix of 1, 2, 3 and 4-bedroom units, all of which exceed the minimum required square footage. The development meets the 0.8 floor area ratio required of RM-25 projects under one acre, east of the Intracoastal Waterway.

The maximum lot coverage within the RM-25 zone is 40%, while development standards require a minimum of 30% in landscaping. The development proposes 35% lot coverage and 69% in landscaping.

(c) Location and extent of parking, access drives and service areas;

The paved parking and access drive are located under the building. The parking provided for the site exceeds what is required by code, by one (1) parking space. The proposed access is a one-way drive aisle with ingress at the eastern portion of the site and egress along the western portion. The trash area is located at the Northern portion of the site along 5th Street, is setback 10 feet from the property line behind the landscape buffer, provides sufficient maneuvering for the garbage truck and is screened by both landscaping and a dumpster enclosure. The proper turning radii for the fire truck were provided on the site.

(d) Traffic generation, hours of operation, noise levels and outdoor lighting;

The amount of traffic generation, noise levels and lighting are anticipated to be comparable to other multifamily developments in the vicinity.

The proposed development plan did not require review by the City's traffic engineering consultant as there was no significant increase in traffic from the existing 29 trips per day to an estimated 59 trips per day. This meets the concurrency requirement for Deerfield beach and was determined to be sufficient.

The site is in a location where noise will be minimal. The proposed outdoor lighting meets code requirements for lighting.

(e) Alteration of light and air;

The five-story building measures approximately 55' in height to the flat roof. The properties to the North, East, West and South are Multi-Family uses, so the proposal will not impact adjacent residents or businesses in that direction. The lighting of the parking lot also meets all land development code requirements.

(f) Setbacks and buffers – Fences, walls, landscaping and open space treatment. To be compatible, design treatments must reflect consideration of adjoining and surrounding development and land use;

The proposed development exceeds setback and landscape requirements and meets all buffer requirements along 5th Street with a 10-foot wide landscape buffer. The landscape and architecture of the building were designed to be compatible with the surrounding buildings and uses.

(g) Conditions, uses or activities which pose a significant risk to the safety or security to those under 18 years of age using schools, churches, parks, playgrounds or other facilities which cater to those under 18 years of age;

As a residential development, the applicant is not proposing any use or activity that would pose a significant risk to the safety or security to those less than 18 years of age in the 500-foot vicinity.

(h) Outside activities associated with the proposed use which could interfere with the peace and/or tranquility of residences or propose a significant risk to the safety or security of children in public or private schools, day care facilities, churches, parks, playgrounds and other places that cater to children under the age of 18 or places which regularly provide facilities for such children to gather; and

The site plan is not proposing any outdoor activity which would pose a significant risk to the safety or security to children that gather in certain public places. The outside activities proposed with the development include required parking and outdoor recreation/amenities for the development.

(i) Conditions, uses or activities which could pose a significant risk to the safety or security of single-family residences within 500 feet of the lot upon which the use will occur.

The proposed 13 apartment units do not pose a significant safety or security risk. It does not appear that single family homes are located within 500 feet of this site and the vast majority of adjacent land uses are similar multifamily residential projects.

SUMMARY & REQUIREMENTS

Staff's review of application 23-RM10-49 has found that the proposed project is consistent with the goals, objectives and policies of the Future Land Use Element of the Deerfield Beach Comprehensive Plan, and the proposed use is permitted per the Land Development Code.

This report contains the requirements of the Deerfield Beach Development Review Committee members relative to this site development plan application. If there are any questions or issues regarding compliance with any of the requirements in this report, the respective department should be contacted directly.

Development Plan Application Comments



DEVELOPMENT REVIEW COMMITTEE

Project Name:	NY Deerfield Apartments	Application No.:	23-RM10-49
Reviewer Name:	Rafaela Thermidor		
Department / Division:	Planning & Zoning		
Position:	Planner		
Date of Review:	10/12/23		
Submittal No.:	3		

A. APPLICATION / GENERAL COMMENTS:

		APPLICATION / GENERAL COMMENTS:
1.		Prior to resubmittal, contact Rafaela Thermidor and Ruthie Jusino at rthermidor@deerfield-beach.com and rjusino@deerfield-beach.com , respectively to schedule a Development Review Committee (DRC) meeting.
1.a		Acknowledged.
2.		Community Appearance Board approval is required prior to approval of site plan. Staff will notify the applicant once application submittal is to be scheduled as item on an agenda. The applicant shall provide both existing and proposed elevations to determine building facades will complement each other. Once staff has advised the item is ready to be scheduled for CAB, submit five (5) sets of revised plans in 11" x 17" with Community Appearance Board application, which include colored building elevations and complete site plan sets.
2.a		Acknowledged.
3.		As with all developments in Deerfield Beach, before a building permit can be issued, this development must receive approval from the Broward County Resilient Environment Department, Urban Planning Division, Development and Environmental Review, 954-357-6666, Option 2, DERPLans@broward.org
3.a		Acknowledged.
4.		Per Section 98-14(f) An application for development plan shall be deemed to have been abandoned becoming null and void after six months of inactivity. If an application has no activity within this time frame, then a new application for development plan along with all applicable fees shall be submitted should the applicant wish to proceed with the project.
4.a		Acknowledged.
5.		Community Meeting - Prior to being scheduled for a public hearing, the Applicant is encouraged to hold its own meeting with the surrounding community to explain the proposed project and seek feedback. At a minimum, the applicant should invite all properties within 500 feet of the subject site. If a meeting is held, please provide Planning and Development Services staff with the meeting details for record on the file.
5.a		Acknowledged.

Development Plan Application Comments

6.	Per Sec. 98-35, all applications proceeding to City Commission shall comply with requirements for public notice, including submittal of all required fees, documents, and labels for notice to property owners, on-site signage, and newspaper publishing. Applicants are only permitted to begin the public notification process upon determination by Planning & Zoning staff that the item has been scheduled for an upcoming public hearing. The Public Notice Checklist is attached and can be accessed at the following link - Public Notice Checklist .
6.a	Acknowledged.
7.	For items being heard by City Commission, a cost recovery fee shall be paid by check to the City of Deerfield Beach for electronic document remediation of the application in order to comply with Title III of the Americans with Disabilities Act. The fee will be payable by the Applicant once the City receives the invoice.
7.a	Acknowledged.
8.	Per Section 98-13(b)(4) As provided in the City's fee schedule (Resolution 2018/194) The initial site plan application fee includes the first review plus two resubmittals. Any resubmittal after the 3rd site plan review requires a fee of 30% of the initial application fee (\$2,130.00 x 30%), or \$639, to be submitted for each submittal thereafter.
8.a	Acknowledged.
9.	Per Section 98-13(8)(j), the attached document titled Conceptual Engineering Plan are advisory comments and shall be addressed upon submittal of the engineering permit. Applicant must not resubmit conceptual engineering plan sets or address these comments during the DRC process.
9.a	Acknowledged.
10.	Due to the nature of the work proposed, per Land Development Code Section 98-12(4)(a), this application is considered a <u>Major Site Plan Application</u> , the remaining balance to City is \$1630.
10.a	Acknowledged. Additional fee was paid to the Planning Department prior to resubmittal.
11.	Provide the Disclosure Affidavit for property owner, applicant, and agent.
11.a	Acknowledged.
12.	As there are proposed alterations to City owned property, off-street improvements are mandatory and may require engineering permits.
12.a	Acknowledged.

B.

NARRATIVE:	
1.	Per the submitted narrative, each residential unit will have an exterior balcony to enjoy the views of the ocean and the intracoastal. Per the plans, the units have two (2) balconies each. Is there a discrepancy on the plans or the narrative?
1.a	Comment Addressed. The narrative has been modified to include two balconies per unit.

Development Plan Application Comments

C. COVERPAGE:	
1.	Per the requirements, a separate Conceptual Engineering package was submitted. Remove the following pages from the site plan set as well as the schedule of drawings on the cover page: • C-1 General Civil Notes and specifications • C-2 Paving, grading, and drainage plan • C-2.1 Paving and grading details • C-3 Water and sanitary sewer plan • C-4 Pavement marking and signage plan • C-5 Pollution prevention and control plan
1.a	Comment Addressed.
2.	Provide the folio number for the 1980 NE 5 th Street property.
2.a	Comment Addressed.

D. SITE PLAN:	
1.	Provide a plan showing all property lines along with the building setback at the ground level and at every level/proposed height of the building.
1.a	Comment addressed.
2.	Provide the setback of the proposed parking spaces to all property lines.
2.a	Comment not addressed – Per section 98-80(e)(2)(b), provide a 5-foot landscape buffer. The proposed buffer along the East and West sides of the property are under 5 feet at 4.6 feet.
2.a.1	Comment addressed
3.	Provide the locations of any proposed fences and walls including location, construction material, dimensions, setbacks and height.
3.a	Comment addressed.
4.	Indicate the location of the existing and proposed light pole locations.
4.a	Comment addressed.
5.	Provide the location of all existing and proposed fire hydrants.
5.a	Acknowledged.
6.	Schedule A from the City Land Development Code, has the Minimum Floor Area for 3 bedrooms as follows: 900 sq. ft. plus 150 sq. ft. for each additional bedroom over two bedrooms. Update the site data table.
6.a	Acknowledged.
7.	There is a display error in the Building Area section of the Site Data, under 3 rd Floor.
7.a	Acknowledged.
8.	Please explain the extra-long, parking spaces to the south side of the property. Consider reconfiguring the landscape island placements to avoid having such long parking stalls on either end of the southern portion of the property.
8.a	Comment not addressed. Provide a 5-foot bump out for the westernmost parking space for cars to turn around/get out of end parking space.
8.a.1	Comment addressed.
9.	Provide the general location of any conceptual monument signs to be proposed.

Development Plan Application Comments

9.a	Comment partially addressed. Applicant is to remove all design features and leave general location, and sizing of any proposed signage.
9.a.1	Comment addressed.
NEW COMMENT 7/31/23	
1.	Per section 78-7 of the City's Land Development Code, Bright or brilliant colors shall be minimized and may be used for accents and must be compatible with the overall color scheme. In addition to the proposed colors of the building (Spirited Green, Eider White, and Quench Blue), the elevations show a green glazing on the windows. Revise the plans too meet the requirement that bright or brilliant colors are to be minimized and used only for accents.
1.a	Comment addressed.

E.

ELEVATIONS:	
1.	Sheet A2.1 show the roof line under the actual roof line ending, and the pediment, the structure ends up being 64 feet.
1.a	Comment addressed.
2.	Provide the general location of any building/wall signs with dashed line showing the size and area of the proposed sign.
2.a	Comment not addressed. On the proposed elevations, remove any indication of design of the sign. Only provide the general location and size with a dashed line.
2.a.1	Comment addressed.
3.	Provide the dimensions for the balconies in all units.
3.a	Comment addressed.
4.	Green shading of windows makes it hard to distinguish them from the surrounding building façade. Consider a different treatment.
4.a	Comment not addressed. Per section 78-7 of the City's Land Development Code, Bright or brilliant colors shall be minimized and may be used for accents and must be compatible with the overall color scheme. In addition to the proposed colors of the building (Spirited Green, Eider White, and Quench Blue), the elevations show a green glazing on the windows. Revise the plans to meet the requirement that bright or brilliant colors are to be minimized and used for accents.
4.a.1	Comment addressed.
NEW COMMENT 7/31/23	
1.	Per section 102-7 of the City's Land Development Code, Cabinet signs shall be unlawful for any person or business, or the person in charge of the business, to (i) erect, attach or place, or (ii) cause to be erected, attached or placed, or (iii) permit or suffer to be erected, attached or placed, or (iv) permit or suffer to continue to be as erected, attached, or placed within the City of Deerfield Beach.
1.a	Comment addressed.

F.

LANDSCAPING PLAN:	
1.	The landscape plans a significant number of existing palm trees to remain although they might seem to encroach with/in a parking space, dumpster enclosure, storage and meter room. Are these to remain or be removed?
1.a	Acknowledged.
2.	Sight triangle is 10'x50' with shorter side interior to the site from the property line along the driveway.
2.a	Acknowledged.

Development Plan Application Comments

G.

PHOTOMETRIC PLAN:

1.	Per City Code Section 98-13 of the Land Development Code, a photometric plan is expected to provide the existing off-site lighting, including right of way lighting.
1.a	Acknowledged.
2.	Per section 98-88(e)(12) of the City Land Development Code, no light poles shall be located within 15 feet of a canopy tree or within seven and one-half feet of a palm species or small tree. All final light pole locations shall be illustrated on the planting plans with required separation and must concur with the photometric plans. Trees are required in landscape islands.
2.a	Acknowledged.

Development Plan Application Comments



DEVELOPMENT REVIEW COMMITTEE

Project Name:	NY DEERFIELD APTS	Application No.:	23-RM25-49
Reviewer Name:	CAPT MIKE HEFFERON		
Department / Division:	BSO FIRE PREVENTION		
Position:	CAPTAIN		
Date of Review:	10/03/23		
Submittal No.:	3		

A. APPLICATION / GENERAL COMMENTS:

1.	A complete set of permitted plans must be submitted for review and approval prior to all construction. All permitted plans must document on plans that a certificate of occupancy shall not be issued until the AHJ determines that the building is in compliance with section 118 (TWO WAY RADIO ENHANCEMENT SYSTEM) with Broward County Local Amendments to the Florida Fire Prevention Code 7TH Ed., NFPA 1-Fire Code, Florida Edition 2018, NFPA 101-Life Safety Code, Florida Edition 2018.
1.A.	<u>NOT ADDRESSED DOCUMENT ON PLANS</u>
2.	NOT ADDRESSED DOCUMENT ON PLAN

B. SITE PLAN:

1.	KNOX BOX REQUIRED FOR FRONT ENTRANCE AND ANY ELECTRIC GATES
1A	NOT ADDRESSED KNOX BOX REQUIRED TO GAIN ACCESS TO ALL AREAS THAT ARE LOCKED.
1B	NOT ADDRESSED DOCUMENT ON PLAN
2.	SHOW LOCATION FOR FIRE BACKFLOW AND FDC WITH LOCATION FOR THE POINT OF SERVICE (FDC SHALL BE NO FURTHER THAN 100FT FROM FIRE HYDRANT) FIRESPRINKLER AND STANDPIPE REQUIRED
2A	NOT ADDRESSED SHOW ON PLAN THE POINT OF SERVICE
2B	FDC AND BACKFLOW LOCATION IS NOT ACCESSIBLE TO OUTGOING TRAFFIC. LOCATION SHALL BE ON N.E. 5 TH ST.
3.	PROVIDE LOCATION FOR 2 HYDRANTS (SHALL BE NO FURTHER THAN 350 FT AS THE FIRE APPARATUS DRIVES) HYDRANT MAINS SHALL BE A MINIMUM 8 INCH DIAMETER CONNECTION WITH THE MAIN
	ADDRESSED

Development Plan Application Comments

Development Plan Application Comments



DEVELOPMENT REVIEW COMMITTEE

Project Name:	NY Deerfield Apartments	Application No.:	23-RM10-49
Reviewer Name:	Harold Hoyte	Project Address:	1974-1980 NE 5th St.
Department / Division:	Landscape		
Position:	Landscape Architect		
Date of Review:	10/19/23		
Submittal No.:	3		

A. LANDSCAPING PLAN:	
1.	The dumpster enclosure is in the perimeter ROW buffer, label it and move it outside of this buffer.
1.a	Comment not addressed.
1.b	Comment addressed 10/20/23.
2.	On a tree inventory list specify palm diameter at breast height (DBH) by graywood (clearwood) not clear trunk. Note, palms meeting Section 98-80 (k)(11) will be counted toward landscape requirements.
2.a	Comment addressed 8/10/23.
3.	Submit planting plan following requirements outlined in 98-13 (8)(f).
3.a	Comment addressed 8/10/23.
4.	Add foundation trees at 18 feet tall or palms 18 feet graywood. Shown and label foundation shrub bed not identified on landscape plan, per Section 98-80 (e)(14). Note, 10 shrubs and 30 groundcovers are required for every 40 linear feet.
4.a	Comment addressed 8/10/23.
5.	Per Section 98-80 (i), add correct dimensions for sight triangles on the property, 10ft. x 50ft.
5.a	Comment addressed 8/10/23.
6.	Per Section 98-80(e) (2) add 1 ROW perimeter tree. 4 required only 3 are provided.
6.a	Comment addressed 8/10/23.
7.	Per Section 98-80(e) (8) add 2 terminal islands. 6 required only 4 are provided.
7.a	Comment addressed 8/10/23.
8.	Show proposed and existing utilities on L-1, adjust proposed landscape as necessary.
8.a	Comment addressed 8/10/23.
9.	Show real location and canopy of trees on adjacent property, within 10' of the property line. Adjust the location and species of proposed landscape accordingly.
9.a	Comment addressed 8/10/23.

Development Plan Application Comments

10.	Correct "ZAM" quantity on plant list.
10.a	Comment addressed 8/10/23.
11.	"MF" is not on the plant list, add to plant list.
11.a	Comment addressed 8/10/23.
12.	"LIRV" appears twice on the plant list, consolidate quantities.
12.a	Comment addressed 8/10/23.
13.	Check quantities on plant list to ensure consistency with planting plan.
13.a	Comment addressed 8/10/23.
14.	Indicate size and quantity of existing Clusia hedge.
14.a	Comment addressed 8/10/23.

B.

IRRIGATION PLAN:	
1.	Add bubblers to proposed trees and palms on a separate zone.
1.a	Comment addressed 8/10/23.

Conceptual Engineering Plan Comments



DEVELOPMENT REVIEW COMMITTEE

Project Name:	NY Deerfield Apartments Major Site Plan	Application No.:	23-RM10-49
Reviewer Name:	Priscilla Cygielnik		
Department / Division:	Environmental Services		
Position:	Plans Reviewer		
Date of Review:	10/9/23		
Submittal No.:	3		

A. CONCEPTUAL ENGINEERING PLAN:

1.	Provide Sewer Clean-out at property line.
1a.	COMMENT ADDRESSED
2.	Show Location of Water Meter and Back-flow preventer at property line.
2a.	COMMENT ADDRESSED

B. ADVISORY COMMENTS:

1.	Provide copies of all permits from agencies having jurisdiction at the time of Engineering Permit Application, including, but not limited to Broward County EPGMD.
2	Please, be aware of the following newly adopted Broward County Ordinance could impact the minimum proposed Finished Floor Elevation of proposed building structures. <i>The Broward County Future Conditions 100-Year Flood Map (2060) was implemented beginning July 1, 2021 as a flood protection requirement for building Finished Floor Elevations. Please see attached Ordinance 2021-33 which outlines the updates made to Broward County Code of Ordinances Chapter 27. More specifically, these updates pertain to Section 27-200(b)(5). I have also provided a link to the online GIS Map below:</i> <i>https://bcgis.maps.arcgis.com/apps/webappviewer/index.html?id=ec160b81e7f84bdeacda62575e817380</i>

ENVIRONMENTAL SERVICES DEPARTMENT

3.	All work in public right-of-way shall be done in strict compliance with the rules and regulations of the City of Deerfield Beach Code of Ordinances, Manual on Uniform Traffic Control Devices, the Occupational Safety and Health Administration, the Americans with Disabilities Act, AASTHTO "Green Book", Broward County and FDOT. Civil Engineering Plans must include, as applicable, the following: a. Demolition Plan b. Stormwater Pollution Prevention Plan/ E&SC Plan c. Paving, Grading and Drainage Plans and Details d. Water and Sewer Standard Details e. Pavement Markings and Signing plan in accordance with the MUTCD latest edition
4.	DAMAGE BY CONTRACTOR A. The Contractor shall protect from damage by construction operations, all public streets sidewalks, landscape, irrigation, signage, striping, pavements, including all base courses and surface courses, that abuts the work area. B. Any sidewalk, base course or surface course beyond those limits, damaged as a result of the Contractor's operation, shall be restored in accordance with prevailing applicable professional standards, to the satisfaction of the City of Deerfield Beach, and to the satisfaction of any other governing authority having jurisdiction over the work area. C. Any damage to adjacent lanes of pavement will require the Contractor to resurface the entire lane width for a length, as approved by the City of Deerfield Beach. When the damage amounts to 25 percent or more in any one block (approximately 600 feet), the Contractor shall resurface the entire width of the lanes in which the damage occurred for the entire block. D. The Contractor is hereby notified that wherever the line for repaving for trenches extends one foot into the edge of the existing paving, he shall repave to this edge only. Full lane paving will not be required. Damage to the pavement beyond this line by the Contractor will require that he repave the full width.
5.	Prior to issuance of a Certificate of Occupancy, all applicable Water and Sewer connection fees will be paid as stipulated in the City of Deerfield Beach Code Sections 70-132 and 70-75.



DEVELOPMENT REVIEW COMMITTEE

Project Name:	NY Deerfield Apartments Major Site Plan	Application No:	23-RM10-49
Reviewer Name:	Cesar E. Osegueda		
Department / Division:	Sustainable Management		
Position:	Code Compliance Spec.		
Date of Review:	07/20/2023		
Submittal No:	Submittal 2		

A. RECYCLING & SOLID WASTE DIVISION:

1.	The above Site Plan Application, located at 1974-1980 NE 5th Street Deerfield Beach, FL 33441, has been reviewed by the Sustainable Management Dept. (Recycling and Solid Waste Division) and was found to be Acceptable as it relates to collection services and location of Recycling/Solid Waste Receptacles. Only one dumpster with a capacity of not more than 4 cubic yards (with lids and casters/wheels) must be placed inside the enclosure.
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DEVELOPMENT PLAN APPLICATION

PROVIDE IN FULL THE FOLLOWING INFORMATION (TYPE OR PRINT LEGIBLY)

One application may be submitted for multiple requests. Unless otherwise directed by staff, the following items with associated attachments are required for staff to determine the application is complete for processing by the City.

PROJECT INFORMATION:

TYPE OF REQUEST (check all that apply)

- | | |
|---|---|
| ☒ New Site Plan / Site Plan Modification (See Attachment A) | ☐ Plat or Plat Note Amendment (See Attachment F) |
| ☒ Community Appearance Board (See Attachment B) | ☐ Conditional Use (See Attachment G) |
| ☐ Variance (See Attachment C) | ☐ Vacation & Abandonment (See Attachment H) |
| ☐ Technical Deviation (See Attachment D) | ☐ ROW Variance (See Attachment I) |
| ☐ Rezoning (See Attachment E) | ☐ Sign Variance (See Attachment J) |

Project Name: NY DEERFIELD APARTMENTS

Property Owner: NY DEERFIELD BEACH HOLDINGS LLC

Applicant (if different from Owner): STEPHEN H BRANDT

Agent (if different from Owner/Applicant): S H BRANDT & ASSOCIATES INC

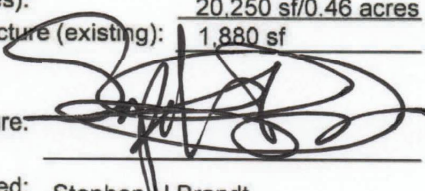
Address of Property: 1974 & 1980 NE 5TH STREET, DEERFIELD BEACH

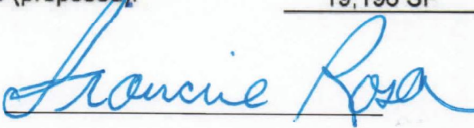
Legal Description of Property (lot, block, tract, subdivision): _____

LOTS 3,4 & 5, BLOCK 9, OCEAN VUE, PLAT BOOK 3, PAGE 34, BROWARD COUNTY, FLORIDA

Description of Project: 13 UNIT APARTMENT BUILDING

New Development (Y/N):	<u>Y</u>	Modification to Existing Development (Y/N):	<u>N</u>
Zoning District:	<u>RM-25</u>	Future Land Use Category:	<u>Residential High (25 du/ac)</u>
Existing Use:	<u>Multifamily</u>	Proposed Use:	<u>Multifamily</u>
Lot Area (acres):	<u>20,250 sf/0.46 acres</u>	Number of Dwelling Units (proposed):	<u>13</u>
Sq. Ft. of Structure (existing):	<u>1,880 sf</u>	Sq. Ft. of Structure (proposed):	<u>19,196 SF</u>

Agent Signature: 

Owner Signature: 

Name Printed: Stephen H Brandt

Name Printed: Francine Cannizzo

Address: 5010 N Federal Highway, Lighthouse Point

Address: 1974 NE 5th Street, Deerfield Beach, FL 33441

Telephone: Florida 33064
954 426 5188

Telephone: 917-586-5744

Email: steve@shbrandt.com

Email: maccannizzo@gmail.com

INTERNAL USE ONLY:

SUBMITTAL DATE: _____

REQUEST SUBMITTED	APPLICATION NO:	FEES Required Provided	REQUEST SUBMITTED	APPLICATION NO:	FEES Required Provided
Site Plan - Residential		\$2000 + \$10/unit + \$100 (Fire)	Site Plan Modification - Major		\$2000 + \$100 (Fire)
Site Plan - Nonresidential		\$2000 + \$20 / 1000 GFA + \$100 (Fire)	Site Plan Modification - Minor		\$500 + \$100 (Fire) \$600.00
Community Appearance Board (CAB)		\$50	Plat or Note Amendment		\$1000 + \$50/acre (Nonres) \$1000 + \$40/acre + \$10/unit (Res) \$550 (Note)
Variance (Site Plan)		\$1000			
Variance (ZASM)		\$300	Conditional Use		\$1000 / \$300
Sign Variance		\$550			
Technical Deviation		\$500	ROW Vacation / Abandonment		\$1,350
Rezoning		\$2000	Easement Vacation / Abandonment		\$1,350

Total Fees Paid: _____

Cost Recovery

Account No.	Project No.	Project Name	Service	Deposit Amount	Date Received	Check No.	Receipt No.
-------------	-------------	--------------	---------	----------------	------------------	-----------	-------------



S H BRANDT & ASSOC
5010 N FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

PROJECT NARRATIVE

July 7, 2023

City of Deerfield Beach
Planning & Development Services
150 NE 2nd Avenue
Deerfield Beach, Florida 33441

Project: NY Deerfield Apartments

Planning and Development Services:

We are happy to present to the City of Deerfield Beach, Planning and Development Department a new 13-unit apartment building project.

The site is located at 1974 & 1980 NE 5th Street in the Cove Overlay District and in the Coastal Community Architectural District. The property is zoned RM-25, and the combined lots are 0.46 acres. The apartment building has been designed to embrace the coastal architectural style as set forth in the Cove Overlay regulations. This project will enhance the coastal architectural feel desired by the city and create a landmark for the neighborhood.

The exterior style and materials have been thoughtfully designed to blend with the surrounding area while creating desirable architectural elements for the coastal vibe. The roofs are metal standing seam with stained wood soffits for a beach bungalow feel. The exterior walls are a combination of textured stucco, stucco siding with white stucco trim boarding the different wall planes. Architectural elements enhance the overall appeal of the building with wall brackets, decorative balcony railings, and divided wall planes. Each residential unit will have a exterior balcony(s) to enjoy the views of the ocean and intracoastal waterway.

Resident parking is provided under the building with bicycle storage and open access to the elevator. The 1-, 2- and 3-bedroom units are mixed on the next 3 floors with open breezeways to keep the coastal environment for residents. A owner's unit is located on the 5th floor with exceptional views of the ocean and neighborhood.

ARCHITECTURE
INTERIOR DESIGN

E-mail: info@SHBrandt.com • Phone [954] 564-2111 • Fax: [954] 564-2511

AR0013352

CG0016476



S H BRANDT & ASSOC
5010 N FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

A blend of elements will enhance the living environment for the residents and neighbors. Lush landscape will contribute to the tropical beach atmosphere and provide screening for the parking at street level.

This new development is situated in a unique area of Deerfield Beach and will be a focal point for years to come.

Thank You.

Stephen H Brandt, NCARB
Architect
General Contractor

ARCHITECTURE
INTERIOR DESIGN

E-mail: info@SHBrandt.com • Phone [954] 564-2111 • Fax: [954] 564-2511

AR0013352

CGC016476



S H BRANDT & ASSOC
5010 N FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

AGENT AUTHORIZATION LETTER

August 12, 2022

City of Deerfield Beach
Planning and Development
Services
150 NE 2nd Avenue
Deerfield Beach, FL 33441

Ref: Agent Authorization Letter

Architects Job # 220573

Planning and Zoning Division:

I, Francine Cannizzo, property owner hereby appoint
Stephen H Brandt from S H Brandt & Associates to act as the Authorized
Agent for this new residential apartment project located at:

1974 NE 5th Street, Deerfield Beach, FL 33441

Signed: Francis Rosa Date: _____

ARCHITECTURE
INTERIOR DESIGN

E-mail: info@SHBrandt.com • Phone (954) 564-2111 • Fax: (954) 564-2511

AR0013352

00006476



DISCLOSURE AFFIDAVIT

The City of Deerfield Beach requires all applicants, and persons and/or entities doing business with the City, to disclose any potential for or conflict of interest as stated below. Per Ordinance No. 2009/006 of the City of Deerfield Beach, the adopted Ethics Code contains the following:

Section 5. Disclosure and Behavior Requirements of Applicants and Persons/Entity seeking a City contract or currently doing business with the City.

Any applicant for a land use change or development permit requiring approval of the City Commission, or any person/entity seeking a City contract through a request for proposal, request for qualification, or sealed bid process (all referred to as applicant):

- A. Shall not induce, attempt to offer, solicit or knowing assist any person in violating the Ethics Code.
- B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

- 1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

None

- 2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

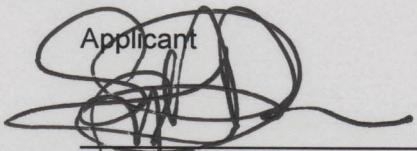
None

- 3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
 5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
 6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.
- C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, STEVE BRANDT, have received a copy of the ordinance and understand the ordinance requirements.

Applicant

Signature

7-7-23
Date

SWORN TO AND SUBSCRIBED Before me by means of ☒ physical presence or ☐ online

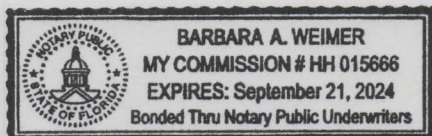
notarization, this 7 day of July, 2023 by

STEPHEN H BRANDT (Affiant), who is personally

known to me or has produced DL identification.

My commission expires: 9-21-2024

Commission No.: HH 015666



Barbara A. Weimer
(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)



DISCLOSURE AFFIDAVIT

The City of Deerfield Beach requires all applicants, and persons and/or entities doing business with the City, to disclose any potential for or conflict of interest as stated below. Per Ordinance No. 2009/006 of the City of Deerfield Beach, the adopted Ethics Code contains the following:

Section 5. Disclosure and Behavior Requirements of Applicants and Persons/Entity seeking a City contract or currently doing business with the City.

Any applicant for a land use change or development permit requiring approval of the City Commission, or any person/entity seeking a City contract through a request for proposal, request for qualification, or sealed bid process (all referred to as applicant):

- A. Shall not induce, attempt to offer, solicit or knowing assist any person in violating the Ethics Code.
- B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

- 1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

None

- 2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

None

- 3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.

C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Francine Cannizzo have received a copy of the ordinance and understand the ordinance requirements.

Applicant

Francine Cannizzo
Signature

4/27/23
Date

SWORN TO AND SUBSCRIBED Before me by means of ☒ physical presence or ☐ online

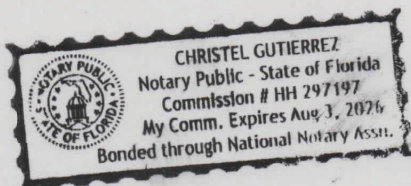
notarization, this 27th day of April, 2023 by

Francine Cannizzo (Affiant), who is personally

known to me or has produced _____ identification.

My commission expires: _____

Commission No.: _____



[Signature]
(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

April 6, 2022

Ms. Kristina Brandt
SH Brandt & Associates
5010 N. Federal Highway
Lighthouse Point, FL 33064

**Re: FRG Dev. Apartments – Deerfield Beach, Florida
Traffic Statement**

Dear Kristina:

FRG Dev. Apartments is a proposed residential development to be located on the south side of NE 5th Street approximately 150 feet west of NE 20th Avenue in Deerfield Beach, Broward County, Florida. More specifically, the subject site is located at 1974 and 1980 NE 5th Street and the Parcel ID numbers are 4843 05 02 1450 and 4843 05 02 1440. The subject site has a total land area of +/- 0.55 acres (24,000 square feet). Currently, the subject site is developed with one (1) single-family home and three (3) apartment units. A project location map is presented in Attachment A to this memorandum.

The proposed development plan consists of 13 residential dwelling units within a five-story building. Access to the site will be provided by one (1) ingress only driveway and one (1) egress only driveway both located on NE 5th Street. A preliminary site plan is presented in Attachment B to this memorandum. The purpose of this technical memorandum is to document the trip generation characteristics of the existing and proposed residential development on the subject site.

Trip Generation Analysis

Consistent with the foregoing description of the existing and proposed development, a trip generation analysis has been conducted utilizing the trip generation rates and equations contained in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual (11th Edition)*. According to the subject ITE manual, the most appropriate land use categories for this analysis are Land Use #210 – Single-Family Detached Housing, Land Use #220 – Multifamily Housing (Low-Rise), and Land Use #221 – Multifamily Housing (Mid-Rise). The trip generation equations used to determine the vehicle trips associated with this analysis are presented below.

Single-Family Detached Housing – ITE Land Use #210

- Daily: $T = 9.43 (X)$
where T = number of trips and X = number of dwelling units
- AM Peak Hour: $T = 0.70 (X)$ (26% in / 74% out)
- PM Peak Hour: $T = 0.94 (X)$ (63% in / 37% out)

Multifamily Housing (Low-Rise) – ITE Land Use #220

- Daily: $T = 6.74 (X)$
where T = number of trips and X = number of dwelling units
- AM Peak Hour: $T = 0.40 (X)$ (24% in / 76% out)
- PM Peak Hour: $T = 0.51 (X)$ (63% in / 37% out)

Multifamily Housing (Mid-Rise) – ITE Land Use #221

- Daily: $T = 4.54 (X)$
where T = number of trips and X = number of dwelling units
- AM Peak Hour: $T = 0.37 (X)$ (23% in / 77% out)
- PM Peak Hour: $T = 0.39 (X)$ (61% in / 39% out)

Table 1 below summarizes the trip generation characteristics associated with the proposed FRG Dev. Apartments project to be located in Deerfield Beach, Florida.

Table 1 Trip Generation Summary FRG Dev. Apartments - Deerfield Beach, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Existing								
Multifamily Housing (Low-Rise)	3 DU	20	0	1	1	1	1	2
Single Family Detached Housing	1 DU	9	0	1	1	1	0	1
Total		29	0	2	2	2	1	3
Proposed								
Multifamily Housing (Mid-Rise)	13 DU	59	1	4	5	3	2	5
Total		59	1	4	5	3	2	5
Difference (Proposed - Existing)		30	1	2	3	1	1	2

Compiled by: KBP Consulting, Inc. (April 2022).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition).

As indicated in Table 1 above, the proposed residential development is estimated to generate 59 daily vehicle trips, five (5) AM peak hour vehicle trips (1 inbound and 4 outbound), and five (5) PM peak hour vehicle trips (3 inbound and 2 outbound). When compared with the existing development on the subject site, this represents an increase of 30 daily vehicle trips, an increase of three (3) AM peak hour vehicle trips, and an increase of two (2) PM peak hour vehicle trips.

KBP CONSULTING, INC.

Conclusions

Based upon the trip generation analysis for the FRG Dev. Apartments project, it is evident that the number of trips to be generated is considered to be minimal or, “de minimis”. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.

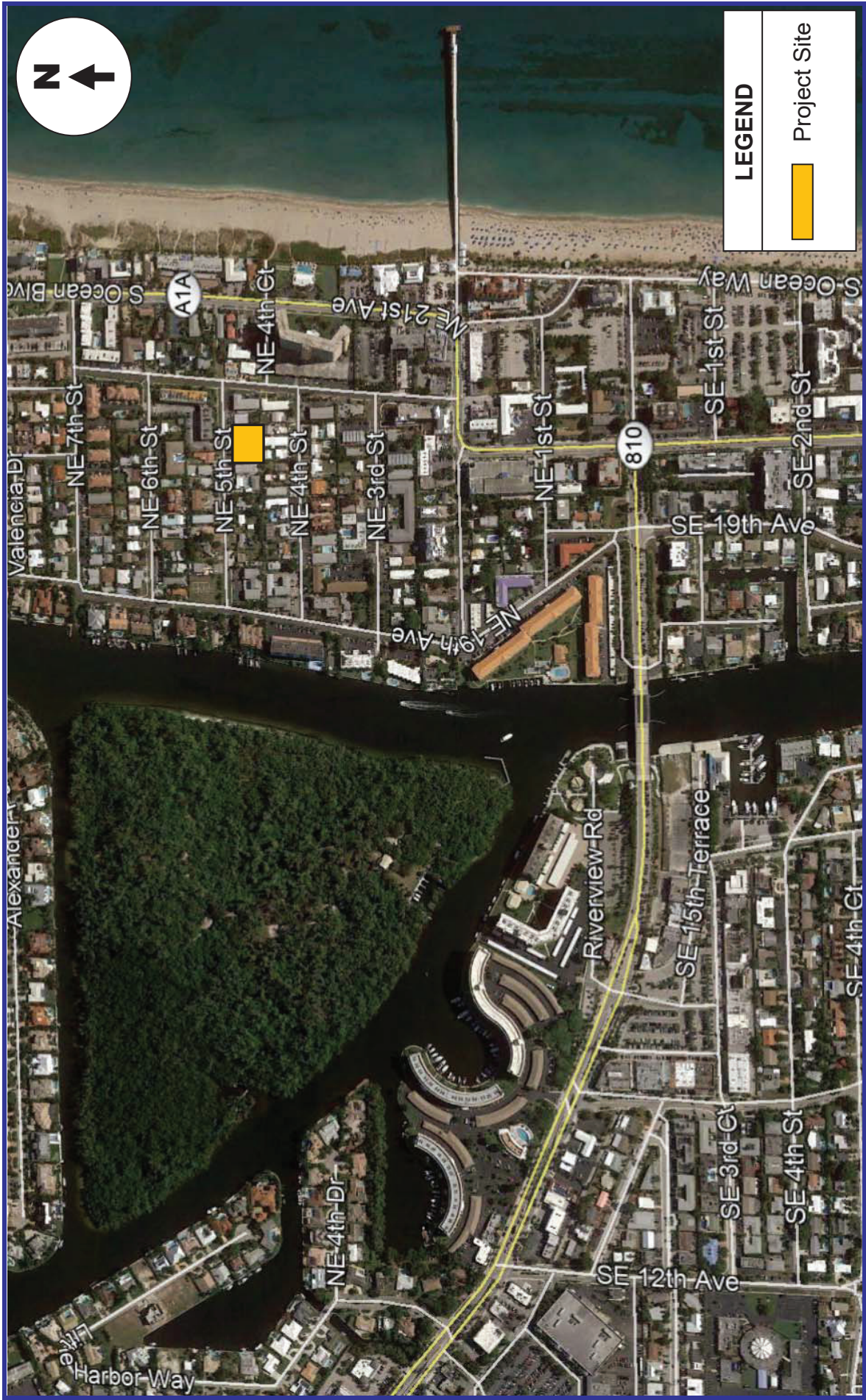
A handwritten signature in blue ink, appearing to read "Karl B. Peterson", with a stylized flourish at the end.

Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 29939

Attachment A

FRG Dev. Apartments – Deerfield Beach, Florida

Project Location Map



Attachment A

FRG Dev. Apartments
Deerfield Beach, Florida

Project Location Map

KBP
CONSULTING, INC.

Attachment B

FRG Dev. Apartments – Deerfield Beach, Florida

Proposed Site Plan

The School Board of Broward County, Florida
FINAL SCHOOL CAPACITY AVAILABILITY DETERMINATION

SITE PLAN

SBBC-3445-2022

County No:

NY Deerfield Holdings LLC

October 31, 2022



Growth Management
Facility Planning and Real Estate Department
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com

FINAL SCHOOL CAPACITY AVAILABILITY DETERMINATION
SITE PLAN

PROJECT INFORMATION		NUMBER & TYPE OF PROPOSED UNITS	OTHER PROPOSED USES	ADDITIONAL STUDENT IMPACT
Date:	October 31, 2022	Single-Family:		Elementary: 0
Name:	NY Deerfield Holdings LLC	Townhouse:		Middle: 0
SBBC Project Number:	SBBC-3445-2022	Garden Apartments:		High: 0
County Project Number:		Mid-Rise: 13		Total: 0
Municipality Project Number:		High-Rise:		
Owner/Developer:	NY Deerfield Holdings LLC	Mobile Home:		
Jurisdiction:	Deerfield Beach	Total: 13		

Comments

According to the information provided, this site plan application proposes 13 (3 one bedroom and 10 two or more bedroom) mid-rise units, which results in no net additional impact to Broward County Public Schools. This application as proposed is not anticipated to generate additional students into Broward County Public Schools. Therefore, pursuant to Section 8.11(a)(1) of the Third Amended and Restated Interlocal Agreement for Public School Facility Planning, this application has been determined to be exempt from public school concurrency requirements. However, please be advised that the regular school impact fee is still due for the units.

Also, if a change is proposed to the project, which causes students to be generated by the project, the students will not be considered exempt or vested from public school concurrency (PSC) when the project is re-reviewed.

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code

☒ Yes ☐ No

10/31/22

Date

Reviewed By:

Signature

Lisa Wight

Name

Planner

Title

NY Deerfield Apartments 13 Unit MultiFamily 1974 & 1980 NE 5th St Deerfield Beach, FL 33441



FRONT CONCEPT



SIDE CONCEPT



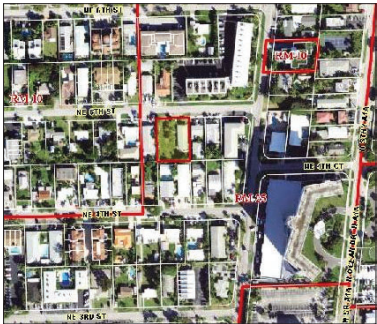
REAR CONCEPT



SIDE CONCEPT

SCHEDULE OF DRAWINGS:

SURVEY	
A0.1	SITE PLAN
A1.1	1ST FLOOR PLAN
A1.2	2ND, 3RD & 4TH FLOOR PLANS
A1.3	5TH FLOOR PLAN
A1.4	ROOF PLAN
A2.1	ELEVATIONS
A2.2	ELEVATIONS
A3.1	BUILDING SECTIONS
A3.2	BUILDING SECTIONS
L0	SITE PHOTOMETRICS
L-1	LANDSCAPE PLAN
L-2	EXISTING TREE DISPOSITION PLAN
L-3	LANDSCAPE DETAILS AND SPECIFICATIONS
IR-1	IRRIGATION PLAN
IR-2	IRRIGATION DETAILS AND SPECIFICATIONS



LOCATION MAP

LEGAL DESCRIPTION:

Lot 3, 4, & 5, Block 9, Ocean Vue
 Plat Book 3, Page 34, Broward County, Florida.
 Folio Number: 484305021440 & 484305021450

CONTACT INFORMATION

APPLICANT/ARCHITECT: STEPHEN H BRANDT
 S H BRANDT & ASSOC
 5910 N FEDERAL HIGHWAY
 LIGHTHOUSE POINT, FL 33064
 954-642-1111
 STEVE@SHBRANDT.COM

OWNER: FRANCHIE CANNEDIO
 1794 NE 5TH STREET
 DEERFIELD BEACH, FL 33441
 954-642-1111
 MACCANNEDIO@GMAIL.COM

REVISIONS	
ORC COMMENTS	
	△
	△
	△
	△

**S H BRANDT
 ASSOCIATES**
 AA 0003241
 5910 N FEDERAL HIGHWAY
 LIGHTHOUSE POINT, FL 33064
 phone: (954) 564-2111
 website: SHBrandt.com
 Email: shb@shbrandt.com

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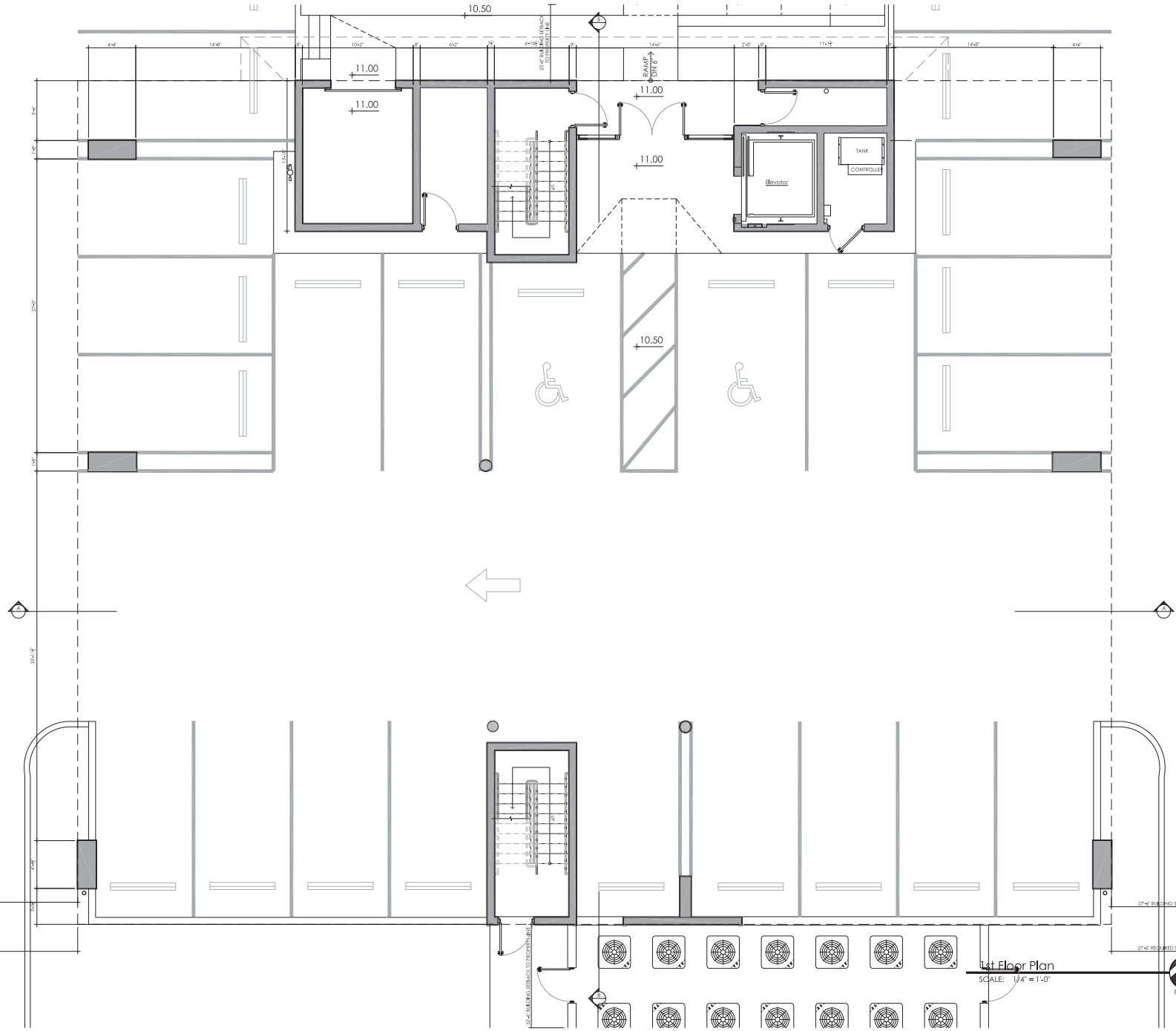
Steve Brandt
 AR0013352

COVER SHEET

NY Deerfield
 Apartments
 1974 & 1980 NE 5th St
 Deerfield Bch, FL 33441

DATE
 07/07/23
 JOB NUMBER
 220573

SHEET
 CS



REVISIONS	
ARC Comments	△
	△
	△
	△

S H BRANDT ASSOCIATES
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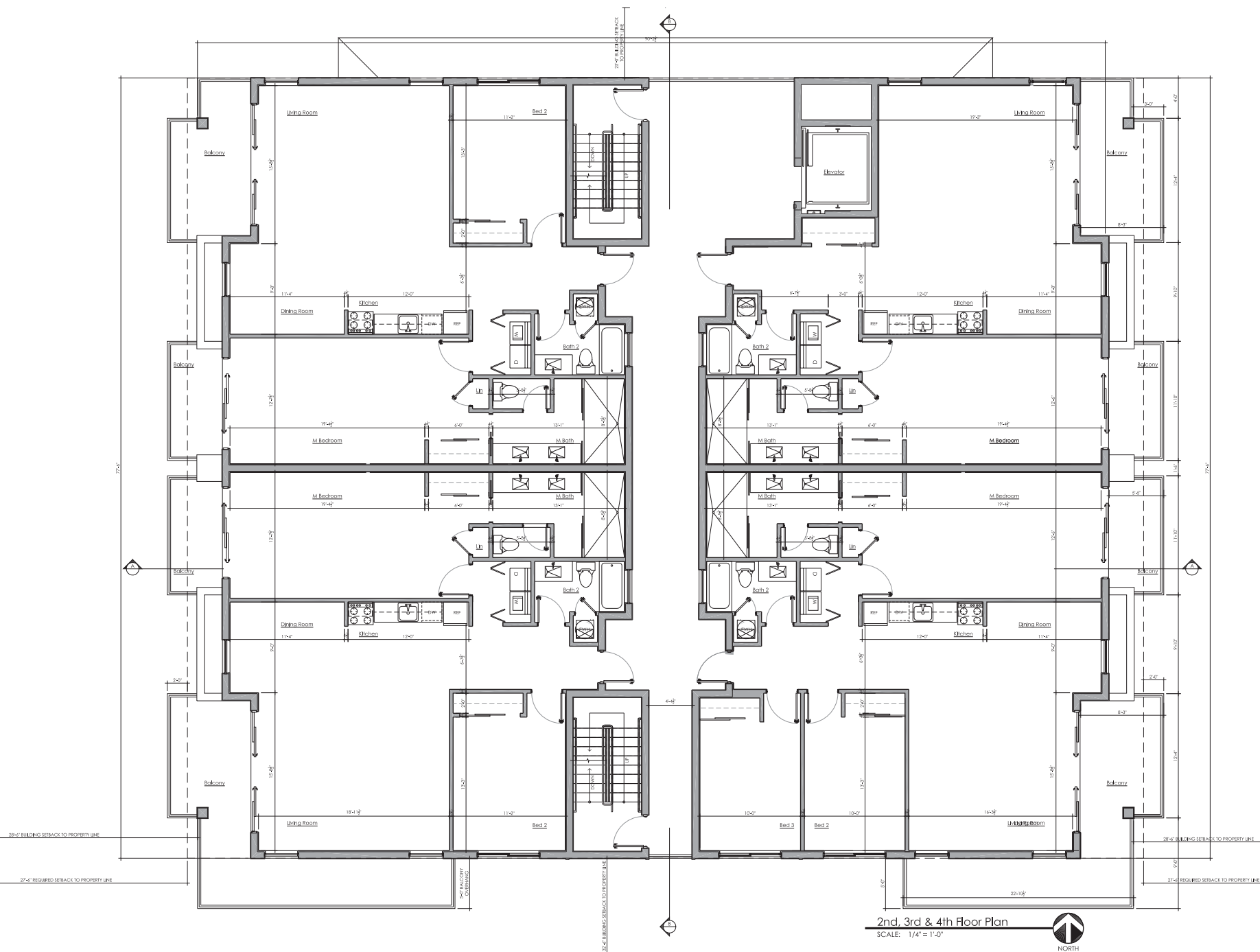
Steve Brandt
AR0013352
1001 N. W. 10th St., Suite 100, Lighthouse Point, FL 33664
Phone: (954) 564-2111
Fax: (954) 564-2112
Email: info@shbrandt.com
LORIAN AR 0013352

1st Floor Plan

NY Deerfield Apartments
1974 & 1980 NE 5th St
Deerfield Bch, FL 33441

DATE
07/07/23
JOB NUMBER
220573

SHEET
A1.1
OF
SHEETS



REVISIONS	
DRC COMMENTS	△ (NONE)
.	△
.	△
.	△
.	△

**S H BRANDT
AND
ASSOCIATES**
AA 0003241

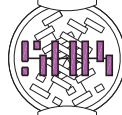
5010 N FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

phone: (954) 564-2111

website: SHBrandt.com
Email: Info@shbrandt.com

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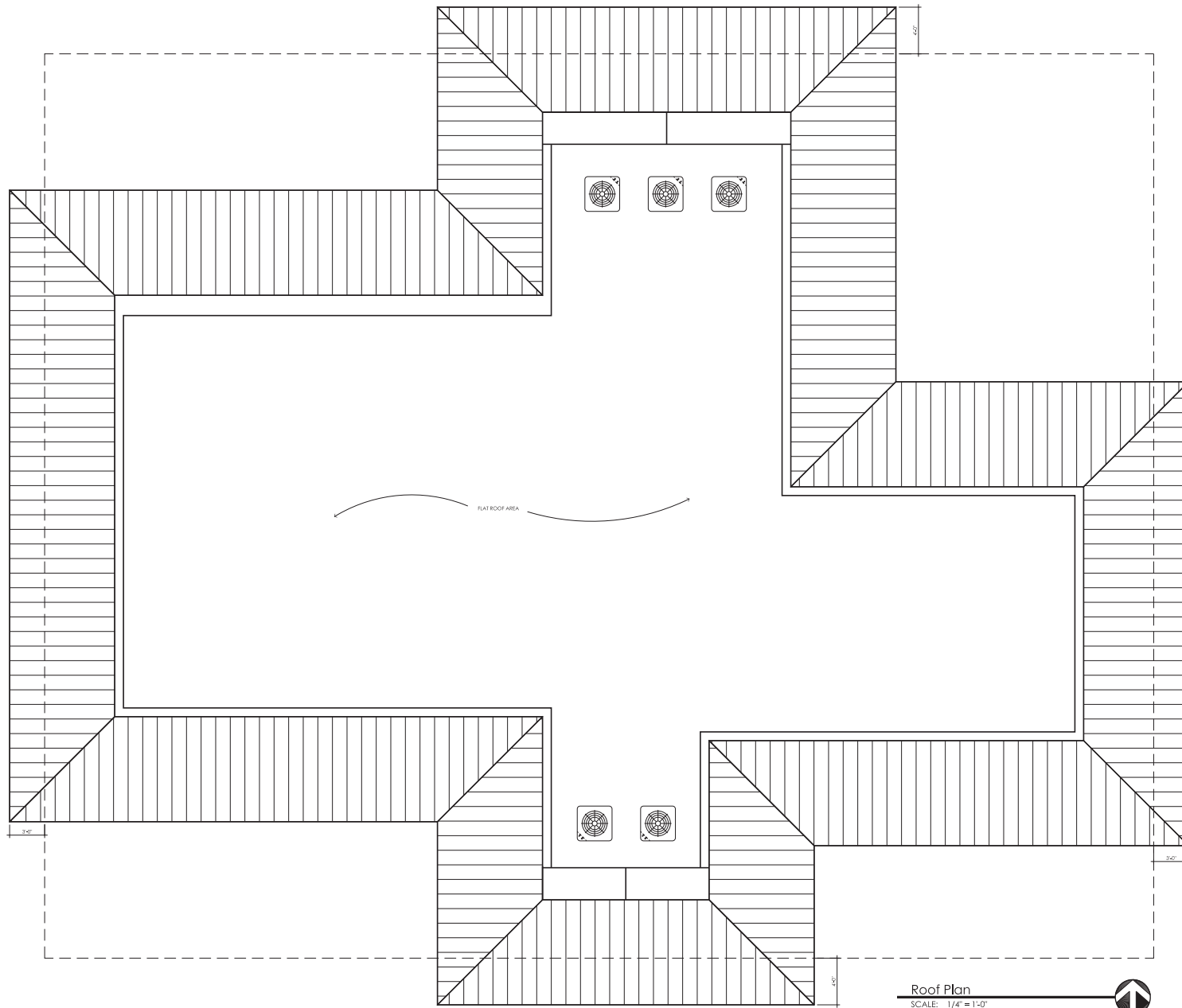
Steve Brandt
AR0013352

Digitally signed by Steve Brandt
DN: cn=Steve Brandt, o=Steve Brandt, email=Steve.Brandt@floridacourts.org, c=US, postalCode=33552, serialNumber=146, 07/07/25
Steve Brandt
FLORIDA AR 0013352
email=Steve.Brandt@floridacourts.org
Date: 2025.07.06 13:14:30 -0400

2nd, 3rd
and 4th
Floor Plan

NY Deerfield
Apartments
1974 & 1980 NE 5th St
Deerfield Bch, FL 33441

DATE
07/07/23
JOB NUMBER
220573



Roof Plan
 SCALE: 1/4" = 1'-0"
 NORTH

REVISIONS	

S H BRANDT ASSOCIATES
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 5915 N FEDERAL HIGHWAY
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Steve Brandt
 AR001
 33527/07/23
 220573 AR 0013352

Roof Plan

NY Deerfield Apartments
 1974 & 1980 NE 5th St
 Deerfield Bch, FL 33441

DATE
 07/07/23
 JOB NUMBER
 220573

SHEET
A1.4
 OF
 SHEETS

Roof Material
Standing Seam Metal Roof
Berridge Mfg Co
ZINC-COTE

Siding Color
Sherwin-Williams
6932 Spirited Green

Body Color 1
Sherwin-Williams
6932 Spirited Green

Body Color 2
Sherwin-Williams
7014 EIDER WHITE

Accent Color
Sherwin-Williams
6785 Quench Blue

Trim Color
Sherwin-Williams
7006 EXTRA WHITE

ELEVATION MATERIALS:

MARK	DESCRIPTION	COLOR
1	TEXTURED STUCCO (SKIP TROWEL)	BODY 1
2	TEXTURED STUCCO (SKIP TROWEL)	BODY 2
3	TEXTURED STUCCO (SKIP TROWEL)	ACCENT
4	STUCCO LAP SIDING FLOAT FINISH	SIDING
5	FLOAT STUCCO BANDING	TRIM
6	WINDOW/DOOR	BRONZE FRAME/CLEAR LOW E
7	OPAQUE DOOR	MATCH WINDOW/DOOR FRAME
8	METAL ROOF	ROOF
9	GARAGE DOOR	MATCH WINDOW/DOOR FRAME
10	ALUMINUM RAILING	BRONZE
11	DECORATIVE	TRIM
12	TRIM	TRIM
13	5' HIGH MASONRY WALL	
14	DUMPSTER ENCLOSURE	



West Elevation
1/8" = 1'-0"



North Elevation
1/8" = 1'-0"

DRC Comments	1/23
DRC Comments	1/23

S H BRANDT & ASSOCIATES
AA0003241
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Steve H Brandt
Architect
3352 N. 107th St.
Arlington, VA 22204
3352 N. 107th St.
Arlington, VA 22204

Elevations

NY Deerfield Holdings LLC
Apartments
1974 & 1980 NE 5th St
Deerfield Beach, FL 33441

DATE: 09/07/23
JOB NUMBER: 220573

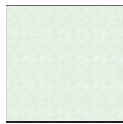
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OF NINE SHEETS



Roof Material
Standing Seam Metal Roof
Berridge Mfg Co
ZINC-COTE



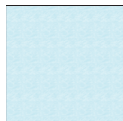
Siding Color
Sherwin-Williams
6735 Minted



Body Color 1
Sherwin-Williams
6735 Minted



Body Color 2
Sherwin-Williams
7014 EIDER WHITE



Accent Color
Sherwin-Williams
6770 Bubble



Trim Color
Sherwin-Williams
7006 EXTRA WHITE

ELEVATION MATERIALS:

MARK	DESCRIPTION	COLOR
1	TEXTURED STUCCO (SKIP TROWEL)	BODY 1
2	TEXTURED STUCCO (SKIP TROWEL)	BODY 2
3	TEXTURED STUCCO (SKIP TROWEL)	ACCENT
4	STUCCO LAP SIDING FLOAT FINISH	SIDING
5	FLOAT STUCCO BANDING	TRIM
6	WINDOW/DOOR	BRONZE FRAME/CLEAR LOW E
7	OPAQUE DOOR	MATCH WINDOW/DOOR FRAME
8	METAL ROOF	ROOF
9	GARAGE DOOR	MATCH WINDOW/DOOR FRAME
10	ALUMINUM RAILING	BRONZE
11	DECORATIVE	TRIM
12	TRIM	TRIM
13	5" HIGH MASONRY WALL	TRIM
14	DUMPSTER ENCLOSURE	



East Elevation
1/8" = 1'-0"



South Elevation
1/8" = 1'-0"

DRC Comments	DATE

S H BRANDT & ASSOCIATES
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8010 N FEDERAL HIGHWAY
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Steve Brandt
AR001
3352
1974 & 1980 NE 5th St
Deerfield Beach, FL 33441

NY Deerfield Holdings LLC Apartments

1974 & 1980 NE 5th St
Deerfield Beach, FL 33441

DATE: 09/07/23
JOB NUMBER: 220573

SHEET
A2.2
OF
NINE
SHEETS

REVISIONS	

**S H BRANDT
ASSOCIATES**
AA 0003241

5915 N FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

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website: SHBrandt.com

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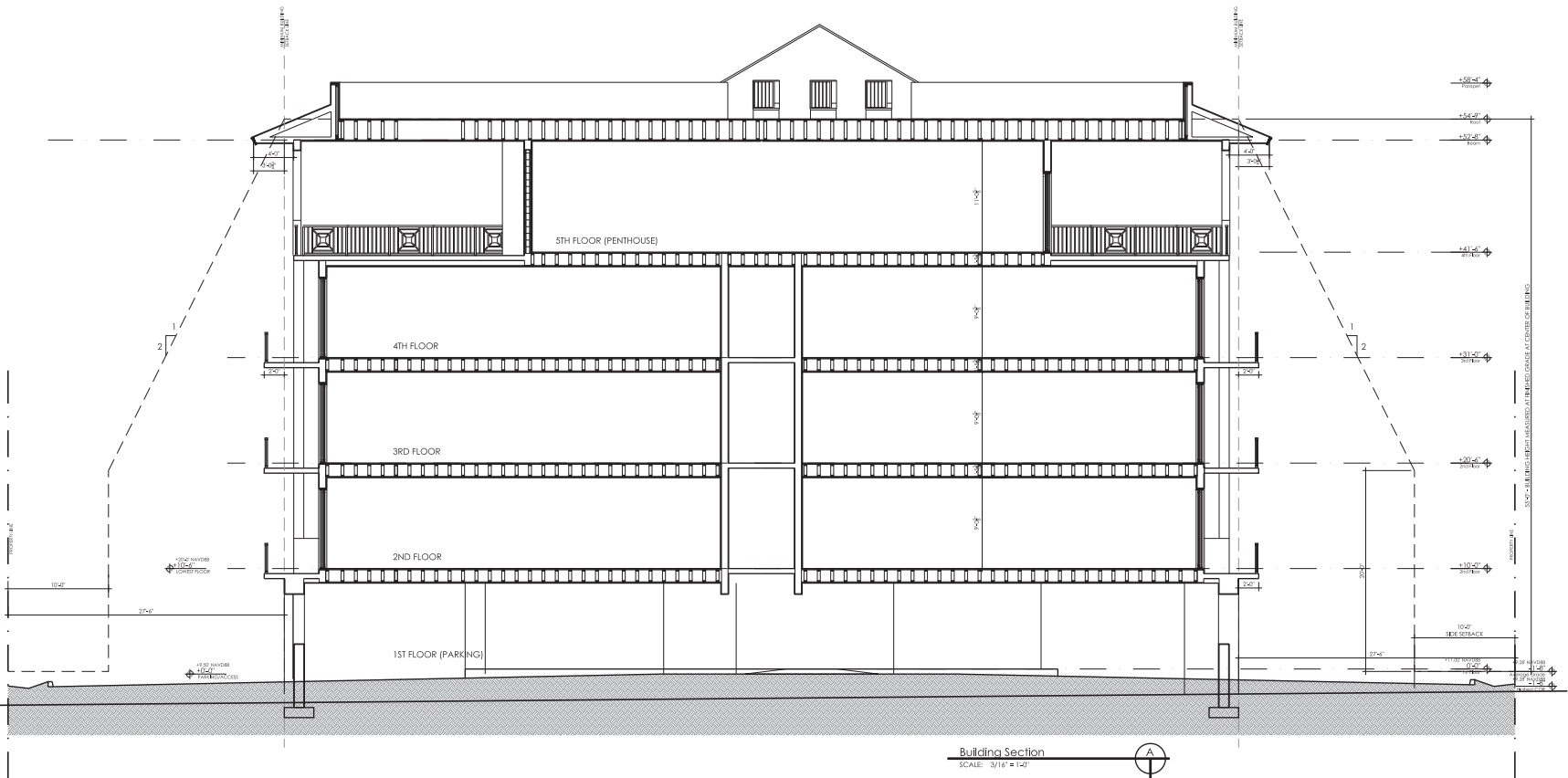
Steve Brandt
AR001
335-0000 AR 0013352

Building
Sections

**NY Deerfield
Apartments**
1974 & 1980 NE 5th St
Deerfield Bch, FL 33441

DATE
02/07/23
JOHN VALLERIE
220573

SHEET
A3.1
OF
SHEETS







Based on the information provided, all dimensions and luminaire locations shown represent recommended positions. The engineer makes no warranty as to the actual performance of the lighting system or the actual results of the lighting study. The lighting system is designed to provide uniform illumination and to meet the minimum requirements of the Illuminating Engineering Society of North America (IESNA) Handbook, 10th Edition, 1998. The lighting system is designed to provide uniform illumination and to meet the minimum requirements of the Illuminating Engineering Society of North America (IESNA) Handbook, 10th Edition, 1998. The lighting system is designed to provide uniform illumination and to meet the minimum requirements of the Illuminating Engineering Society of North America (IESNA) Handbook, 10th Edition, 1998.

NOTES:

3	PHOTOMETRIC STUDY	06/01/23
2	PHOTOMETRIC STUDY	12/28/22
1	PHOTOMETRIC STUDY	07/11/22
No.	New	Date

LIGHTING DYNAMICS, INC.
7835 West Commercial Blvd.
Tamarac, FL 33351
(954) 944-0286
www.lightingdynamics.com

Project Name and Address

NY Deerfield Beach
LIGHTING STUDY - SITE
DEERFIELD BEACH, FL

FILE: P:\PROJECTS\2022\JUNE
CLIENT: S H BRANDT

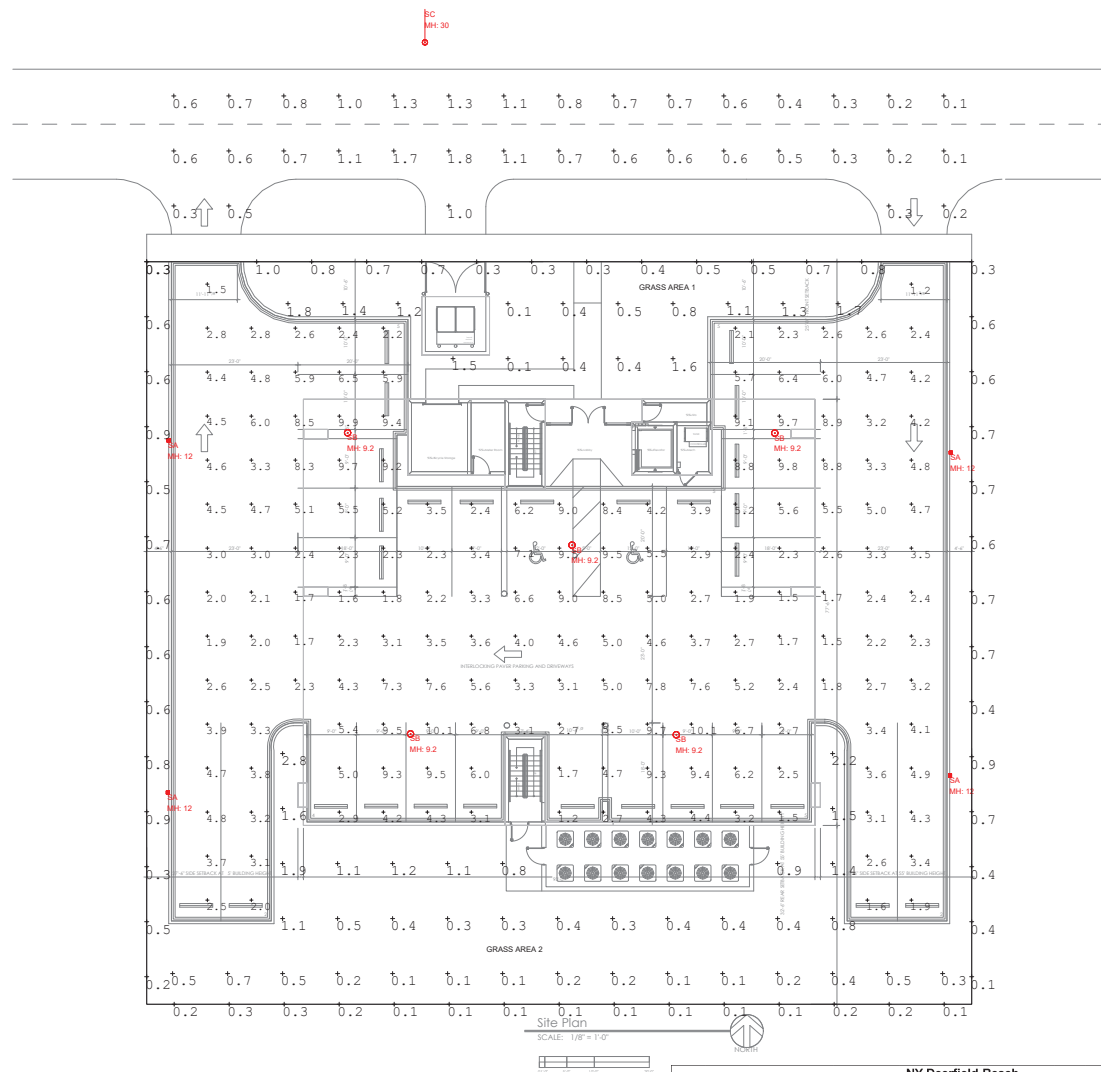
Project: NY Deerfield Beach

Date: 06/01/2023

Scale: 3/32" = 1'

Drawn by: IG

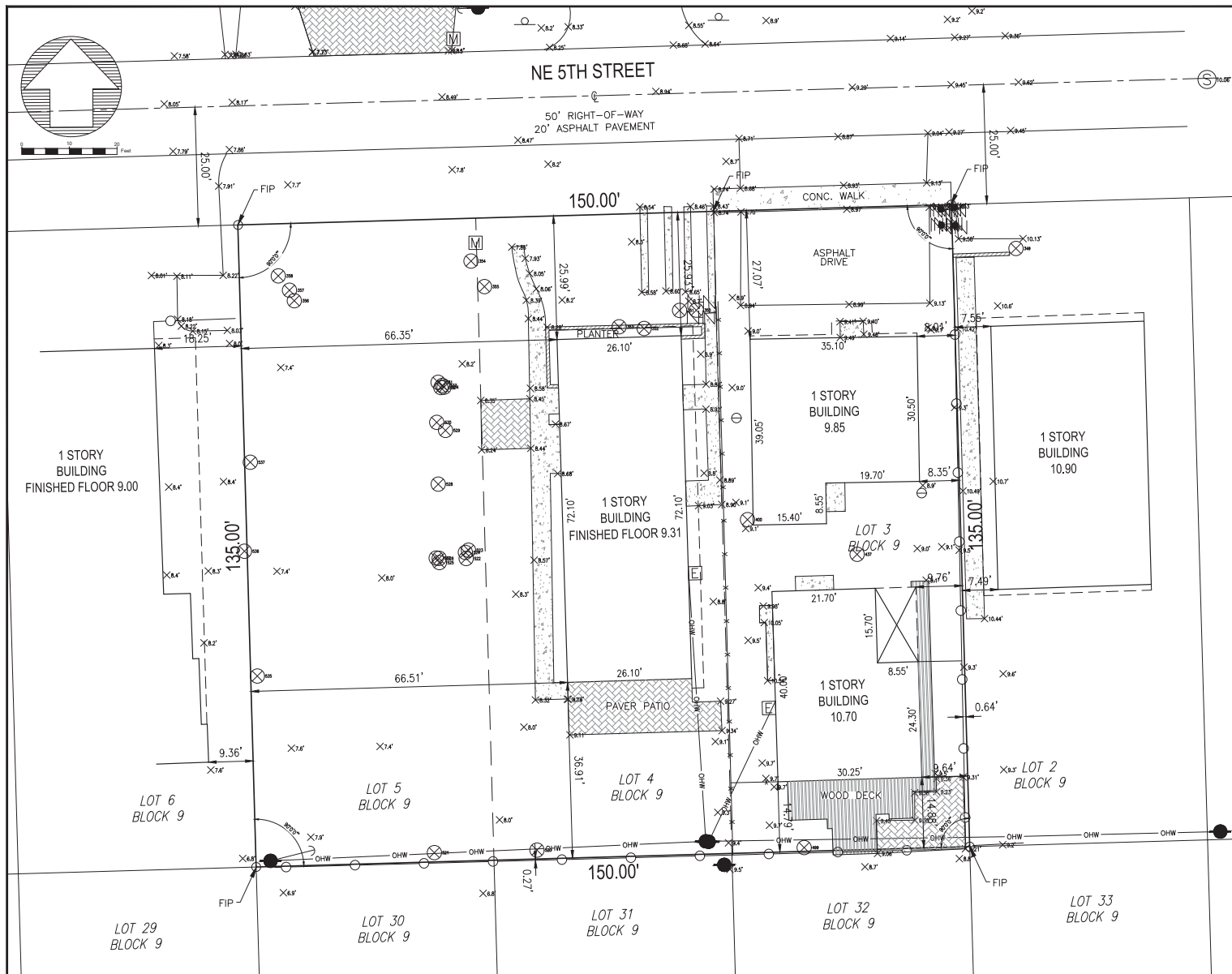
Sheet
LO



Photometrics Calculation Software Generated Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LLF	Arr. Watts
	4	SA	Single	4799	4799	0.90	66
	5	SB	Single	11161	11161	0.90	105.2
	1	SC	Single	5394	5394	0.90	47

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
GRASS AREA 1	Illuminance	Fc	0.95	1.8	0.1	9.50	18.00
GRASS AREA 2	Illuminance	Fc	0.70	2.8	0.1	7.00	28.00
PROPERTY LINE	Illuminance	Fc	0.46	1.0	0.1	4.60	10.00
SITE	Illuminance	Fc	4.49	10.1	1.2	3.74	8.42
STREET	Illuminance	Fc	0.69	1.8	0.1	6.90	18.00

NY Deerfield Beach									
LIGHTING FIXTURE SCHEDULE									
TYPE	SPEC	DESCRIPTION	MFR	CATALOG NUMBER	VOLTS	LAMPS	WATTS	MOUNTING	REMARKS
SITE LIGHTING									
SA		LED AREA LUMINAIRE	MCGRAW-EDISON	GPC-6A1D-430U-T3-QM-HSB	UNV	LED	66	12 POLE	NOTE 1, 2
SB		PARKING GARAGE LUMINAIRE	MCGRAW-EDISON	TT-06-830-U-WG	UNV	LED	105.2	SURFACE	NOTE 1
SC		ROADWAY LED LUMINAIRE	AEL	ATBS-P18-MVOLT-R2	UNV	LED	47	EXISTING POLE	NOTE 3
FIXTURE SCHEDULE NOTES									
NOTE 1: ADVISE ALL FINISHES									
NOTE 2: FIXTURES MOUNTED ON 12 ALUMINUM VALMONT POLE # B10040464-P2-COOPER FINISH									
NOTE 3: FIXTURE MOUNTED ON 30' EXISTING POLE									
FOR QUESTIONS PERTAINING TO THIS FIXTURE SCHEDULE PLEASE CONTACT: LKARA@LIGHTINGDYNAMICS.COM • 786-801-7622									



LEGAL DESCRIPTION

LOT 34 AND 5 BLOCK 9, "OCEAN VIEW", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
SAID LANDS SITUATE IN THE CITY OF DEERFIELD BEACH, BROWARD COUNTY, FLORIDA, AND CONTAIN 20,250 SQUARE FEET, MORE OR LESS.

NOTES

- THIS DRAWING IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED OR REFERENCED IN THE PREPARATION OF THIS SURVEY.
- ALL EASEMENTS SHOWN HEREON ARE PER THE RECORD PLAT(S) UNLESS OTHERWISE INDICATED.
- THERE HAVE BEEN NO UNDERGROUND IMPROVEMENTS LOCATED IN CONNECTION WITH THIS SURVEY, EXCEPT AS SHOWN.
- BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT.
- ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND WERE DETERMINED FROM REDUNDANT GPS OBSERVATIONS TIED TO THE FDOT FFRN.
- FLOOD INFORMATION IS AS FOLLOWS:
COMMUNITY NUMBER 125101
PANEL NUMBER 0179
DATE OF FIRM INDEX 08-18-2014
ZONE N/A
BASE FLOOD ELEVATION N/A

TREE TABLE

POINT #	SPECIES AND DBH
349	JUMBO LIMBO 10"
350	PALM 6"
351	PALM 6"
352	PALM 4"
353	PALM 4"
354	SCHERLERA 14"
355	PALM 18"
356	PALM 6"
357	PALM 6"
358	JUMBO LIMBO 12"
400	PALM 4"
437	PALM CLUSTER 36"
499	UNKNOWN 34"
520	PALM 4"
521	PALM 4"
522	PALM 6"
523	PALM 6"
524	PALM 6"
525	PALM 6"
526	PALM 6"
527	PALM 6"
528	PALM 6"
529	PALM 6"
530	PALM 6"
531	PALM 6"
532	PALM 6"
533	PALM 6"
534	PALM 6"
535	PALM 6"
536	PALM 48"
537	PALM 36"

ABBREVIATIONS

A/C	= AIR CONDITIONER
ALUM.	= ALUMINUM
B.C.R.	= BROWARD COUNTY RECORDS
BRKN.	= BROKEN
CB	= CATCH BASIN
C.B.S.	= CONCRETE BLOCK & STUCCO
CLP	= CHAIN LINK FENCE
CONC.	= CONCRETE
Δ	= DELTA (CENTRAL ANGLE)
D.E.	= DRAINAGE EASEMENT
ELEV.	= ELEVATION
F.F.	= FINISHED FLOOR
FND.	= FOUND
GAR.	= GARAGE
INV.	= INVERT
IP	= IRON PIPE
IRC	= IRON ROD & CAP
L	= ARC LENGTH
L.M.E.	= LAKE MAINTENANCE EASEMENT
MON.	= MONUMENT
ND	= NAIL AND DISC
P.B.	= PLAT BOOK
P.B.C.R.	= PALM BEACH COUNTY RECORDS
PROP.	= PROPOSED
R	= RADIUS
R.O.W.	= RIGHT-OF-WAY
SQ.	= SQUARE
STY.	= STORY
TYP.	= TYPICAL
U.E.	= UTILITY EASEMENT

LEGEND

■	WATER SERVICE
□	ELECTRIC SERVICE
□	TELEPHONE BOX
□	CABLE TV BOX
⊙	DRAINAGE MANHOLE
⊙	SANITARY MANHOLE
⊙	WATER VALVE
⊙	SIGN
⊙	FIRE HYDRANT
⊙	CATCH BASIN
⊙	LIGHT POLE
⊙	WOOD UTILITY POLE
⊙	CONCRETE UTILITY POLE
⊙	CLEAN OUT
⊙	TYPICAL
⊙	CENTERLINE
⊙	EXISTING ELEVATION

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 54-17.001, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

TODD M. PHILLIPS
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. L57077

DATE OF LAST FIELD WORK: JANUARY 1, 2021

Digitally signed
by TODD
PHILLIPS
Date: 2022.12.08
10:41:23 -05'00'

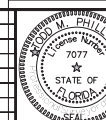
PHILLIPS
SURVEYING & MAPPING
Certificate of Authorization LB8240

233 COOLSBY BLVD
DEERFIELD BEACH, FL 33442

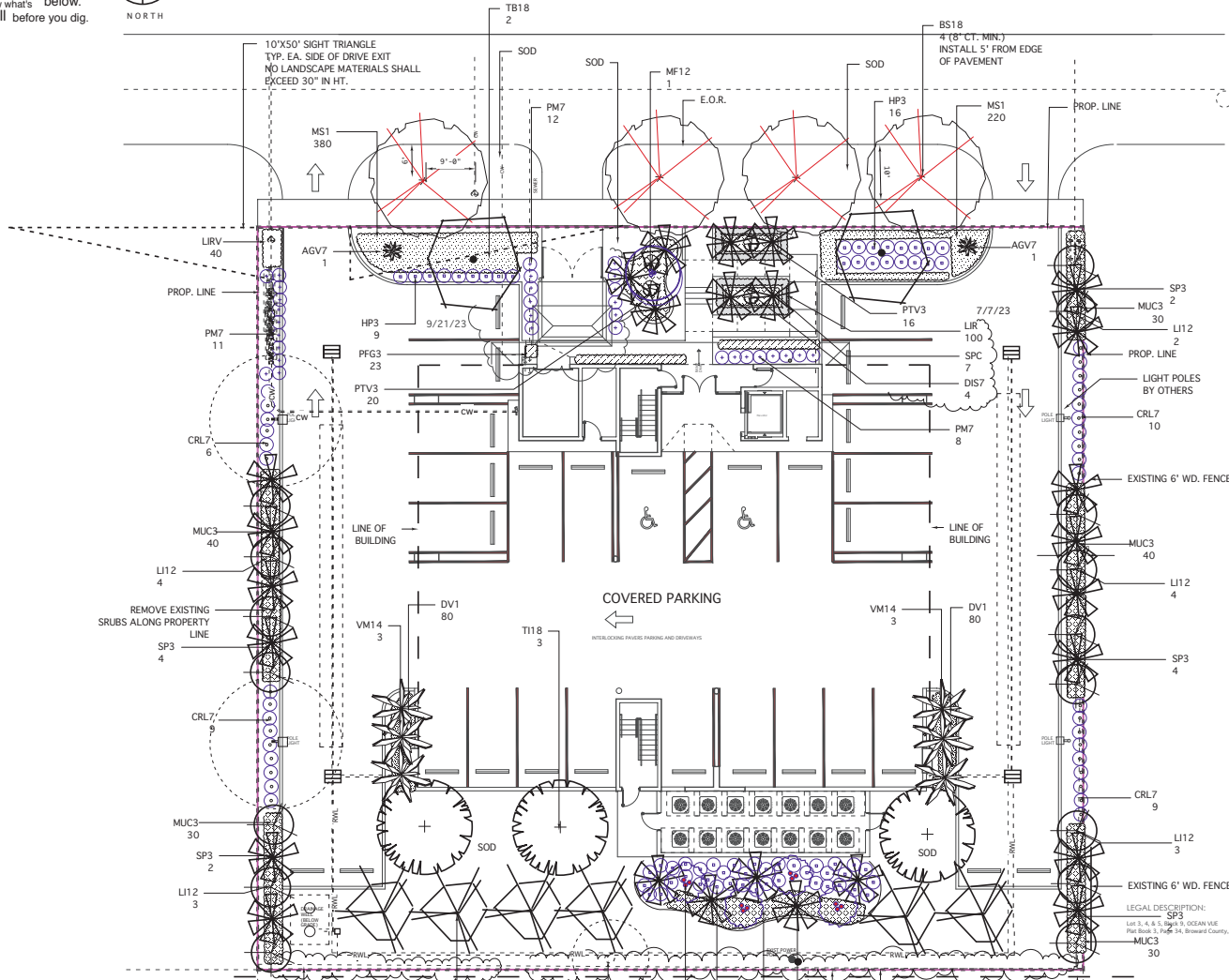
Tel: (561) 757-5111
www.psmsurvey.com

BOUNDARY/TOPOGRAPHIC SURVEY
1974 NE 5 ST & 1980 NE 5 ST
DEERFIELD BEACH, FL 33441

NO.	DATE	BY	CKD	REVISION
1				



JOB NO. 22-333
SCALE 1" = 10'
DRAWN CT
CHECKED TMP
SHEET 1 OF 1



NOTES:
CONTRACTOR SHALL DO TAKE OFF FROM PLANTING PLAN
PLAN SHALL TAKE PRECEDENCE OVER PLANT LIST IF
DISCREPANCIES OCCUR
CONTRACTOR SHALL BE AWARE OF ALL ABOVE
AND BELOW GROUND UTILITIES PRIOR TO STARTING
WORK.
NO TREES SHALL BE LESS THAN 5' FROM ANY CITY
OWNED UTILITY LINE.
REFER TO SHEET L-3 FOR LANDSCAPE DETAILS AND
SPECIFICATIONS
REFER TO SHEET L-2 FOR EXISTING TREE INFO.
ALL PLANT MATERIAL SHALL BE FL. NO 1 QUALITY OR
BETTER.

CLUSIA HEDGE TO REMAIN
REMOVE EXOTICS (BRAZILIAN PEPPER)
AND CLEAN THE AREA OF WEEDS, DEBRIS AND
ANY LARGE ROCKS. BUFFER SHALL BE RE-MULCHED
3" MIN. DEPTH.

EXISTING ADONIDA
PALM TO REMAIN

ZAM
40

CLUSIA HEDGE TO REMAIN 8'-10' HT.
REMOVE EXOTICS (BRAZILIAN PEPPER)

KEY	PLANT NAME	SPECIFICATION	QUANTITY
LIRV	LIROPE MUSCARI VARIEGATED	1 GAL. FULL 6-8 BBS 1" O.C.	40
LIR	LIROPE MUSCARI GREEN GIANT	1 GAL. FULL 6-8 BBS 1" O.C.	40
MS1	ADONIDA STREIGLOSA SUNSHINE AMORA	1 GAL. 6" X 6" - 6" O.C. NATIVE	800
MS2	ORONDIUS VIRGIN PALM	1 GAL. 3" O.A. SPECIMEN QUALITY	4

MASTER PLANT LIST

KEY	PLANT NAME	SPECIFICATION	QUANTITY
BS18	BURSERIA INIMBURA GUMBO LIMBO	16" X 10" SPR. 8" CT MIN. FG. BAR 4" DBH NATIVE HIGH DROUGHT TOLERANCE	4
CES14	CONCARPUS ERECTUS SILVER BUTTERNUT	14" X 4" SPR. 8" CT. DBH. SINGLE TRUNK, SYMMETRICAL MATCHED TREES NATIVE HIGH DROUGHT TOLERANCE	6
LH2	LAGERSTROMIA INDIANA CARPE MYRTLE 'NATEACHE'	12" X 2" SPR. 3" CT. MULTI TRUNK HIGH DROUGHT TOLERANCE	18
MC12	MYRTIA CERIFERA WAX MYRTLE	12" X 4" SPR. MULTI TRUNK NATIVE HIGH DROUGHT TOLERANCE	4
MF12	MYRTICANTHUS FRAGRANS SIMPSON STOPPER	12" X 4" SPR. MULTI TRUNK NATIVE HIGH DROUGHT TOLERANCE	1
SP3	SABAL PALMETTO NATURAL PALM	22-24" O.A. MIN. 12" DBH. STAGGER HTS. NATIVE BLACK TRUNK, NURSERY GROWN HIGH DROUGHT TOLERANCE	14
SPC	SABAL PALMETTO CABBAGE PALM	18"-22" CT. STAGGER HTS. NORTH FL. TRUNK DRUNK NURSERY GROWN STOCK ONLY NATIVE	12
TB18	TAMARINDUS INDIANA TAMARIND	18" X 8" SPR. 3.5" DBH. 6" CT. BAR NATIVE HIGH DROUGHT TOLERANCE	3
VM14	VEITCHIA MONTGOMERYANA MONTGOMERY PALM	12" CT. SINGLE TRUNK MATCH HTS. 3.5" CAL. HIGH DROUGHT TOLERANCE	6

MASTER PLANT LIST

KEY	PLANT NAME	SPECIFICATION	QUANTITY
AGV7	AGAVE ATTENUATA SPINELONG AGAVE	18 GAL. SPECIMEN HIGH DROUGHT TOLERANCE	2
DV1	DIETES BIRDOIDES AFRICAN BBS	12" FULL TO POT 15" O.C.	160
HP3	HEMELIA VIRGINIANA FIRE BUSH	24" X 24" 24" O.C. NATIVE HIGH DROUGHT TOLERANCE	65
CRL7	CLUSIA ROSEA NANA SMALL LEAF FITCH APPLE	24" X 24" 24" O.C. NATIVE HIGH DROUGHT TOLERANCE	34
MUC3	MUEHLENBERGIA CAPILLARIS MUEH GRASS	20" X 15" SPR. 15"-18" O.C. NATIVE HIGH DROUGHT TOLERANCE	170
PM7	PODOCARPUS MACROPHYLLA NEW PODOCARPUS	20" X 24" SPR. 24" O.C. FULL TO PANS	25
PTV3	PTITOPORUM VARGATED PTITOPORUM	20" X 24" 24" O.C. MEDIUM DROUGHT TOLERANCE	36
SOD	ST. AUGUSTINE FLORIANT	CONTRACTOR TO VERIFY QUANTITY FOR PROPOSED	
ZAM	ZAMIA FLORIDANA CROOKED PINS	24" X 24" 24" O.C. NATIVE HIGH DROUGHT TOLERANCE	40

MASTER PLANT LIST

LANDSCAPE REQUIREMENTS
PER SECT. 98-80 CITY OF DEERFIELD BEACH
ZONING: RM-25
LOT AREA: 20,250 SF .46 ac
PERV. AREA: 14,038 SF.

INTERIOR TREES:
(1) PER TERMINAL ISLAND
REQUIRED = 4
PROVIDED = 4

FOUNDATION PLANTINGS ADJ. TO PARKING LOT:
NORTH FOUNDATION 55 LF
(1) TREE OR 3 PALMS PER 40 LF.
TREES REQUIRED = 2
PROVIDED = 6 PALMS
SHRUBS REQ. = 14 PROVIDED = 14
GC REQ. = 42 PROVIDED = 42

BUFFERS:
(1) PER 30 LF EXCLUDING DRIVEWAYS
(NORTH) 114/30 = 4
PROVIDED = 4
SOUTH = 150/30 = 5
PROVIDED = 5
WEST = 135/30 = 5
PROVIDED = 5
EAST = 135/30 = 5
PROVIDED = 5

PERVIOUS AREA = 14,038 SF
(1) PER 1,500 SF. OF PERV. AREA
REQUIRED 14,038/1500 = 10
PROVIDED = 10

TOTAL TREES REQUIRED = 33
TREES PROVIDED ON SITE = 38
PALMS PROVIDED 18 @ 3:1 = 10
TOTAL TREES ON SITE = 48

SHRUBS REQUIRED
TREES TYPES:
10% FLOWERING
REQUIRED = 4
PROVIDED = 4
20% MAX PALMS
REQUIRED = 7
PROVIDED = 3
40% NATIVES
REQUIRED = 14
PROVIDED = 14

50% OF REQUIRED TREES
SHALL RELATE TO BLOC HT.
55' BLDG HT. = 18" TREE HT. PALMS = 22"
REQUIRED = 17
PROVIDED = 17

MITIGATION DATA FROM SHEET L-2
PALMS REQUIRED = 15
PROVIDED = 15
TREES REQUIRED = 3
PROVIDED = 3
(20) SHRUBS PER REQUIRED TREE
660 SHRUBS REQUIRED
PROVIDED = 660



REVISIONS:
SITE REV: 5/15/23
LA REV: 7/7/23
Site dump rev: 9/21/23

SHEET TITLE:
LANDSCAPE
PLAN

PROJECT:
NY DEERFIELD APARTMENTS
1974-1980 NE 5th STREET
DEERFIELD BEACH, FL 33441

TO THE BEST OF MY KNOWLEDGE THE PLAN
AND SPECIFICATIONS SUBMITTED HEREWITH
COMPLY WITH EXISTING INTERPRETATIONS
AND PROVISIONS OF THE APPLICABLE
BUILDING CODES. THIS DRAWING IS THE
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SEAL: Digitally signed by
James S. McClure
Date: 2023.09.22
14:22:52
SCALE: 1"=10'
DATE DRAWN: 4/8/2022
SHEET NO.

L-1
of-3

REVISIONS:
TREE DISP REV: 7/7/23

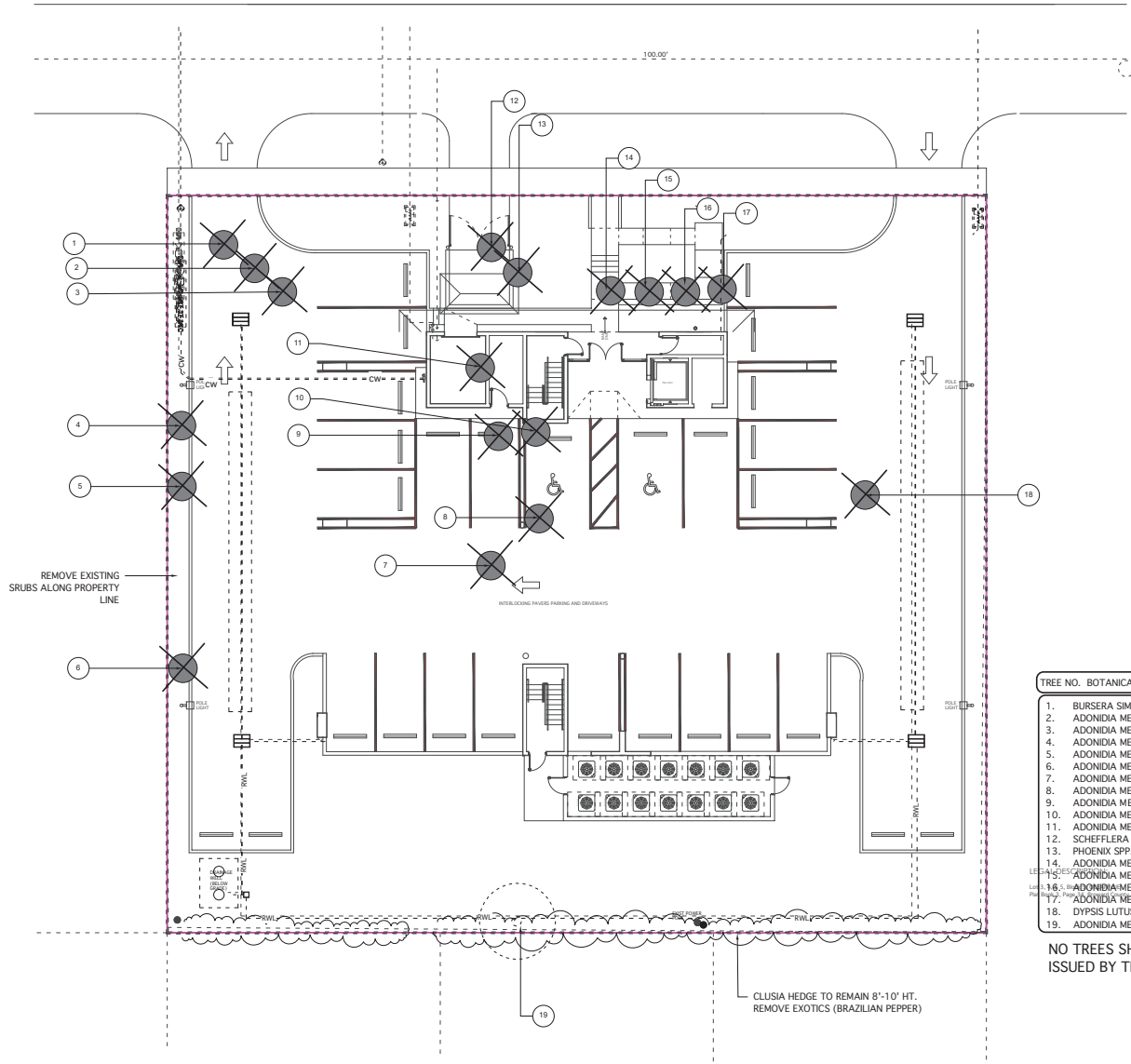
SHEET TITLE:
**EXISTING TREE
DISPOSITION
PLAN**

PROJECT:
NY DEERFIELD APARTMENTS
1974-1980 NE 5th STREET
DEERFIELD BEACH, FL 33441

"TO THE BEST OF MY KNOWLEDGE THE PLANS
AND SPECIFICATIONS SHOWN HEREWITH
COMPLY WITH EXISTING INTERPRETATIONS
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Digitally
signed by
James S. McClure
Date: 2023.07.22
SCALE: 1/4"=10' 14:10:01
DATE DRAWN: 4/18/22
SHEET NO.

L-2
of 3



PLAN KEY

- EXISTING PALM TO REMAIN
- EXISTING TREE TO REMAIN PRUNE CANOPY AS NEEDED PER ANSI-300 STD'S
- EXISTING PALM TO REMAIN

TREE PROTECTION DETAIL
N.T.S.

CONTRACTOR TO INSTALL PROTECTIVE FENCE BARRIER AROUND ALL EXISTING TREES TO REMAIN AT THE START OF THE PROJECT. FENCE TO REMAIN IN PLACE THROUGHOUT THE DURATION OF THE PROJECT.

CONTRACTOR SHALL TAKE EXTRA CARE DURING EARTHWORK AND UTILITY OPERATIONS TO PROTECT ALL EXISTING TREES - AND SHALL BE RESPONSIBLE TO REPLACE ANY TREES DAMAGED DURING CONSTRUCTION.

WOODEN STAKES 12" X 4" X 5' MIN ON 8' CENTERS - TO SUPPORT SPLIT RAIL FENCING.

THREE ROWS OF SPLIT RAIL FENCING (2" X 4") TO BE PLACED AROUND ALL EXISTING TREES TO REMAIN.

FENCE TO EXTEND TO THE EDGE OF THE DRIVELINE OR MORE WHERE POSSIBLE.

CONTRACTOR TO FORM A CONTINUOUS CIRCLE AROUND THE TREE OR GROUP OF TREES.

7/7/23

EXISTING TREE INVENTORY

TREE NO.	BOTANICAL NAME	COMMON NAME	SIZE HT. X SPR. DBH.	CONDITION	DISPOSITION
1.	BURSERIA SIMARUBA	GUMBO LIMBO	20"X20' 10" DBH.	60%	REMOVE/MITIGATE
2.	ADONIDIA MERRILLII	ADONIDIA PALM	16' GW.	65%	REMOVE/MITIGATE
3.	ADONIDIA MERRILLII	ADONIDIA PALM	25' GW.	65%	REMOVE/MITIGATE
4.	ADONIDIA MERRILLII	ADONIDIA PALM	20' GW.	75%	REMOVE/MITIGATE
5.	ADONIDIA MERRILLII	ADONIDIA PALM	14'-20' GW.	75%	REMOVE/MITIGATE
6.	ADONIDIA MERRILLII	ADONIDIA PALM	14' GW.	65%	REMOVE/MITIGATE
7.	ADONIDIA MERRILLII	ADONIDIA PALM	TRP 2'-8' GW.	70%	REMOVE/MITIGATE
8.	ADONIDIA MERRILLII	ADONIDIA PALM	TRP. 6' GW.	70%	REMOVE/MITIGATE
9.	ADONIDIA MERRILLII	ADONIDIA PALM	16' GW	70%	REMOVE/MITIGATE
10.	ADONIDIA MERRILLII	ADONIDIA PALM	DBL. 14' GW.	70%	REMOVE/MITIGATE
11.	ADONIDIA MERRILLII	ADONIDIA PALM	5 STEM 2'-14" GW.	80%	REMOVE/MITIGATE
12.	SCHEFFLERA	UMBRELLA TREE			REMOVE
13.	PHOENIX SPP. PALM	PHOENIX SPP. PALM	1' GW. CURVED	60%	REMOVE
14.	ADONIDIA MERRILLII	ADONIDIA PALM	7' GW.	70%	REMOVE/MITIGATE
15.	ADONIDIA MERRILLII	ADONIDIA PALM	7' GW.	70%	REMOVE/MITIGATE
16.	ADONIDIA MERRILLII	ADONIDIA PALM	7' GW.	70%	REMOVE/MITIGATE
17.	ADONIDIA MERRILLII	ADONIDIA PALM	8' GW.	70%	REMOVE/MITIGATE
18.	DYSPIS LUTUSCENS	ARECA PALM	18' OA. CLUMP	80%	REMOVE/MITIGATE
19.	ADONIDIA MERRILLII	ADONIDIA PALM	16' GW.	70%	REMAIN

NO TREES SHALL BE REMOVED WITHOUT A TREE REMOVAL PERMIT ISSUED BY THE CITY OF DEERFIELD BEACH.

TREE REMOVAL MITIGATION DATA

PALMS REMOVED = 15
PALMS PROVIDED BACK ON SITE = 15

TREES REMOVED = 1
1. GUMBO LIMBO CANOPY ~760 SF
MITIGATION REQUIRED 760 X1.5 / 300 = 3 TREES
SEE SHEET L-1 FOR MITIGATION TREE INFO.



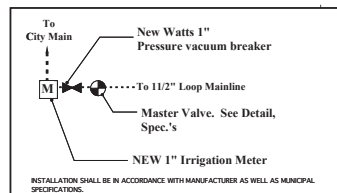
46. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE RUST FREE 100% COVERAGE & 10% OVERLAP. CONTRACTOR SHALL ENSURE THERE IS NO OVERSPRAY ONTO IMPERVIOUS AREAS. ALL IRRIGATION PVC RISERS SHALL BE PAINTED FLAT BLACK

SHEET NO.

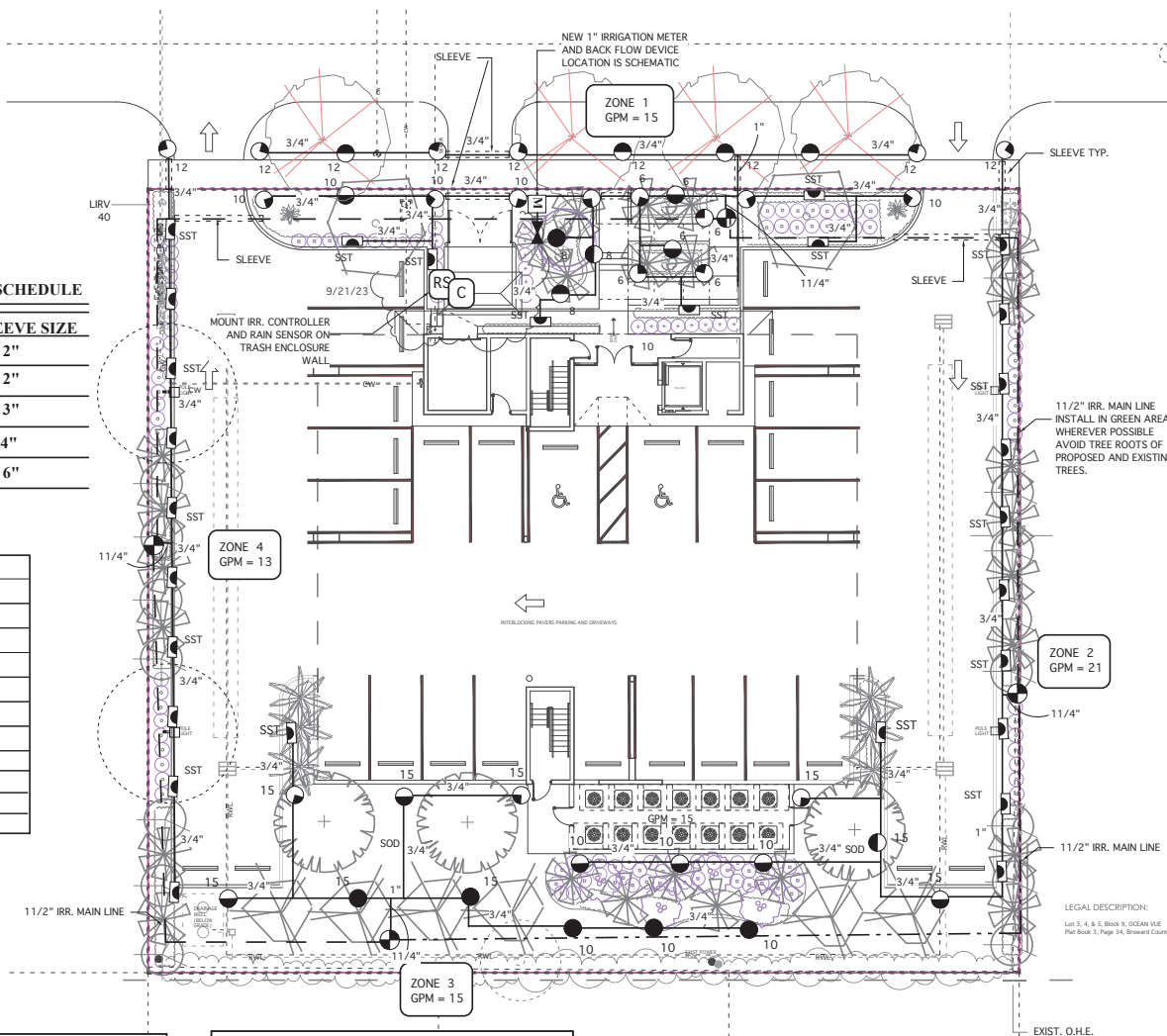
PIPE SLEEVING SCHEDULE

PIPE SIZE	SLEEVE SIZE
1"	2"
1 1/4"	2"
1 1/2"	3"
2"	4"
2 1/2"+	6"

LEGEND	
	VALVE
	SPRAY, 360°
	SPRAY, 180°
	SPRAY, 90°
	SIDE STRIP
	END STRIP
12	12" NOZZLE
10	10" NOZZLE
8	8" NOZZLE
5	5" NOZZLE
B	BUBBLER



IRRIGATION SYSTEM TIME SCHEDULES	
SYSTEM 1 TOTAL ZONES = 4	
RUN TIMES = 20 MIN. PER ZONE ON MON, WED, FRI.	
TOTAL RUN TIME PER DAY = 40 MIN.	
NOTE: NEW LANDSCAPE MATERIALS WILL NEED DAILY WATERING FOR A PERIOD OF 4 WEEKS OR UNTIL ESTABLISHED. ONCE MATERIAL IS ESTABLISHED WATERING SHALL BE REDUCED TO 2-3 DAYS A WEEK DURING STABLE WEATHER CONDITIONS. IRRIGATION ZONE RUN TIMES ARE FLEXIBLE DEPENDING ON THE SEASON OF YEAR AND PRECIPITATION RATES. ZONE TIMES SHALL BE ADJUSTED PERIODICALLY TO COMPENSATE FOR NATURAL EVENTS SUCH AS HEAVY RAIN, HIGH WIND AND DROUGHT. IRRIGATION SHOULD NOT BE RUN DURING PERIODS OF HEAVY RAIN, HIGH WINDS OR IN CASES OF EXTREME DROUGHT. IRRIGATION ZONES SHOULD BE RUN BETWEEN THE HOURS OF 3:00 AM AND 7:00 AM IRRIGATION ZONES SHOULD NOT BE RUN DURING MID DAY OR EVENING HOURS.	



WATERING NOTES:

WATER SCHEDULES FOR NEWLY PLANTED TREES AND SHRUBS IN WELL DRAINED SOIL:

A RAIN SENSOR DEVICE SHALL BE INSTALLED TO AVOID OVER WATERING OR ROOT BALL FLOODING. POORLY DRAINED SOILS SHALL BE MONITORED FOR CHANGES IN MOISTURE BY CONTRACTOR OR MAINTENANCE CREW.

RECOMMENDED GENERAL WATER QUANTITY:
ALL TREES 2"-4" DBH. SHALL BE HAND WATERED DAILY FOR 4 WEEKS PENDING TIME OF YEAR AND RAIN FALL

IRRIGATION SYSTEM SHALL BE PROGRAMED FOR DAILY USE 20 MIN. PER ZONE FOR 2 WEEKS OR UNTIL SHRUBS AND GROUND COVERS ARE ESTABLISHED

ONCE ESTABLISHED SYSTEM SHALL BE RUN M, W, F FOR 20 MIN. WITH START TIME NO LATER THEN 7 AM

CONTRACTOR SHALL REFERENCE IFAS #ENH857 AN ALTER AS NEEDED PER FIELD CONDITIONS.

NOTE: MAIN LINE LOCATIONS ARE TO BE CONSIDERED SCHEMATIC. CONTRACTOR SHALL INSTALL MAIN LINE IN GREEN AREAS WHEREVER POSSIBLE. THERE SHALL BE NO MACHINE TRENCHING WITHIN EXISTING TREE ROOTBALLS. ALL PIPING SHALL AVOID CONFLICTS WITH NEW OR EXISTING TREES.

KEY

C

PROPOSED IRRIGATION CONTROLLER MOUNT TO EXTERIOR WALL A MIN. 36" ABOVE GRADE

RS

PROPOSED RAIN SENSOR MOUNT TO POST OR WALL A MIN. 48" ABOVE ADJ. SPRAY HEIGHT. AND CLEAR FROM ABOVE CANOPY

NOTES: ALL IRRIGATION EQUIPMENT SHOWN OUTSIDE OF PROPERTY LINES IS FOR GRAPHIC CLARITY ONLY. ALL EQUIPMENT SHALL BE INSTALLED WITHIN THE PROPERTY LINE AND WITHIN LANDSCAPED AREAS WHEREVER POSSIBLE. THE IRRIGATION DESIGN IS DRAWN FROM THE INFORMATION SUPPLIED FROM THE SITE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE ALL LANDSCAPED AREAS WILL RECEIVE 100% IRRIGATION COVERAGE WITH 50% OVERLAP.

THE CONTRACTOR SHALL BE RESPONSIBLE TO REPAIR ANY DAMAGE DONE TO THE LANDSCAPING AS A RESULT OF IRRIGATION INSTALLATION TO EQUAL OR BETTER CONDITION.

CONTRACTOR SHALL VERIFY LOCATION OF EXISTING METER AND BACKFLOW PREVENTOR AND UPGRADE TO NEW SYSTEMS REQUIREMENTS AS NECESSARY.

ALL EQUIPMENT SHALL BE INSTALLED PER THE LATEST REVISED SOUTH FLORIDA BUILDING CODE APPENDIX F.

THERE SHALL BE NO MACHINE TRENCHING WITHIN THE DRIFTLINE OF EXISTING TREES. ALL TRENCHES SHALL BE HAND DUG WITHIN THESE AREAS.

CONTRACTOR SHALL REFER TO LANDSCAPE PLAN FOR PROPOSED AND EXISTING MATERIALS. CONTRACTOR SHALL VERIFY THE LOCATIONS OF EXISTING OR PROPOSED UTILITIES PRIOR TO STARTING WORK. CONTRACTOR SHALL ADJUST EQUIPMENT WHERE NECESSARY TO AVOID CONFLICTS.

REVISIONS:

SITE REV: 5/15/23

IRR REV: 7/7/23

Site stamp rev: 9/21/23

SHEET TITLE:

IRRIGATION PLAN

PROJECT:

NY DEERFIELD APARTMENTS
1974-1980 NE 5th STREET
DEERFIELD BEACH, FL 33441

"TO THE BEST OF MY KNOWLEDGE THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH COMPLY WITH EXISTING INTERPRETATIONS AND PROVISIONS OF THE APPLICABLE BUILDING CODES, THEIR REPAIRING IN THE PROPERTY OF M&A GROUP, INC. AND IS AN INSTRUMENT OF SERVICE AND MAY NOT BE REPRODUCED, REPRODUCED OR COVERED BY ANY OTHER MEANS IN PART OR IN WHOLE WITHOUT EXPRESS WRITTEN PERMISSION OF M&A GROUP, INC."

Digitally signed by James S. McClure
Date: 2023.09.22 14:22:27
DA: 1973.09.22 14:22:27
SCALE: 1"=10'
DATE DRAWN: 4/20/23
SHEET NO.

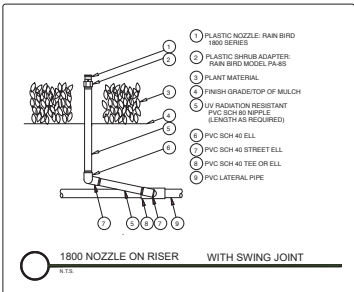
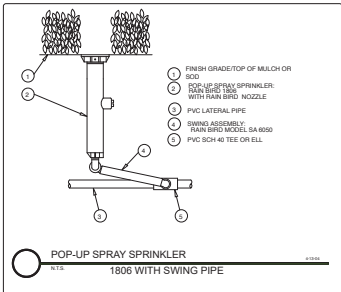
IR-1

of 2

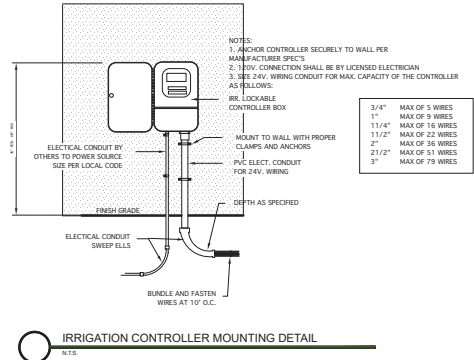
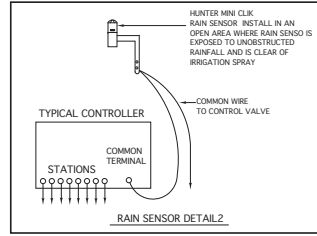
KEY	NO.	CODE	ITEM DESCRIPTION	INSTALLATION SPEC.
	14	S/LV LINE NOTE	SLEEVES IN THIS CONTRACT Sleeves under roadways and driveways shall be SCH-40 Sleeves under sidewalks can be CLASS 160 PVC Install as per details and specifications.	Each sleeve shall be a minimum of two sizes larger than lateral pipe enclosed and each crossing shall include separate electrical conduit sleeve. All sleeves under pavement or roads shall be a minimum of 2" below the top of paving to the top of the sleeve and under walks at 12" below grade. Irrigation contractor shall supply and place sleeves, and be responsible for their location. Sleeving shall be installed at the most logical locations to avoid underground utilities and structures. Sleeving locations shall be coordinated domestic on the project. All sleeves shall be backfill and pave as required. No rock shall be in contact with PVC sleeves. All Asphalt base compaction and paving shall be done by the Paving Contractor on the job.
	00C71	C/SN	PROVIDE NEW IRRIGATION CONTROLLER RAIN BIRD ESP 4 4 zones Electronic/mechanical controller. Add zone modules as needed. Controller shall be installed in locking box on exterior wall as noted on plans. Contractor shall provide electrical service. Electrical hook-up provided by GC's electrician on site. Irrigation Contractor to coordinate with GC / Electrician.	Controller shall mark stations on the controller panel to correspond with the zone numbers on this plan and set operating sequence to correspond with the numbering.
	02	C/CTR NOTE	IRRIGATION CONTRACTOR UTILITIES ABOVE AND BELOW GROUND	Contractor shall be responsible for the location and verification of all overhead and underground utilities. Contractor shall coordinate with all of the appropriate agencies to verify utilities in the field. Contractor shall be responsible for the protection and maintenance and any damage to existing utilities and structures that may occur in the implementation of the scope of work within this project. CONTRACTORS MUST USE THE NEW STANDARD SCHEDULE OF CALLERS DESIGNATED FOR MARKINGS ON THE GROUND 1994 edition.
	00V11	VALVE BOX	VALVE COVER BOX - AMETEK Heavy Duty Box with Locking Covers. JTB-30 Box 10" Dia.	All valve assemblies to be installed below grade shall include AMETEK valve boxes with a 7" layer of drainage gravel as clean dry ballast for a bottom. Install top of box flush with surrounding grade; grass or mulch depending on location. Group valve assemblies as they are accessible with the correct size box. Any substitutions must be approved by landscape architect by providing sample or product information for review and written approval.
X	70A	Head	RAINBIRD 1800 SERIES, XP and VAN SERIES 1800-PRS 6" POP-UP 34 HDS. FULL Low Cotton Nozzles 14 HDS 1/2 HDS HEADS 2.5" 4" 5", 6", 8", 10", 12", 15" Radius	All heads in tall shrub beds shall be mounted on sch. 160 12" risers painted krylon jungle green. Contractor shall adjust head spray to eliminate over spray of water onto structure walls, driveways, and walkways.
			RAINBIRD SPECIAL PATTERN SERIES 15" RADIUS EST. SST	
	90	HEAD NOTE	GENERAL HEAD NOTE ALL HEAD LOCATIONS SHOWN ON PLANS ARE SCHEMATIC	Contractor to maintain 100% coverage with minimum 50% overlap when minor head location changes are necessary due to field conditions. Install adjustable angle nozzles where needed. All heads in open grass areas to be mounted on poly pipe swing joints. Heads in shrub areas shall be installed on SCH 160 risers raised to 6" above plant height, and with PVC SCH 160 swing joint assemblies below grade. Riser taller than 24" above grade shall be staked for support. All risers shall be fitted with shock absorbers and appropriate nozzles. All risers shall be painted with Krylon Jungle Green or equal.
	92	RAIN SENSOR	"MINI CLIK" RAIN SENSOR MODEL 502 TO BE INSTALLED BY IRRIGATION CONTRACTOR IN AN EASILY ACCESSIBLE POSITION A MIN. OF 48" ABOVE ADJACENT SPRAY HEIGHT	"MINI CLIK" Mount the Mini Clk PER MANUFACTURER'S SPECIFICATIONS. Each system shall have it's own individual rain sensor. Contractor is responsible for a fully operational system from timeclock to location of the sensor.
X				

NOTE: IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE TO ADHERE TO ALL MANUFACTURER'S SPECIFICATIONS FOR INSTALLATION OF IRRIGATION EQUIPMENT.

NOTE: ALL DETAILS AND SPECIFICATIONS ON THIS SHEET SHALL BE APPLIED TO ALL PROPOSED AND REPLACEMENT IRRIGATION EQUIPMENT.



KEY	NO.	CODE	ITEM DESCRIPTION	INSTALLATION SPEC.
	00V1	WIRE LOW VOLT	Control wires for 24V Automatic Valves, shall be installed by Irrigation Contractor. Wire shall be sleeved in minimum 1" SCH 40 electrical conduit buried a minimum of 24". Contractor shall use (2) spare control wires and (1) spare common wire to the furthest end of system in each direction. Common wire shall be grey or green, while the spare wires shall each be a different color.	All irrigation control wires shall be UL approved 24V solid copper wire. Wires shall operate 24V automatic sprinkler valves and enter the box from below. Hot and spare wires to be AWG size 14 gauge and common wires to be AWG wire size 12 gauge. Number 14 wire to be color coded separately with dark colors. Multi strand cable shall only be used between the controller and the first splice pit and shall not exceed 50 feet. No splices between valves. All splicing shall be done in valve boxes only. All splices made with JMBEY wire connectors. All valve box locations to be approved by the Landsc. Architect. All valves to be set level with grade.
	00V1A	MASTER VALVE	Irrigated Series 700 or Series 100 Use Angle configuration 3" valves for zones in GPM volumes 175-300 2" valves for zones in GPM volumes 75-175 1.5" valves for zones in GPM volumes 45-70 1" valves for zones in GPM volumes below 10-40	All valves shall be placed upon a 2" layer of gravel. All valves assembled with Sch. 80 PVC nipples shall be used in place of manual valves. Top of main line to be 6" below cap of valve cover box. This valve shall be used for the job standard. Valve controlling each Zone as well as use as the Master Control Valve for applicable plans. All valve box locations to be approved by the Landscape Architect. All valves to be set level with grade.
	11	PIPE GEN NOTE	LATERAL PIPE All New Pipe and Fittings. Size as noted in plans.	3/4" Pipe to be Class 200 . All other lateral pipe to be Class 160 , except where ground is rocky. In rocky ground SCH 40 pipe will be used. Class 200/160 will be protected on all sides with a least 6" of clean, debris-free builders sand. All laterals to be placed 12" minimum below grade. All lateral pipe under pavement to be sleeved. No lateral installed shall be less than 3/4" .
	12	PIPE GEN NOTE	MAIN & LATERALS	Unless specifically detailed ALL FITTING locations shown on plans are schematic. Contractor to adjust trenching in field for existing conditions, plantings and structures. Install pipe close of hedge rows and tree rootballs. Irrigation contractor is responsible to adjust lines at his own expense if not coordinated with the owner. All piping shall be installed in full per Florida Building Code 2001 and back fill all trenches free of debris. Mechanical trenches are acceptable except in drainage swales and utility areas which shall be hand dug and backfilled to original grade. CONTRACTOR ADJUSTMENTS DOES NOT WARRANT ADDITIONAL COSTS BASED ON BASE BID.
			MAIN LINE SHALL NOT BE UNDER PRESSURE WHILE THE SYSTEM IS NOT IN OPERATION.	
			MAIN & LATERALS BACKFILLING	
	10	MAIN LINE NOTE	1-1/2" LOOPED MAIN LINE ALL MAINLINE PIPE SHALL BE SDR-26 CLASS 200 HDPE OR CLASS 200 DIBOND PVC PIPE THIRST LINES SHALL BE SDR-26 CLASS 200 FOR 3/4" AND 1" LINES AND SDR 18 CLASS 160 FOR ALL LINES 1-1/2" AND ABOVE 1-1/2" PIPE SHALL NOT BE USED EXCEPT FOR SHORTER SPANS ALL MAIN LINE PIPE BE 40' OR 4" P.C. ALL PIPING SHALL BE SDR 40 AS NOT TO EXCEED A WEIGHT OF 4 LBS.	MAIN LINES LOCATION IS SHOWN SCHEMATICALLY. Where ever possible, lateral lines are to be buried in common trench with main line. All wires shall be run under main line for protection. All Mains shall be buried at minimum 18" depth. Mains should run deeper at road crossings. All pipe and fitting materials shall be new. All pipe to be cut square and have correct A/B P.C. Maintained and larger to be assembled with use of HARC0 Coupled fittings and poured concrete thrust blocks as per man. specification.
	00M0	WM	NEW 1" WATTS METER NEW 1" WATTS PRESSURE VACUUM BREAKER Meter supplied by County or City. Verify requirements for installation (if needed) Contractor shall install a Backflow Prevention Device and supply appropriate equipment per city requirements. If existing equipment does not meet code requirements.	*See plans for location. Irrigation contractor shall begin at the point of the meter to step up to the size service main called for in plans. If an approved Backflow Prevention Device is not already in place or is not required, the Contractor shall supply and install equipment as required to meet local codes. Install a Back Gate Valve, size to match meter size, as the beginning of the main to supply the sprinkler system.



REVISIONS:

SHEET TITLE:
**IRRIGATION
DETAILS AND
SPECIFICATIONS**

PROJECT:
NY DEERFIELD APARTMENTS
1974-1980 NE 5th STREET
DEERFIELD BEACH, FL 33441

"TO THE BEST OF MY KNOWLEDGE THE PLANS AND SPECIFICATIONS SUBMITTED HERewith COMPATIBLE WITH EXISTING INTERPRETATION AND PROVISIONS OF THE APPLICABLE BUILDING CODES. THIS DRAWING IS THE PROPERTY OF M&A Group, Inc. and IS AN INSTRUMENT OF SERVICE AND MAY NOT BE REPRODUCED, SCANNED OR COPIED BY ANY OTHER MEANS IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION OF SAME."

Digitally signed by james s mcclure
Date: 2023.09.22 14:05:59 -0400
DATE: 4/28/22
SHEET NO.

IR-2

of-2

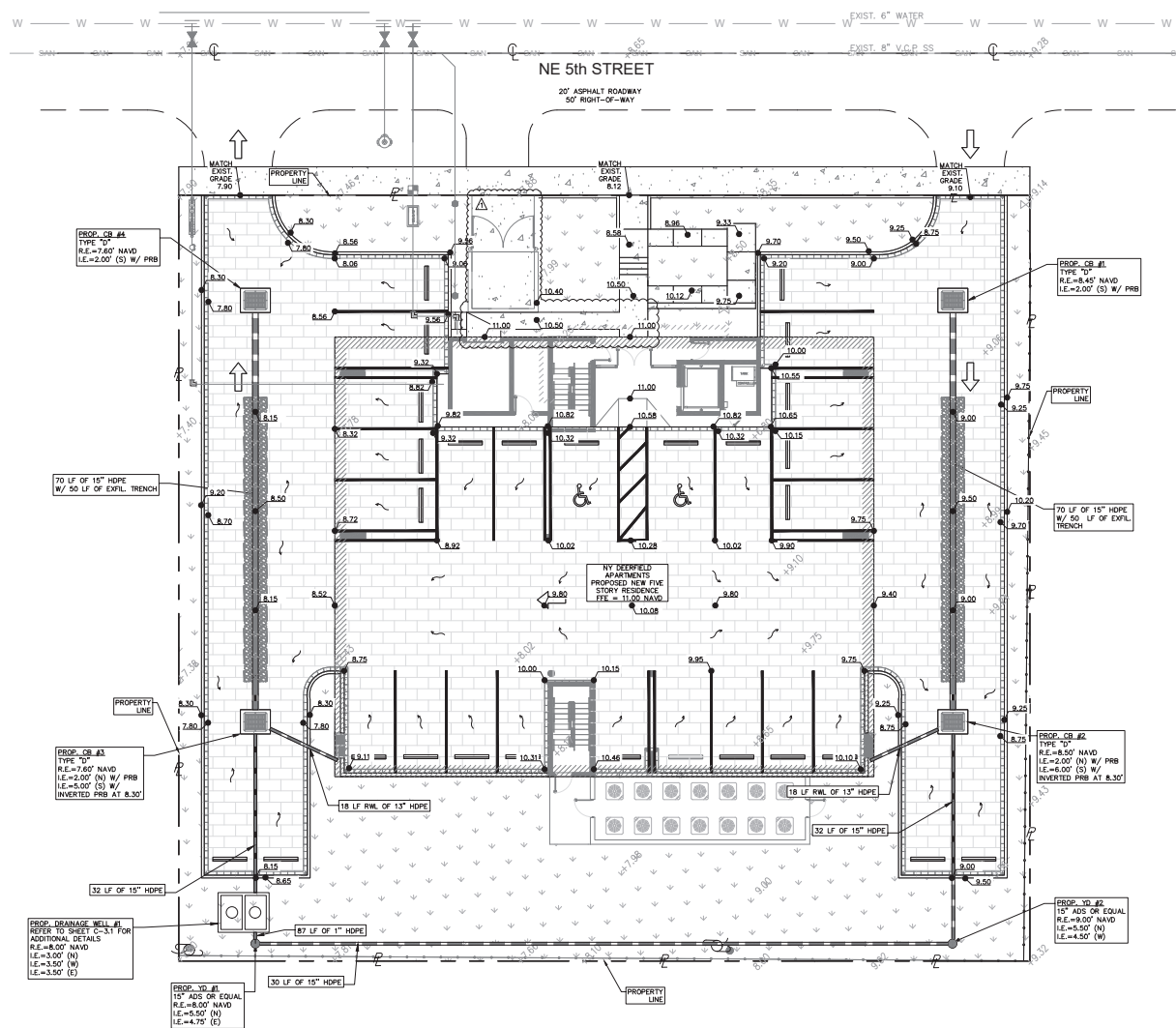


SCALE: 1"=10'



LEGEND	
	PROPERTY LINE
	EXISTING BUILDING
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	PROPOSED BRICK PAVERS
	PROPOSED SOD
	PROPOSED CONCRETE
	PROPOSED CONTOUR LINE
	MATCH EXISTING GRADE (MEG)
	FLOW ARROW
	PROPOSED CATCH BASIN (CB)
	PROPOSED DRAINAGE PIPE
	PROPOSED DRAINAGE PIPE W/ EXFILTRATION TRENCH
	PROPOSED GRAVITY DRAINAGE WELL
	PROPOSED DRAINAGE MANHOLE (MH)
	PROPOSED YARD DRAIN (YD)
	PROPOSED CLEAN OUT (CO)

- NOTES:
- EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE LOCATIONS AND HAVE BEEN PREPARED FROM THE MOST RELIABLE INFORMATION AVAILABLE TO THE ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - CONTRACTOR TO FIELD VERIFY ANY CONFLICTS WITH TREES AND/OR UTILITIES AND DRAINAGE. CONTRACTOR TO NOTIFY ENGINEER OF ANY CONFLICTS BEFORE PROCEEDING WITH ANY SOLUTION TO THE CONFLICT.
 - CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO SAFEGUARD ALL EXISTING STRUCTURES AND UTILITIES. ANY DAMAGE DONE TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT NOT EXPENSE TO THE SUBJECT UTILITY. CALL "SUNSHINE" 48 HOURS BEFORE DIGGING.
 - CONTRACTOR IS TO RESTORE ANY CURB, LANDSCAPE, ASPHALT, ETC. (NOT SCHEDULED FOR SOLUTION) DAMAGED DURING CONSTRUCTION TO A CONDITION EQUAL TO WHAT IS EXISTING.
 - ALL EXISTING AND PROPOSED ELEVATIONS SHOWN ON THE CONSTRUCTION DOCUMENTS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1985 (NAVD).



PK	9/26/23	7/5/2023	DRG COMMENTS
DESIGNED BY	DATE	9/13/2023	DRG COMMENTS
PK	9/26/23		
DRAWN BY	DATE		
MR	9/26/23		
CHECKED BY	DATE		
RR	9/26/23		
APPROVED BY	DATE	No.	REVISIONS

NY DEERFIELD APARTMENTS
1974-1980 NE 5TH STREET
DEERFIELD BEACH, FL 33441



3325 S. UNIVERSITY DRIVE, SUITE 111
DAVIE, FLORIDA 33328
(954)318-0624 (954)358-0190 FAX
CERTIFICATE OF AUTHORIZATION No. 9808



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ROBERT J. ROSS, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Date: 9/26/2023

PAVING GRADING AND DRAINAGE PLAN

SCALE: 1"=10'

SHEET No. C-2



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2322

Agenda Date: 1/9/2024

Status: PUBLIC HEARINGS

In Control: City Commission

Title

P.H. 2024-035: Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the City's purchase of the privately owned beach lot located southeast of the main beach parking lot, and legally described as Deerfield Beach 4-4 B Lots 1 thru 3 BLK 13, for \$913,000.00; providing for the settlement of all claims of the property owner regarding the property for 5 annual payments of \$65,000.00 conditioned upon receipt of a full release; authorizing execution of documents necessary to effectuate the purchase and settlement; providing for implementation and an effective date. (*Funds from Account #399-0200-513-60-11 - Property Acquisition*)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$913,000 purchase price (5 payments of \$65,000 to resolve property use and revenue claims)

Account Name: Property Acquisition

Account Number: 399-0200-513-60-11

Background/History

The City Commission has previously expressed an interest in the City acquiring privately owned beach lots located within the City, and has previously approved the City's purchase of privately owned beach lots.

Current Activity

KR Harbor Holdings, LLC (the "Owner") is the fee simple title holder of the approximately 38,131 square foot beach parcel (square feet per the plat) located within the City and legally described as:

DEERFIELD BEACH 4-4 B LOTS 1 THRU 3 BLK 13, of the Public Records of Broward County, Florida (the "Beach Lots").

The Beach Lots are located southeast of the Main Beach Parking Lot. A legal representative of the Owner contacted the City Attorney's Office earlier this year claiming the City was improperly using the Beach Lots for beach amenity rentals and other activities and demanded nearly \$3 million for the City to acquire the property and resolve the Owner's claims. After researching the matter, the City discovered that the property appraiser's online information as to the size of the parcel was significantly less (just shows the grassy area as the parcel online) than the size of the parcel on the plat, which shows the parcel extending down to the mean high water line.

After several months of negotiation, the parties negotiated a purchase price of \$913,000.00 for the City purchase of the Beach Lots from the Owner and a resolution on the Owner's claim with respect to the use of the Beach Lots without litigation. The purchase price is approximately 10% more than the appraisal the City recently conducted. The purchase and sale agreement (the "Purchase Agreement") provides for the City to purchase the Beach Lots from the Owner for \$913,000.00 (the "Beach Lot Purchase"). The Purchase Agreement also provides for five installment payments of \$65,000 each commencing on October, 2024 to resolve the Owner's revenue claims arising from the use of the Beach Lot during the Owner's time of ownership in exchange for a full release from the Owner.

This beach parcel represents the last privately owned beach parcel in the City that is not owned by an adjacent condo association or hotel. Pursuant to Section 38-125 of the City Code, the City Commission is authorized and empowered to make a real property purchase upon the terms and conditions it deems to be in the best interest of the City provided that the City Commission holds a public hearing prior to approving the resolution authorizing the purchase. The enclosed Resolution approves the Beach Lot Purchase and authorizes execution of the Purchase Agreement and Settlement/Release.

Recommendation

Approval.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE CITY'S PURCHASE OF THE PRIVATELY OWNED BEACH LOT LOCATED SOUTHEAST OF THE MAIN BEACH PARKING LOT, AND LEGALLY DESCRIBED AS DEERFIELD BEACH 4-4 B LOTS 1 THRU 3 BLK 13, FOR \$913,000.00; PROVIDING FOR THE SETTLEMENT OF ALL CLAIMS OF THE PROPERTY OWNER REGARDING THE PROPERTY FOR 5 ANNUAL PAYMENTS OF \$65,000.00 CONDITIONED UPON RECEIPT OF A FULL RELEASE; AUTHORIZING EXECUTION OF DOCUMENTS NECESSARY TO EFFECTUATE THE PURCHASE AND SETTLEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

WHEREAS, KR Harbor Holdings, LLC (the "Owner") is the fee simple title holder of the approximately 38,000 square foot beach parcel (square feet per the plat) located within the City and legally described as:

DEERFIELD BEACH 4-4 B LOTS 1 THRU 3 BLK 13, of the Public Records of Broward County, Florida (Parcel Id 484305041250) (the "Beach Lots"); and

WHEREAS, a legal representative of the Owner contacted the City Attorney's Office earlier this year claiming the City was improperly using the Beach Lots for beach amenity rentals and other activities, threatened to sue the City, and demanded nearly \$3 million for the City to acquire the Beach Lots and resolve the Owner's claims; and

WHEREAS, after researching the matter, the City discovered that the property appraiser online information as to the size of Beach Lots parcel was significantly less (just shows the grassy area as the parcel online) than the size of parcel on the official plat, which shows the parcel extending down to the mean high water line and includes property where the City's beach amenity provider sets up chairs and umbrellas for public use; and

WHEREAS, after several months of negotiation in an attempt to resolve the matter without litigation, the parties negotiated a purchase price of \$913,000.00 for the City purchase of the Beach Lots from the Owner, and negotiated a proposed resolution to the Owner's claim with respect to the use of the Beach Lots; and

WHEREAS, it is the desire of City and the Owner to comprehensively resolve all of the issues referenced above and all of the issues that were raised, or could have been raised, so as to comprehensively and finally settle all claims, of whatsoever nature, that relate to the past, present, and future uses of the Beach Lots, including but not limited to property rights claims of any kind whatsoever under any State Law or judicial decision or any Federal Law or judicial decision; and

WHEREAS, the proposed purchase and sale agreement, attached as Exhibit “A” (the “Purchase Agreement”) provides for the City to purchase the Beach Lots from the Owner for \$913,000.00 (the “Beach Lot Purchase”), and also provides for five annual installment payments of \$65,000 each from the City to the Owner commencing in October, 2024 to resolve the Owner's revenue claims arising from the Beach Lots in exchange for a full release from the Owner (the “Settlement”); and

WHEREAS, it is the policy of the City and in the best interest of its citizens that the City gain ownership of its beaches as a resource for its residents; and

WHEREAS, the City finds the Purchase Agreement and Settlement to be in the best interest of the residents of the City of Deerfield Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby approves the Purchase Agreement and Settlement with the Owner and authorizes the Mayor and counsel for the City to execute the Purchase Agreement and Settlement, attached as Exhibit “A”, together with such non-substantial changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney. The City Manager and appropriate City officials are authorized to take all necessary actions to implement the Beach Lot Purchase and Settlement. Funds for the Beach Lot Purchase and Settlement are hereby authorized to be expended from all legally available City funds.

Section 3. The appropriate City officials are authorized to execute all documents deemed necessary by the City Attorney to implement the intent of this Resolution and to provide for payment as indicated in the Purchase Agreement and Settlement.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

DRAFT

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement ("Agreement") is entered into as of the ____ day of January, 2024, by and between the City Of Deerfield Beach, a Florida municipal corporation, hereinafter referred to as "Buyer" or "City", whose address is 150 NE 2nd Avenue, Deerfield Beach, FL 33441, and KR Harbor Holdings, LLC, and its successors or assigns in interest, hereinafter referred to collectively as "Seller", whose mailing address for this Agreement is 4800 N. Federal Highway, Suite D306, Boca Raton, FL 33431.

WHEREAS, Seller is the fee simple title holder of the approximately 38,000 square foot beach parcel located within the City, and further described in Exhibit "1"; and

WHEREAS, it is the desire of Seller and Buyer to comprehensively resolve all of the issues that were raised, or could have been raised by Seller with respect to the beach parcel, so as to comprehensively and finally settle all claims, of whatsoever nature, that relate to the past, present, and future uses of the beach parcel, including but not limited to property rights claims of any kind whatsoever under any State Law or judicial decision or any Federal Law or judicial decision (including but not limited to Buyer's potential claims for condemnation or Seller's potential claims for inverse condemnation); and

WHEREAS, Buyer desires to purchase the beach parcel and Seller desires to sell the beach parcel upon the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Buyer and Sellers agree as follows:

1. **Recitals.** The foregoing Recitals are true and correct, incorporated into this Agreement, and agreed by the parties.

2. **Realty.** Seller agrees to sell to Buyer that certain real property comprising approximately 38,000 square feet of land described in Exhibit "1", together with all tenements, hereditaments, privileges, servitudes, rights-of-reverter, riparian rights and other rights appurtenant to said real property, all fill and top soil thereon, all oil, gas and mineral rights possessed by Seller, and all right, title and interest of Seller, and all right, title and interest of Sellers in and to any and all streets, roads, highways, easements, drainage rights, or rights-of-way, appurtenant to the real property, and all right, title and interest of Sellers in and to any and all covenants, restrictions, and agreements benefiting the real property (all of the foregoing being referred to as the "Property").

3. **Purchase Price.** Buyer agrees to pay Seller the total sum of Nine Hundred Thirteen Thousand (US \$913,000.00) for the Property to be paid at closing by check or wire transfer.

4. **Conveyance of Title; Permitted Exceptions.** Seller shall convey title by Warranty Deed to City on the Closing Date (i.e. January 31, 2024 or a mutually agreed upon closing date

before or after January 31, 2024, but no later than February 10, 2024), fee simple title to the Property subject only to the following: (i) zoning restrictions, prohibitions, and other requirements imposed by governmental authority; (ii) restrictions and matters appearing on the plat or otherwise common to the subdivision; (iii) public utility easements of record; (iv) taxes for the year after closing; (v) the rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary lines separating the publicly used area from the upland private area; (vi) Resolution of Trustees of the Internal Improvement Trust Fund of the State of Florida establishing an Erosion Control Line, as recorded on June 11, 1998 in Official Records Book 28378, page 534, of the Public Records of Broward County, Florida; and (vii) Broward County Ordinance No. 2002-61, recorded in Official Records Book 34145, page 1891, of the Public Records of Broward County, Florida, (collectively, the "Permitted Exceptions"), and such additional matters as otherwise may be permitted by the City. The City agrees to accept title to the Property subject only to the Permitted Exceptions and such additional matters as otherwise may be permitted by the City. Said Warranty Deed shall include and encompass all of the Seller's rights, title and interest in and to any appurtenant or reversionary rights therein or thereon and in any streets, rights-of-way, dedications or easements within the said lands, or on the perimeter thereof, or any parcel thereof.

5. Right to Inspect. The City shall have ten (10) business days from full execution of this Agreement ("Inspection Period") to have such inspections of the Property performed as City shall desire, at the City's cost, including an environmental inspection. During the Inspection Period, Seller shall make the Property readily available as necessary for such purposes. If the City determines, in City's sole discretion based on the inspections, that the Property is not acceptable to City, City may cancel the purchase contemplated herein by delivering written notice of such election (along with a copy of the inspections) to Seller's counsel (at the address specified in Section 13) prior to the expiration of the Inspection Period. If City timely cancels the purchase contemplated herein, City and Seller shall be released of all further obligations under this Agreement, except as otherwise provided herein.

6. Evidence of Title. The City shall procure a certified title search and shall, at the City's sole expense, cause a title insurance commitment to be prepared by the City's counsel with an owner's policy of title insurance to be issued to City after closing.

7. Marketable Title. Seller shall convey a marketable title, subject only to the Permitted Exceptions set forth in this Agreement and those that shall be discharged by Seller at or before closing. Marketable title shall be determined according to the applicable Title Standards adopted by The Florida Bar and in accordance with law. The City shall have ten (10) days from the date of receiving evidence of title to examine same.

8. Additional Title Exceptions Set Forth in Commitment. If the Commitment contains any exceptions other than the Permitted Exceptions referred to in paragraphs 4 (i) through (vii) as determined by the City in the City's sole discretion, the City shall deliver written notice to Sellers specifying such objections. Upon receipt of the notice, Seller shall have ten (10) days in which to remove the additional exceptions with reasonable effort and reasonable expenditures.



9. Failure to Remove Title Objections. If Seller fails to remove for any reason any such objections within ten (10) days after notice to Seller, the City may elect by giving written notice to Seller, which notice must be received by Sellers before the date that is three (3) days after the end of such ten (10) day period, either to (i) reject title as it then exists and terminate this Agreement and thereupon this Agreement shall cease and terminate and the parties shall have no further rights, duties, or obligations under this Agreement, except for those rights, duties and obligations that specifically survive termination of this Agreement and the City's deposit (if any) shall be refunded; or (ii) waive such objections and proceed with the Closing and accept the Property subject to such exceptions as Permitted Exceptions without reduction of the purchase price (as set forth above in Paragraph 3); or (iii) accept the title as it then is, but with a credit against the purchase price in an amount equal to the anticipated cost of eliminating or curing the title defects, to the extent that they may be eliminated or cured by the payment of money, provided that any such credit against the purchase price shall not exceed \$10,000.00 for each title defect. If the City fails to send any notice by the required date, the City shall be deemed to have waived the objections to such exceptions and shall proceed to the Closing as provided by this Agreement.

10. Additional Exceptions Set Forth in Title Endorsement. If any subsequent endorsement to the Commitment reveals any additional exceptions not permitted by this Agreement arising after the effective date of the Commitment, Seller shall have ten (10) days in which to remove such additional exceptions, subject to the limitations set forth above. If Seller is unable to remove such additional exceptions, the City shall have the same rights and remedies as provided above, except that the Closing shall not be extended more than ten (10) days to permit Seller to cure any such additional exceptions.

11. Seller's Covenants. During the term of this Agreement, Seller shall not, without in each instance first obtaining the City's written consent, which may be withheld in the City's sole discretion, consent to or permit (i) any modifications to existing easements, covenants, conditions, restrictions, or rights of way affecting the Property, (ii) any new easements, covenants, conditions, restrictions, or rights of way affecting the Property, (iii) any zoning changes or other changes of governmental approvals, (iv) any modifications to or future advances under any existing liens, mortgages, deeds of trust or other encumbrances on the Property, or (v) any new liens, mortgages, deeds of trust, or other encumbrances on the Property. Sellers warrant and represent that no person is living on or occupying the Property, that there is no tenant in possession of the Property (other than the disputed occupancy of City or City's agent or general public), that there are no unrecorded agreements or unrecorded easements affecting the Property and that there are no leases or other agreements and understandings affecting possession, use or occupancy of the Property, other than as provided in this Agreement.

12. Deletion of Standard Exceptions. Seller and the City each agree to provide reasonable affidavits and documentation to enable the Title Company to delete all Schedule B-I requirements, the "gap" exception, the standard exceptions on Schedule B-II and the construction lien exceptions from the Commitment at Closing. Seller and the City each shall be responsible for satisfying those Schedule B-I requirements applicable to each of them as customarily required in Broward County, Florida.



13. Payment; Recording Costs. Unless otherwise cancelled pursuant to the provisions set forth herein, the City shall pay a total of Nine Hundred and Thirteen Thousand US Dollars (US \$913,000.00) for the Property at Closing, payable to the Sweetapple, Broeker & Varkas Trust Account (Payee), care of Robert Sweetapple, Esq., Sweetapple, Broeker & Varkas, P.L., 4800 N. Federal Highway, Suite D306, Boca Raton, FL 33431, who shall be responsible to disburse the closing proceeds to the Seller. Any and all pro-ratable items, taxes and assessments prorated through the date of closing of this Agreement shall serve as either a debit or credit to the closing proceeds, as customarily required in Broward County, Florida. The recording costs for the Deed shall be paid by the City.

14. Documentary Stamp Taxes. Seller will be responsible for the payment of all applicable documentary stamp taxes due to the State of Florida.

15. Removal of Personal Property. Within ten (10) days of execution of this Agreement or such earlier time period as agreed to in writing by the parties, Seller shall remove all Seller's personal property from the Property and shall assure that said personal property, and all other personal property on the Property, does not leave any contaminants on the Property.

16. Releases of Claims; Revenue Payments. Seller, for and in consideration of the transaction contemplated by this Agreement and the total sum of three hundred twenty five thousand dollars (\$325,000) payable in five annual installments of \$65,000 each (the "Revenue Payments"), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby completely and fully releases, acquits, satisfies, remises, and forever discharges the City of Deerfield Beach, and its respective staff, elected and appointed officials, commissioners, employees, agents (including but not limited to Oceanside Beach Service, Inc.), attorneys, assigns, and representatives, from any liability, obligation, or responsibility, including but not limited to all claims alleged, and also all other demands, actions, causes of action, controversies, declaratory judgment actions, cross claims, counterclaims, debts, damages, common law claims, statutory claims, costs, expenses, attorneys' fees, compensation, obligations, and liabilities of any and every nature whatsoever at law or in equity, whether known or unknown, suspected or unsuspected, matured or unmatured, liquidated or unliquidated, and whether or not contingent (all of the foregoing are collectively referred to as "Claims"), which Seller (and Seller's respective affiliates, partners, successors and predecessors in interest, heirs, assigns, stockholders, agents, attorneys, representatives and insurers of the foregoing) ever had, now has, or may have against the City arising out of or relating to the Property and any other beach property.

The Revenue Payments from the City to the Seller shall be payable as follows: \$65,000 to be paid on or before October 30, 2024, and \$65,000 to be paid on or before October 30 of the four consecutive years thereafter (not to exceed \$325,000 in total Revenue Payments), with the final \$65,000 payment to be made on or before October 30, 2028. The Revenue Payments shall be made to the Sweetapple, Broeker & Varkas Trust Account (Payee) care of Robert Sweetapple, Esq., Sweetapple, Broeker & Varkas, P.L., 4800 N. Federal Highway, Suite D306, Boca Raton, FL 33431. No interest shall accrue. If Payee gives notice of a different payment address to the City Manager at the City of Deerfield Beach, 150 N.E. 2nd Ave., Deerfield Beach, Florida, by registered mail, return receipt requested, all future payments shall be mailed or delivered to that

address. Notwithstanding anything in this Agreement to the contrary, there shall be no Revenue Payments due to Seller if the Property transaction contemplated by this Agreement does not close.

Buyer, in consideration of the transaction contemplated by this Agreement, hereby fully releases and indemnifies Seller from any third party tort claims, including but not limited to all claims alleged, whether known or unknown, resulting from the City's, or the City's authorized agents', use of the Property from the date that the Seller took title to the Property through the date of the Closing.

This Section 16 shall survive the closing of the Property.

17. Broker Fees. Seller and Buyer warrant that no persons, firms, corporations or other entities are entitled to a real estate fee or commission claimed due pursuant to this transaction or subsequent related closing. Seller shall indemnify and hold harmless the City from any brokers' claims, including damages and reasonable attorneys' fees incurred by City, related to claims from any brokers in this transaction. This covenant shall survive the closing of this Property.

18. Possession. Seller shall deliver possession of the Property to the Buyer at closing.

19. 1031 Exchange. Seller intends to include this transaction in a 1031 property exchange. In such event, Seller's legal counsel's fees, which shall be paid solely by the Seller, shall be included in the closing statement with the balance of the sale proceeds to be allocated as directed by Seller for the 1031 exchange.

20. Successors and Assigns. This Agreement shall be binding against Seller, and all known and unknown parties claiming by, through, under, and against Seller, as well as Seller's successors and assigns. This covenant shall survive the closing of this Property.

21. Entire Agreement. This Agreement contains the entire agreement between the parties hereto as it pertains to the subject matter contained herein and shall supersede and take precedence over any and all prior and contemporaneous agreements and understandings between the parties hereto.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]



IN WITNESS WHEREOF, the Buyer and Seller have duly executed this Agreement as of the day and year above written.

Witnesses:

Christine Knadle
Christine Knadle
Print Name

Colleen Little
Colleen Little
Print Name

SELLER

KR HARBOR HOLDINGS, LLC

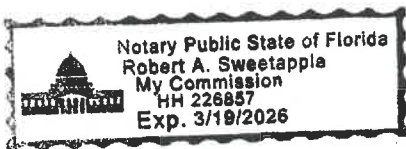
By: [Signature]
Name: Ronan Robin
Title: Member

State of Florida

County of Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8 day of January, 2024, by RONAN ROBIN who ☐ is personally known or ☐ has produced a driver's license as identification.

[Notary Seal]



Robert A. Sweetapple
Notary Public

Printed Name: Robert Sweetapple
My Commission Expires: 3/19/2026

BUYER:

CITY OF DEERFIELD BEACH,
FLORIDA, a Florida municipal corporation

Attest:

Name: Heather Montemayor
Title: City Clerk

By: _____
Name: Bill Ganz
Title: Mayor

Approved as to Form and Legal Sufficiency
for the use of and reliance by the City of
Deerfield Beach only:

Anthony C. Soroka, City Attorney

EXHIBIT "1"

PROPERTY

Legal Description:

DEERFIELD BEACH 4-4 B LOTS 1 THRU 3 BLK 13, of the Public Records of Broward
County, Florida

Parcel Id: 484305041250



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2300

Agenda Date: 1/9/2024

Status: PUBLIC HEARINGS –
SECOND READING

In Control: City Commission

Title

P.H. 2024-033: ORDINANCE 2024/ - 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 SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

In 2018, national traffic studies revealed that Florida has the second-most dangerous school zones in the nation (CA was the worst). Over the next couple of years, the Florida Legislature, consulting with the Florida Sheriff's Association and the Florida Police Chiefs Association, tailored legislation (HB657) that was passed and signed by the Governor. This law to address school zone safety became effective July 1, 2023, and allows for automated speed enforcement using sophisticated camera technology on school days, beginning 30 minutes before the school day starts until 30 minutes after the school day ends. Alleged violations are reviewed by law enforcement, and once confirmed, vehicles traveling at least 10 mph over the speed limit are issued a citation in the amount of \$100. By statute, those funds are distributed as follows: 20% to the Florida General Fund; 3% to Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Commission (CJSTC); 12% to the School Board of Broward County (SBBC) for security, safety, and school walking routes improvements; 5% to the City School Crossing Guard Program for training, recruitment, and retention; and 60% to the City for Public Safety. The costs associated with the implementation and operation of this program are paid out of the funds allocated to the City for Public Safety; thus this safety initiative is cost neutral to the City.

In October 2023, a traffic study was conducted at each of the 7 schools within the City. Of the 47,661 vehicles traveling in the designated school zones on a given school day, there were 6,459 (13.6%) vehicles traveling at least 11mph in excess of the posted speed limit. Based on available data, this type of program typically results in a 50-90% reduction in violators, depending on the specific roadways involved and the particular jurisdiction.

Current Activity

The enclosed Ordinance has been prepared for the City Commission's consideration. This Ordinance will allow the City to implement this cost neutral initiative intended to dramatically increase safety in all

of our school zones through an unbiased, fair, and continuous enforcement of speed limits throughout the school day as permitted by state law.

Recommendation

Approval is recommended.

ORDINANCE NO. 2024/

**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 SYSTEMS ON ROADWAYS
MAINTAINED AS SCHOOL ZONES; PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE
DATE**

WHEREAS, Chapter 66 of the City Code of Ordinances (the “City Code”) establishes local regulations relating to traffic and vehicles within the City; and

WHEREAS, during the 2023 State Legislative Session, the Florida Legislature passed and adopted Florida House Bill 657 (“HB 657”), which provides that a municipality may enforce the applicable speed limit on a roadway properly maintained as a school zone through the use of a speed detection system; and

WHEREAS, on May 31, 2023, Governor Ron DeSantis signed HB 657 into law, which is codified as Chapter 2023-174, Laws of Florida; and

WHEREAS, a “speed detection system” is defined in Section 316.003, Florida Statutes, as a “portable or fixed automated system used to detect a motor vehicle’s speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation”; and

WHEREAS, HB 657 authorizes municipalities to enforce applicable speed limits in school zones during school sessions “through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation”; and

WHEREAS, HB 657 further authorizes municipalities to place or install, or contract with a vendor to place or install, “a speed detection system within a roadway maintained as a school zone as provided in Section 316.1895 to enforce unlawful speed violations”; and

WHEREAS, HB 657 directs municipalities to post signage “indicating photographic or video enforcement of the school zone speed limits,” which “shall clearly designate the time period during which the school zone speed limits are enforced using a speed detection system and must meet the placement and installation specifications established by the Florida Department of Transportation”; and

WHEREAS, a municipality that operates school zone speed detection systems must annually report the results of all systems within the City’s jurisdiction by placing the required report on an agenda of a regular or special meeting of the City’s governing body; and

WHEREAS, HB 657 provides that a municipality may authorize a traffic infraction enforcement officer under Section 316.640, Florida Statutes, to issue uniform traffic citations for violations of Sections 316.1895 and 316.183 as authorized by Section 316.008(9), Florida Statutes, and further regulates how such notices of violation shall be sent and what information such notices must include; and

WHEREAS, HB 657 further provides for penalties to be assessed and remitted to various entities, as well as for a process whereby individuals who receive notices of violation may request a hearing; and

WHEREAS, HB 657 prescribes that a municipality electing to authorize traffic infraction enforcement officers to issue uniform traffic citations “must designate by resolution existing staff to serve as the clerk to the local hearing officer”; and

WHEREAS, HB 657 provides that a municipality implementing speed detection systems “must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone” and that, “as part of the public hearing on such proposed ordinance,” the municipality “must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system,” and “must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures”; and

WHEREAS, the City Commission finds that speed violations in school zones present a real public health and safety hazard, particularly for children who are arriving at or departing from school or who are traversing a school campus during the school day; and

WHEREAS, speed violations in school zones within the City of Deerfield Beach are rampant, which is evident from the school zone speed study presented to the City Commission at their City Commission meeting on October 17, 2023 and attached as Attachment “1”; and

WHEREAS, the school zones speed study was conducted at each of the seven schools located in Deerfield Beach, and the study documented that in just one day there were 6,459 violations for speeding at least 11 miles per hour over the designated speed limit within the seven school zones located within the City; and

WHEREAS, enforcement of speed limits in school zones with law enforcement officers alone can be difficult, and in the time a law enforcement officer has stopped and cited a speeding driver, other motorists can commit speeding violations and escape citation; and

WHEREAS, in accordance with and pursuant to the provisions of Section 316.008(c), Florida Statutes, the City has considered traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and has determined that each

school zone within the City where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures; and

WHEREAS, given that speeding in school zones creates an unacceptable hazard for students, and that enforcement of applicable speed limits in school zones during school sessions through the use of a speed detection system may reduce instances of speeding in school zones and enhance the welfare and safety of students within the City of Deerfield Beach, the City Commission desires to implement a school zone speed detection system program to enforce applicable speed limits in school zones during school sessions as permitted by state law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are made a part of this Ordinance.

Section 2. Chapter 66 “Traffic and Vehicles”, Article I “In General” of the City Code of Ordinances is hereby amended to create Section 66-2, “Speed Detection Systems for Enforcement of School Zone Speed Limits” to read as follows¹:

Chapter 66 TRAFFIC AND VEHICLES

ARTICLE I. – IN GENERAL

* * *

Sec. 66-2-Reserved Speed Detection Systems for Enforcement of School Zone Speed Limits.

(a) *Purpose and Intent.* The purpose of this Section is to authorize and implement the use of speed detection systems to enforce applicable speed limits on roadways properly maintained as school zones, as authorized by and in accordance with Chapter 2023-174, Laws of Florida, as may be amended from time to time, in order to promote traffic safety and student welfare.

(b) *Use of Speed Detection Systems.* In accordance with Chapter 2023-174, Laws of Florida, the City exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within the City of Deerfield Beach. The City Manager or designee is hereby authorized to implement speed detection systems within the jurisdictional boundaries of the City consistent with the placement and installation specifications established by the Florida Department of Transportation, as may be amended from time to time, to enforce unlawful speed violations, as specified in Sections 316.1895 and 316.183, Florida Statutes, on roadways within the City maintained as school zones.

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~.

(c) *Determination of Heightened Safety Risk.* Pursuant to Section 316.008(9), Florida Statutes, the City Commission considered traffic data and other evidence supporting the placement, installation and operation of each proposed school zone speed detection system, including but not limited to the speed study data presented to the City Commission at their City Commission meetings on October 17, 2023 and January 9, 2024, and the City Commission determined that all seven school zones within the City constitute a heightened safety risk that warrants additional enforcement measures, including placement, installation and operation of speed detection systems at such school zones.

(d) *Traffic Infraction Enforcement Officers.* Pursuant to Section 316.1896, Florida Statutes, a traffic infraction enforcement officer under Section 316.640, Florida Statutes, is authorized to issue a uniform traffic citation(s) for violations of Sections 316.1895 and 316.183, Florida Statutes, as authorized by Section 316.008(9), Florida Statutes.

(e) *Notices, Penalties, and Appeals.* The City Manager or designee shall provide notices of violation, assess penalties, remit applicable portions of assessed penalties, and provide for appeals consistent with the requirements of Chapter 2023-174, Laws of Florida, as may be amended from time to time.

(f) *Signage and Public Awareness Campaign.* The City Manager or designee shall post signage and conduct a public awareness campaign regarding the placement or installation of speed detection systems consistent with the requirements of Chapter 2023-174, Laws of Florida, as may be amended from time to time.

(g) *Reporting.* The City Manager or designee shall be responsible for complying with the reporting requirements set forth in Chapter 2023-174, Laws of Florida, as may be amended from time to time.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED 1ST READING ON THIS ____ DAY OF _____, 2023.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

CITY OF DEERFIELD BEACH, FLORIDA NOTICE OF PUBLIC HEARING

YOU ARE HEREBY NOTIFIED that a public hearing will be before the City Commission on **Tuesday, January 9, 2024** at 7:00 p.m. in the City Commission Chambers, City Hall, 150 NE 2nd Avenue, Deerfield Beach, Florida, and utilizing communications media technology with some elected officials and/or City staff participating through video conferencing via Zoom (virtual meeting) to consider the following ordinance:

P.H. 2024-033: ORDINANCE 2024/ - 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 SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Copies of the Ordinance are available for public inspection in the City Clerk's Office, 150 N.E. 2nd Avenue, Deerfield Beach, Florida 33441, by phone: 954.480.4213, or e-mail: web.clerk@dfb.city. All interested persons are urged to attend the Public Hearing(s) in person, virtually, send a representative or express their views by letter.

You may either be present in person at the Public Hearing(s) or attend online or by phone virtually utilizing Zoom, represented by counsel or letter. All interested persons take due notice of the time and place of the Public Hearing and govern yourselves accordingly.

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting would need a record of the proceedings. And for such purpose, may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 480-4213 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

BY: HEATHER MONTEMAYOR, CMC, CITY CLERK

Publish: Sun-Sentinel
December 29, 2023

BUSINESS IMPACT ESTIMATE¹

Meeting Date: 12/12/2023

Agenda Item No. 25

Summary of Proposed Ordinance and Statement of Public Purpose to be Served

This ordinance is to increase public safety in school speed zones through technology-assisted enforcement, including cameras and speed measuring devices.

Estimate of Direct Economic Impact on Private/For Profit Businesses

a. Estimate of Direct Business Compliance Costs: \$0

b. New Charges/Fees on Businesses Impacted: \$0

c. Estimate of Regulatory Costs: \$0

Good Faith Estimate of Number of Businesses Likely Impacted: None.

Any Additional Information:

This system is cost-neutral to the City and is fully funded through revenues generated by citations.

¹ Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
 - a. Part II of Chapter 163, F.S.;
 - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
 - c. Sec. 553.73, F.S. (Fla. Building Code);
 - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2304

Agenda Date: 1/9/2024

Status: CONSENT - BOARD
APPOINTMENT

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Shane Cutler as a regular member on the Marine Advisory Board; providing for an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The Marine Advisory Board (the "Board") was created to develop information and provide recommendations for programs, regulations, and other actions to ensure a well maintained, safe, healthy, and friendly environment for the residents of the City and visitors to the City. Pursuant to City Code Section 2-210.7(a), each elected official shall appoint one regular member and one alternate member to the Board.

Current Activity

Shane Cutler has expressed an interest in serving on the Board and has been nominated by Commissioner Ben Preston to serve as a regular member. Upon approval, the Board will consist of five regular members with no vacancies and two alternates with three vacancies.

Recommendation

Approval is recommended.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPOINTING SHANE CUTLER AS A REGULAR MEMBER ON THE MARINE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach (the “City”) created a Marine Advisory Board (“Board”) pursuant to Section 2-210.6 of the City’s Code of Ordinance (the “Code”) to develop information and provide recommendations for programs, regulations and other actions to insure a well maintained, safe, healthy and friendly marine environment for the residents of the City and visitors to the City; and

WHEREAS, pursuant to Section 2-210.7(a) of the Code, the Board shall be composed of five regular members and five alternate members with each Commissioner appointing one regular and one alternate member; and

WHEREAS, the members of the Board are appointed by and serve at the pleasure of the City Commission for terms that expire on May 15th of the year that the term of the appointing Commissioner expires; and

WHEREAS, Shane Cutler has expressed an interest in serving on the Board as a regular member to fill a vacant seat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. Shane Cutler is hereby appointed to serve as a regular member of the Board for a term commencing on January 9, 2024, and expiring on May 15, 2027.

Section 3. Shane Cutler shall serve without compensation.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



Nominating Form

Application for Appointment to Board or Committee

Date: November 14, 2023

The attached application from Shane Cutler for the Marine Advisory Board has been received.

The board's liaison has verified that the applicant is qualified and that all prerequisites have been met.

- ☒ Regular Member
☐ Alternate Member

Please place this application on an upcoming agenda for consideration for appointment.

 12/12/23

Signature:

Date:

Appointing
Elected Official:

- ☐ Mayor Bill Ganz
☐ Vice Mayor Bernie Parness
☐ Commissioner Michael Hudak
☒ Commissioner Ben Preston
☐ Commissioner Todd Drosky

Please return to City Administration for processing.



City of Deerfield Beach
Application for Advisory Board or Committee

Advisory Board or Committee you are applying for: Marine Advisory board

Are you willing to be considered for an alternate Board or Committee? Yes ☐ No ☒

Name Shane Cutler

Address 2027 SW 15th Street AP 174

City Deerfield Beach State FL Zip 33442

I reside in District # (can be found on back of your Voter Registration Card)

Year- Round Resident? Yes ☒ No ☐

If No, how what months are you away?

Home Phone Work/Mobile Phone 8587521373

E-mail Shane.cutler@icloud.com

Employer Self Employed

Address

Occupation (if retired, please indicate and list former occupation) Self Employed

Please list any governmental Advisory Boards or Committees on which you currently serve:

Complete the following. Please describe those facets of your background/experience which you feel may be useful for membership on this Board/Committee.

Academic: Degrees, Diplomas

BS Audio Engineering Technology, AS Broadcast Communications

Professional: Certification(s)

PADI Advanced Open Water Scuba Diver
FAA Part 107 Remote Pilot

Knowledge: Training, interest or experience

I'm an avid SCUBA diver and am in the water regularly

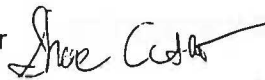
Community Involvement: List organizations/positions

FAA - FAAS safety team

Organizations: Memberships

I understand that in accordance with the Florida Sunshine Law, this information may be made public. I understand that the appointment is for voluntary, uncompensated service. If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws and ordinances of the City, County and State of Florida, particularly those pertaining to the conduct of public officials and the financial disclosure requirements, if applicable to my position.

Signature: Shane Cutler



Date: 11/09/2023

Print Name: Shane Cutler

Return completed application to:

City Clerk's Office

150 NE 2nd Avenue, Deerfield Beach, FL 33441

Phone: 954-480-4213

Website: www.deerfield-beach.com

Fax: 954-480-4323

E-mail: web.clerk@deerfield-beach.com

PLEASE NOTE: Resumes/Additional information may be included; however, the application MUST be completed.

REV 05/2020



MARINE ADVISORY BOARD

Creating Authority:

Ordinance No. 2013/020

Method of Appointment:

Ordinance No. 2013/020 - Five (5) Regular Members; Five (5) Alternate Members

Qualifications:

All members of the board shall either reside with the City or have his/her principal place of business in the City with preference to city residents.

Financial Disclosure:

None

Compensation:

None

Liaison:

Patrick Bardes, Coastal and Waterway Coordinator, (954) 480-1426

Meeting Dates:

3rd Thursday of each month, 6:00 p.m. in the City Commission Chambers, City Hall

Functions and Responsibilities:

The Marine Advisory Board shall develop information and provide recommendations for programs, regulations and other actions to insure a well maintained, safe, healthy and friendly marine environment for the residents of the City and visitors to the City.

The Board shall elect a chair and a vice chair to preside at its meetings and shall also elect such other officers, as the Board may deem necessary.

Name <i>Regular Members</i>	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
Aaron LoCascio (Mayor)	615 SE 12th Avenue, Deerfield Beach, FL 33441	561-756-0123	HENDRICKSON	2023/138	08/15/23	5/15/25
Sacha Ramon (District 1)	944 SE 5th Street Deerfield Beach, FL 33441	305-610-0655	SELF	2023/075	05/02/23	5/15/27
VACANT (District 2)			NEW			
Melvin Nass (District 3)	3081 Oakridge U Deerfield Beach, FL 33442	684-6881	SELF	2021/067	05/04/21	5/15/25
Chauncey Chapman (District 4)	191 NW 47 th Ave Deerfield Beach, FL 33442	510-506-2500	NEW	2021/102	07/20/21	05/15/25

Name <i>Alternate Members</i>	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
VACANT (Mayor)			NEW			
Aristotle Ginarte (District 1)	519 NE 6th Ave Deerfield Beach, FL 33441	954-383-6700	NEW	2023/075	05/02/23	5/15/27
VACANT (District 2)			NEW			
Robert Streather (District 3)	1047 NE 34th CT Oakland Park, FL 33334	954-913-9142	NEW	2021/040	04/06/21	5/15/25
VACANT (District 4)			CHAPMAN			5/15/25



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2329

Agenda Date: 1/9/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the settlement of all claims against the City in the Litigation Styled *Carolyn McNamara vs. City of Deerfield Beach*; authorizing execution of documents necessary to effectuate the Settlement; providing for an effective date. (Funds from Account #606-0900-519-37-70 - Risk Management/General Liability Legal)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$50,000.00

Account Name: Risk Management/General Liability Legal

Account Number: 606-0900-519-37-70

Background/History

Carolyn McNamara ("McNamara") filed a lawsuit against the City of Deerfield Beach styled Carolyn McNamara vs. City of Deerfield Beach, Case No. CACE-20-005483, in the Seventeenth Circuit Court in and for Broward County, Florida (the "Lawsuit").

The Lawsuit alleges that McNamara slipped and fell on a mis-leveled City sidewalk causing her to suffer injuries to her hand and foot, and seek medical treatment including surgery on both her hand and foot. The surgeries resulted in total medical bills of approximately \$30,000.00.

Current Activity

McNamara is willing to settle all of her claims against the City, including all costs and attorney's fees incurred in this matter, for the total sum of \$50,000.00. The enclosed Resolution approves the settlement of the Lawsuit in the total amount of \$50,000.00, including attorney's fees and costs, thereby disposing of all claims that were or could have been asserted against the City and its employees by McNamara.

Recommendation

Approval

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY IN THE LITIGATION STYLED CAROLYN MCNAMARA VS. CITY OF DEERFIELD BEACH; AUTHORIZING EXECUTION OF DOCUMENTS NECESSARY TO EFFECTUATE THE SETTLEMENT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Carolyn McNamara (“McNamara”) filed a lawsuit against the City of Deerfield Beach styled *Carolyn McNamara vs. City of Deerfield Beach*, Case No. CACE-20-005483, in the Seventeenth Circuit Court in and for Broward County, Florida (the “Lawsuit”); and

WHEREAS, the Lawsuit alleges that McNamara slipped and fell on a mis-leveled City sidewalk causing her to suffer injuries to her hand and foot, and seek medical treatment including surgery on both her hand and foot; and

WHEREAS, McNamara is willing to settle all of her claims against the City, including all costs and attorney’s fees incurred in this matter, for the total sum of \$50,000.00; and

WHEREAS, although the City asserts that it was not responsible for the McNamara’s alleged damages, the City Commission desires to approve the settlement of the Lawsuit in the total amount of \$50,000.00, including attorney’s fees and costs, thereby disposing of all claims that were or could have been asserted against the City and its employees by McNamara.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby approves the settlement of the Lawsuit for the total amount of \$50,000.00, including attorney’s fees and costs, thereby disposing of all claims against the City and its employees that were or could have been asserted by McNamara against the City or its employees.

Section 3. That the appropriate City officials are authorized to execute all documents deemed necessary by the City Attorney to implement the intent of this Resolution and to provide for payment as indicated.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2302

Agenda Date: 1/9/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - 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. (Deferred from December 12, 2023)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Broward County (County) and the City of Deerfield Beach (City) entered into an Interlocal Agreement (ILA) for the Community Shuttle Program (CSP), effective September 30, 2019, to provide transit service for the local community. The ILA has several standard conditions by which the City must comply to provide transportation services. One of those conditions is to develop and adopt a Security Program Plan ("SPP") that complies with the requirements set forth in Chapter 14-90.

Current Activity

On September 27, 2023, Broward County Transit conducted the annual onsite Community Shuttle Program review for the City of Deerfield Beach. Upon review, it was recommended that the existing safety plans be updated to ensure they comply with the requirements set forth in Chapter 14-90.

The 2024 City of Deerfield Beach Security Program Plan ("SPP") complies with established security standards and is intended to document all policies, functions and responsibilities of the department in case of an emergency. It also contains information about mitigation, preparedness, response, recovery and organizational structure. It applies to all areas of the Transit System, including maintenance, operations, administration, and procurement.

The SPP and subsequent updates must be approved by the City of Deerfield Beach and executed by the authorized executives.

Note: The SPP is designated as a Confidential record pursuant to Section 119.071(3), Fla. Stat. Accordingly, the SPP will not be published to the public, but a copy of the SPP will be separately shared with each Commissioner.

Recommendation

It is recommended that the City Commission approve and adopt the 2024 City of Deerfield Beach Security Program Plan ("SPP"), authorizing execution of the plan and providing for an effective date.

RESOLUTION NO. 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**

WHEREAS, Broward County (“County”) provides public transportation services within the City of Deerfield Beach (“City”); and

WHEREAS, the City and County entered into an Interlocal Agreement for the Community Shuttle Program (“CSP”), effective September 30, 2019, (the “Interlocal Agreement”) that provides for community shuttle services to City residents on specific community shuttle routes; and

WHEREAS, pursuant to the Interlocal Agreement, the City must comply with certain conditions, including developing and adopting a Security Program Plan that complies with the requirements set forth in Chapter 14-90, Florida Administrative Code; and

WHEREAS, in September, Broward County Transit conducted an annual review of the City’s Community Shuttle Program and recommended the City update its Security Program Plan (“SPP”); and

WHEREAS, City staff has updated the SPP, effective January 2024, and recommends the City Commission approve the SPP; and

WHEREAS, the City Commission finds and declares that the approval of the SPP is necessary, appropriate and in the public interest of the residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby approves the SPP.

Section 3. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 12TH DAY OF DECEMBER, 2023.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2303

Agenda Date: 1/9/2024

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2024/ - 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. (Deferred from December 12, 2023)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Broward County (County) and the City of Deerfield Beach (City) entered into an Interlocal Agreement (ILA) for the Community Shuttle Program (CSP), effective September 30, 2019, to provide transit service for the local community. The ILA has several standard conditions by which the City, as a subrecipient of state funding through the CSP, must comply to provide transportation services.

Current Activity

On September 27, 2023, Broward County Transit conducted the annual onsite Community Shuttle Program review for the City of Deerfield Beach. Upon review, it was recommended that the existing safety plans be updated.

The 2024 City of Deerfield Beach System Safety Program Plan's overall goal is to identify, eliminate, minimize and control safety hazards and their risks by:

- Demonstrating the agency's safety culture and established policies, procedures, and programs that ensure compliance with Chapter 14-90, Florida Administrative Code;
- Specifying lines of authority;
- Defining levels of responsibility and accountability within the agency and;
- Establishing methods of documentation for the agency.

The SSPP and subsequent updates must be approved by the City of Deerfield Beach and executed by the authorized executive.

Recommendation

It is recommended that the City Commission approve and adopt the 2023 City of Deerfield Beach System Safety Program Plan (SSPP), authorizing execution of the plan providing for an effective date.

RESOLUTION NO. 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**

WHEREAS, Broward County (“County”) provides public transportation services within the City of Deerfield Beach (“City”); and

WHEREAS, the City and County entered into an Interlocal Agreement for the Community Shuttle Program (“CSP”), effective September 30, 2019, (the “Interlocal Agreement”) that provides for community shuttle services to City residents on specific community shuttle routes; and

WHEREAS, pursuant to the Interlocal Agreement, the City must comply with certain conditions, including developing and adopting a System Safety Program Plan that complies with the requirements set forth in Chapter 14-90, Florida Administrative Code; and

WHEREAS, in September, Broward County Transit conducted an annual review of the City’s Community Shuttle Program and recommended the City update its System Safety Program Plan (“SSPP”); and

WHEREAS, City staff has updated the SSPP, effective January 2024, and recommends the City Commission approve the SSPP; and

WHEREAS, the City Commission finds and declares that the approval of the SSPP is necessary, appropriate and in the public interest of the residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby approves the SSPP.

Section 3. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 12TH DAY OF DECEMBER, 2023.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2307

Agenda Date: 1/9/2024

Status: DEPARTMENTAL BUSINESS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals No. #24-02-BA for the SE 8th Avenue Area Stormwater Capital Improvement Project; authorizing the City Manager to execute an agreement with the top ranked, responsive and responsible proposer, Emerald Construction Corporation d/b/a Neucor Construction in an amount not to exceed \$2,731,792.79; providing for implementation and an effective date. (Funds from Account #462-5070-538-65-30 - Stormwater Capital Fund)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$2,731,792.79

Account Name: Stormwater Capital Fund

Account Number: 462-5070-538-65-30

Background/History

This project addresses a stormwater drainage deficiency affecting a specific area in the City East of SE 6th Avenue, south of SE 3rd Court, north of SE 7th Street, and west of South Federal Highway. The goal of this effort is to develop a cost-effective and feasible engineering solution to address flooding in the SE 8th Avenue problem area, by providing additional underground storage and infiltration to SE 8th Avenue and the surrounding areas to reduce the severity and duration of flooding until the area is able to drain to the existing trunk line.

The Request for Proposals (RFP) was advertised in the legal notices section of the Sun-Sentinel on October 6, 2023. The notice was also sent to three hundred sixty-four (364) prospective Offerors via the e-Procurement Marketplace. Fourteen (14) vendors viewed the documents of the RFP. On October 16, 2023 at 10:00 AM EST, a Non-Mandatory Pre-Proposal Conference was held in person and via Zoom. On November 21, 2023, at 2:00 PM EST, the due date and time, the Purchasing and Contract Administration Division closed and unsealed three (3) proposals. The proposals were reviewed by the Purchasing and Contract Administration Division to ensure the proposals met the RFP requirements. Subsequently, each member of the evaluation committee appointed by the City Manager received their evaluation package, which consisted of: evaluation committee policies and procedures, and the evaluation sheets. Each Evaluation Committee Member independently reviewed and scored the three (3) responsive proposals according to the weighted criteria stated in the RFP prior to the public evaluation meeting held on December 18, 2023, at 10:00 AM EST in person and virtual via Zoom.

Current Activity

No Proposer provided evidence for the Disadvantage Business Enterprise Program stated in the RFP documents, as per City Ordinance Section 38-130, which allows their scores to be adjusted upward by five (5%) percent. After the initial scoring and Evaluation Committee discussions, there were no changes made to their scores. Following the final ranking, a motion was made to recommend the City Commission approve the ranking and award a contract to the first ranked Proposer, Emerald Construction Corporation dba Neucor Construction. The Evaluation Committee was unanimous in their decision. Reference checks were conducted on Emerald Construction Corporation dba Neucor Construction and revealed positive ratings.

This project is largely funded by the American Rescue Plan Act with the balance of funds available from the Stormwater Capital Fund Balance.

Recommendation

It is recommended that the City Commission approve the ranking and allow the City Manager to execute a contract with the first ranked Proposer, Emerald Construction Corporation dba Neucor Construction.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE RANKING AND AWARD OF REQUEST FOR PROPOSALS NO. #24-02-BA FOR THE SE 8TH AVENUE AREA STORMWATER CAPITAL IMPROVEMENT PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TOP RANKED, RESPONSIVE AND RESPONSIBLE PROPOSER, EMERALD CONSTRUCTION CORPORATION D/B/A NEUCOR CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$2,731,792.79; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

WHEREAS, the City issued Request for Proposals No. 24-02-BA (the “RFP”) for the SE 8th Avenue Area Stormwater Capital Improvement Project (the “Project”); and

WHEREAS, the RFP was advertised in the legal notices section of the Sun Sentinel on October 6, 2023, and the notice was also sent to 364 prospective respondents via the e-Procurement Marketplace; and

WHEREAS, 14 firms viewed the RFP documents; and

WHEREAS, on November 21, 2023 at 2:00 p.m., the due date and time for the responses, the Purchasing and Contract Division (the “Division”) unsealed the three (3) proposals that were timely received, and reviewed the proposals to ensure they met the RFP requirements; and

WHEREAS, the evaluation committee members independently reviewed and scored the three (3) responses in accordance with the weighted criteria stated in the RFP prior to the first public evaluation committee meeting; and

WHEREAS, the evaluation committee meeting was held on December 18, 2023 to score the responses based on the weighted criteria stated in the RFP; and

WHEREAS, following the rankings, the evaluation committee concluded and was unanimous in their decision to make a recommendation to approve the committee’s ranking (the “Ranking”) and award of the RFP to Emerald Construction Corporation d/b/a Neucor Construction (“Emerald”), the top ranked, responsive and responsible proposer, and authorize the City Manager to execute an agreement with Emerald.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part of this Resolution.

Section 2. The City Commission hereby approves the Ranking, with Emerald Construction Corporation d/b/a Neucor Corporation, as the top ranked responsive and responsible Proposer.

Section 3. The City Manager is hereby authorized to execute an agreement with Emerald Construction Corporation d/b/a Neucor Corporation for the Project in an amount not to exceed \$2,731,792.79 consistent with the terms of the RFP, together with such additional terms as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to do all things necessary to carry out the aims of this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK



Memorandum

TO: Priscilla Cygielnik, Director of Environmental Services

FROM: Bogdan Avasiloe, Purchasing Manager

DATE: December 18, 2023

RE: **SE 8th Avenue Area Stormwater Capital Improvements Project, RFP #24-02-BA**

The Purchasing and Contract Administration Division recently issued a Request for Proposals (RFP) for the SE 8th Avenue Area Stormwater Capital Improvements Project, RFP #24-02-BA. This formal competitive solicitation process complies with the City of Deerfield Beach procurement requirements. Details of the competitive solicitation process are as follows:

- The RFP was advertised in the legal notices section of the Sun-Sentinel on October 6, 2023. The notice was also sent to three hundred sixty-four (364) prospective Offerors via the e-Procurement Marketplace.
- Fourteen (14) vendors viewed the documents of the RFP.
- On October 16, 2023 at 10:00 AM EST, a Non-Mandatory Pre-Proposal Conference was held in person and via Zoom.
- On November 21, 2023 at 2:00 PM EST, the due date and time, the Purchasing and Contract Administration Division closed and unsealed three (3) proposals. The proposals were reviewed by the Purchasing and Contract Administration Division to ensure the proposals met the RFP requirements.
- Subsequently, each member of the evaluation committee appointed by the City Manager received their evaluation packages that consisted of: evaluation committee policies and procedures, and the evaluation sheets.
- Each Evaluation Committee Member independently reviewed and scored the three (3) responsive proposals according to the weighted criteria stated in the RFP prior to the public evaluation meeting held on December 18, 2023 at 10:00 AM EST in person and virtual via Zoom.
- The Evaluation Committee consisted of: Josef Farbiarz, Capital Projects Engineer; Alfonso Orellana, Plans Review Engineer; Patrick Bardes, Coastal & Waterway Coordinator.
- The proposals were evaluated based on the following weighted criteria:

Criteria	Weight
Price	5
Qualifications and Experience of Principals and Staff	3
Understanding of the Project and City's Objectives	3
History and Past Performances of Similar Projects	3
Construction Approach and Process	2
Availability of Personnel, Facilities, and Equipment	2
Project Schedule and Phasing	2

- The proposals were scored and ranked (after Evaluation Committee Members Independent Review) as follows:

Ranking	Josef Farbiarz	Alfonso Orellana	Patrick Bardes	Total	Ranking
Emerald Construction Corporation dba Neucor Construction	189 ^{/1}	161 ^{/1}	107 ^{/3}	5	1
FG Construction LLC	175 ^{/2}	136 ^{/2}	130 ^{/2}	6	2
Man-Con, Inc.	170 ^{/3}	126 ^{/3}	144 ^{/1}	7	3

- No Proposer provided evidence for the Disadvantage Business Enterprise Program stated in the RFP documents, as per City Ordinance Section 38-130, which allows their scores to be adjusted upward by five (5%) percent.
- After the initial scoring and Evaluation Committee discussions, there were no changes made to their scores.
- Following the final ranking, Josef Farbiarz made a motion to recommend to the City Commission, to approve the ranking and award a contract to the first ranked Proposer, Emerald Construction Corporation dba Neucor Construction. This motion was seconded by Alfonso Orellana. The Evaluation Committee was unanimous in their decision.
- The substantial completion for this project shall be three hundred thirty-five (335) calendar days and shall be finally completed within three hundred sixty-five (365) calendar days of the City's issuance of the Notice to Proceed.
- Reference checks were conducted on Emerald Construction Corporation dba Neucor Construction and revealed positive ratings.
- Documentation related to this solicitation may be obtained by e-mailing sfrancis@deerfield-beach.com. You may contact the Purchasing and Contract Administration Division at 954-480-4381 with any questions.

In summary, the Evaluation Committee is recommending to the City Commission, to approve the ranking and award a contract with the first ranked Proposer, Emerald Construction Corporation dba Neucor Construction.

Please use this memorandum and all attachments as backup to the City Manager for the next available City Commission meeting.

Att: Tabulation Sheets, Tabulation Summary, Scope of Work

1	Lot I: General Items as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$219,891.03	\$219,891.03	
	FG Construction, LLC	1	Lump Sum	\$786,522.40	\$786,522.40	
	Man-Con Incorporated	1	Lump Sum	\$1,129,580.74	\$1,129,580.74	
1.1	Demolition as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$86,603.62	\$86,603.62	
	FG Construction, LLC	1	Lump Sum	\$316,114.59	\$316,114.59	
	Man-Con Incorporated	1	Lump Sum	\$570,000.00	\$570,000.00	
1.2	Maintenance of Traffic (MOT) as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$35,095.78	\$35,095.78	
	Man-Con Incorporated	1	Lump Sum	\$199,836.82	\$199,836.82	
	FG Construction, LLC	1	Lump Sum	\$219,632.80	\$219,632.80	
1.3	Survey Stakeout and As-Built as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$52,197.00	\$52,197.00	
	FG Construction, LLC	1	Lump Sum	\$82,786.25	\$82,786.25	
	Man-Con Incorporated	1	Lump Sum	\$154,794.96	\$154,794.96	
1.4	Testing as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$19,143.16	\$19,143.16	
	FG Construction, LLC	1	Lump Sum	\$59,133.04	\$59,133.04	
	Man-Con Incorporated	1	Lump Sum	\$128,713.38	\$128,713.38	
1.5	Clearing and Grubbing as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Man-Con Incorporated	1	Lump Sum	\$16,711.37	\$16,711.37	
	Emerald Construction Corp	1	Lump Sum	\$19,143.16	\$19,143.16	
	FG Construction, LLC	1	Lump Sum	\$77,129.38	\$77,129.38	

1.6	Erosion Control / SWPPP as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$7,708.31	\$7,708.31	
	FG Construction, LLC	1	Lump Sum	\$31,726.34	\$31,726.34	
	Man-Con Incorporated	1	Lump Sum	\$59,524.21	\$59,524.21	

2	Lot II: Demolition Items as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$96,232.90	\$96,232.90	
	FG Construction, LLC	1	Lump Sum	\$144,651.32	\$144,651.32	
	Man-Con Incorporated	1	Lump Sum	\$205,685.62	\$205,685.62	

2.1	Remove Catch Basins / manholes / conflict structures as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	FG Construction, LLC	44	ea	\$1,270.45	\$55,899.80	
	Man-Con Incorporated	44	ea	\$1,414.48	\$62,237.12	
	Emerald Construction Corp	44	ea	\$1,531.46	\$67,384.24	

2.2	Remove Drainage Pipe 8"-48" as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1040	LF	\$11.05	\$11,492.00	
	Man-Con Incorporated	1040	LF	\$34.21	\$35,578.40	
	FG Construction, LLC	1040	LF	\$59.94	\$62,337.60	

2.3	Cut / Cap Existing Drainage Pipe (8" -36") as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	34	ea	\$510.49	\$17,356.66	
	FG Construction, LLC	34	ea	\$776.88	\$26,413.92	
	Man-Con Incorporated	34	ea	\$3,172.65	\$107,870.10	

3	Lot III: Drainage Items as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	Lump Sum	\$2,265,144.65	\$2,265,144.65	
	FG Construction, LLC	1	Lump Sum	\$2,781,582.13	\$2,781,582.13	
	Man-Con Incorporated	1	Lump Sum	\$4,727,683.28	\$4,727,683.28	

3.1	Drainage Manhole M-5 w/ USF 580 Ring & Cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	19	ea	\$5,487.71	\$104,266.49	
	FG Construction, LLC	19	ea	\$7,016.15	\$133,306.85	
	Man-Con Incorporated	19	ea	\$8,131.93	\$154,506.67	

3.2	Drainage Manhole C-5 w/ USF 580 Ring and Cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Man-Con Incorporated	2	ea	\$7,597.77	\$15,195.54	
	Emerald Construction Corp	2	ea	\$10,337.31	\$20,674.62	
	FG Construction, LLC	2	ea	\$11,311.89	\$22,623.78	

3.3	Drainage Manhole M-6 w/ USF 580 Ring & Cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	6	ea	\$7,529.64	\$45,177.84	
	Man-Con Incorporated	6	ea	\$8,833.05	\$52,998.30	
	FG Construction, LLC	6	ea	\$12,917.47	\$77,504.82	

3.4	Drainage Manhole M-4 w/ USF 580 Ring and Cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	16	ea	\$4,594.36	\$73,509.76	
	Man-Con Incorporated	16	ea	\$8,214.31	\$131,428.96	
	FG Construction, LLC	16	ea	\$10,211.28	\$163,380.48	

3.5	Drainage Inlet M-4 w/ USF 4155-6210 Frame & Grate as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	12	ea	\$4,721.98	\$56,663.76	
	Man-Con Incorporated	12	ea	\$7,682.45	\$92,189.40	
	FG Construction, LLC	12	ea	\$9,442.11	\$113,305.32	

3.6	Drainage Inlet M-5 w/ USF 4155-6210 Frame & Grate as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$6,508.68	\$6,508.68	
	Man-Con Incorporated	1	ea	\$8,589.03	\$8,589.03	
	FG Construction, LLC	1	ea	\$11,677.93	\$11,677.93	

3.7	Drainage Inlet M-6 w/ USF 4155-6210 Frame & Grate as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$6,763.92	\$6,763.92	
	Man-Con Incorporated	1	ea	\$10,685.95	\$10,685.95	
	FG Construction, LLC	1	ea	\$12,479.13	\$12,479.13	

3.8	Drainage Manhole M-5 w/concrete collar for sit in grate USF 6210 as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$4,977.22	\$4,977.22	
	Man-Con Incorporated	1	ea	\$8,323.07	\$8,323.07	
	FG Construction, LLC	1	ea	\$10,433.09	\$10,433.09	
3.9	Drainage Manhole M-5 Control Structure w/ USF 580 Ring and Cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$6,508.68	\$6,508.68	
	FG Construction, LLC	1	ea	\$11,029.02	\$11,029.02	
	Man-Con Incorporated	1	ea	\$11,223.96	\$11,223.96	
3.10	7' x 5' Drainage Structure w/ USF 60"x84" Hatch as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$17,739.32	\$17,739.32	
	Man-Con Incorporated	1	ea	\$20,444.18	\$20,444.18	
	FG Construction, LLC	1	ea	\$27,877.24	\$27,877.24	
3.11	7' x 5' Control Structure w/ USF 1120T top ring and cover and USF 6210 Grate as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$11,741.14	\$11,741.14	
	FG Construction, LLC	1	ea	\$21,302.11	\$21,302.11	
	Man-Con Incorporated	1	ea	\$21,839.05	\$21,839.05	
3.12	7' x 5' Control Structure w/ (2) USF 1120T top ring and cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$14,293.56	\$14,293.56	
	Man-Con Incorporated	1	ea	\$23,251.28	\$23,251.28	
	FG Construction, LLC	1	ea	\$23,414.36	\$23,414.36	
3.13	8' x5' Control Structure w/ (2) USF 1120T top ring and cover as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1	ea	\$13,910.69	\$13,910.69	
	Man-Con Incorporated	1	ea	\$22,771.38	\$22,771.38	
	FG Construction, LLC	1	ea	\$23,368.01	\$23,368.01	
3.14	FDOT Type D Inlet W/ USF 6626 Grate as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	21	ea	\$4,977.22	\$104,521.62	
	Man-Con Incorporated	21	ea	\$6,114.72	\$128,409.12	
	FG Construction, LLC	21	ea	\$7,539.72	\$158,334.12	

3.15	FDOT Type C Inlet W/ USF6611 Grate as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	14	ea	\$3,956.26	\$55,387.64	
	Man-Con Incorporated	14	ea	\$4,981.47	\$69,740.58	
	FG Construction, LLC	14	ea	\$6,162.77	\$86,278.78	
3.16	15" Contech A2000 PVC Solid as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	21	LF	\$127.63	\$2,680.23	
	FG Construction, LLC	21	LF	\$217.61	\$4,569.81	
	Man-Con Incorporated	21	LF	\$543.67	\$11,417.07	
3.17	18" Contech A2000 PVC Solid as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	FG Construction, LLC	895	LF	\$86.24	\$77,184.80	
	Emerald Construction Corp	895	LF	\$146.77	\$131,359.15	
	Man-Con Incorporated	895	LF	\$450.20	\$402,929.00	
3.18	24" Contech A2000 PVC Solid as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	70	LF	\$146.77	\$10,273.90	
	FG Construction, LLC	70	LF	\$202.15	\$14,150.50	
	Man-Con Incorporated	70	LF	\$494.00	\$34,580.00	
3.19	36" Contech A2000 PVC Solid as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	1340	LF	\$210.58	\$282,177.20	
	FG Construction, LLC	1340	LF	\$254.43	\$340,936.20	
	Man-Con Incorporated	1340	LF	\$547.02	\$733,006.80	
3.20	36" Contech A2000 PPVC (5'w x 6'H Exfiltration Trench) as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	4350	LF	\$238.66	\$1,038,171.00	
	FG Construction, LLC	4350	LF	\$271.09	\$1,179,241.50	
	Man-Con Incorporated	4350	LF	\$575.65	\$2,504,077.50	

3.21	Connect to Existing Drainage as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	11	ea	\$957.16	\$10,528.76	
	FG Construction, LLC	11	ea	\$4,050.83	\$44,559.13	
	Man-Con Incorporated	11	ea	\$4,339.33	\$47,732.63	

3.22	24" PRB as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	20	ea	\$382.87	\$7,657.40	
	FG Construction, LLC	20	ea	\$1,089.67	\$21,793.40	
	Man-Con Incorporated	20	ea	\$1,352.81	\$27,056.20	

3.23	42" PRB as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Emerald Construction Corp	15	ea	\$829.54	\$12,443.10	
	FG Construction, LLC	15	ea	\$1,619.32	\$24,289.80	
	Man-Con Incorporated	15	ea	\$2,088.55	\$31,328.25	

3.24	Asphalt aprons for drainage structures as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	FG Construction, LLC	24	ea	\$611.86	\$14,684.64	
	Emerald Construction Corp	24	ea	\$893.35	\$21,440.40	
	Man-Con Incorporated	24	ea	\$1,242.84	\$29,828.16	

3.25	36" Tideflex Checkmate Inline Valve (all fittings & clamps, complete) as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	Man-Con Incorporated	1	ea	\$22,490.86	\$22,490.86	
	Emerald Construction Corp	1	ea	\$33,181.47	\$33,181.47	
	FG Construction, LLC	1	ea	\$85,313.76	\$85,313.76	

3.27	Miscellaneous Utility relocations / adjustments (complete, including removal and disposal of existing) as per RFP documents.					
	Supplier	QTY	UOM	Price	Extended	Supplier Notes
	FG Construction, LLC	40	LF	\$371.30	\$14,852.00	
	Man-Con Incorporated	40	LF	\$1,367.37	\$54,694.80	
	Emerald Construction Corp	40	LF	\$4,059.85	\$162,394.00	

3.28 6' Diam. Conflict Structure #1 (Sewer), Complete including casings as per RFP documents.

Supplier	QTY	UOM	Price	Extended	Supplier Notes
Emerald Construction Corp	1	ea	\$4,977.22	\$4,977.22	
Man-Con Incorporated	1	ea	\$28,201.27	\$28,201.27	
FG Construction, LLC	1	ea	\$32,528.55	\$32,528.55	

3.29 6' Diam. Conflict Structure #2 (Water), Complete including casings as per RFP documents.

Supplier	QTY	UOM	Price	Extended	Supplier Notes
Emerald Construction Corp	1	ea	\$4,977.22	\$4,977.22	
Man-Con Incorporated	1	ea	\$28,201.27	\$28,201.27	
FG Construction, LLC	1	ea	\$30,940.04	\$30,940.04	

3.30 30" Contech A2000 PVC Solid as per RFP documents.

Supplier	QTY	UOM	Price	Extended	Supplier Notes
FG Construction, LLC	1	LF	\$222.96	\$222.96	
Emerald Construction Corp	1	LF	\$238.66	\$238.66	
Man-Con Incorporated	1	LF	\$543.00	\$543.00	

4 Lot IV: Striping and Signage Improvements Items as per RFP documents.

Supplier	QTY	UOM	Price	Extended	Supplier Notes
FG Construction, LLC	1	Lump Sum	\$17,884.20	\$17,884.20	
Man-Con Incorporated	1	Lump Sum	\$20,053.64	\$20,053.64	
Emerald Construction Corp	1	Lump Sum	\$25,524.21	\$25,524.21	

4.1 Pavement Marking and Signage as per RFP documents.

Supplier	QTY	UOM	Price	Extended	Supplier Notes
FG Construction, LLC	1	Lump Sum	\$17,884.20	\$17,884.20	
Man-Con Incorporated	1	Lump Sum	\$20,053.64	\$20,053.64	
Emerald Construction Corp	1	Lump Sum	\$25,524.21	\$25,524.21	

5 Lot V: Owner Contingency.

Supplier	QTY	UOM	Price	Extended	Supplier Notes
Man-Con Incorporated	1	ea	\$125,000.00	\$125,000.00	
Emerald Construction Corp	1	ea	\$125,000.00	\$125,000.00	
FG Construction, LLC	1	ea	\$125,000.00	\$125,000.00	

6	Lot VI: Deduct Items - Proposer to provide a deduct cost associated with a full mill and restoration of the project pavement limits. As a result, the adjusted bid amount will be to only perform pavement restoration of the proposed pipe trenches as incidental to the pipeline installation costs bid.
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Supplier	QTY	UOM	Price	Extended	Supplier Notes
Man-Con Incorporated	1	Lump Sum	\$50,291.80		
FG Construction, LLC	1	Lump Sum	\$133,005.60		
Emerald Construction Corp	1	Lump Sum	\$135,720.00		

6.1	1" Mill Existing Asphalt (See Typical Pavement Restoration Detail) as per RFP documents. Proposer to provide a deduct cost associated with a full mill and restoration of the project pavement limits. As a result, the adjusted bid amount will be to only perform pavement restoration of the proposed pipe trenches as incidental to the pipeline installation costs bid.
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Supplier	QTY	UOM	Price	Extended	Supplier Notes
Man-Con Incorporated	7540	yd2	\$1.35	\$10,179.00	
FG Construction, LLC	7540	yd2	\$3.25	\$24,505.00	
Emerald Construction Corp	7540	yd2	\$4.00	\$30,160.00	

6.2	1" FDOT SP-9.5 asphalt pavement (See Typical Pavement Restoration Detail) as per RFP documents. Proposer to provide a deduct cost associated with a full mill and restoration of the project pavement limits. As a result, the adjusted bid amount will be to only perform pavement restoration of the proposed pipe trenches as incidental to the pipeline installation costs bid.
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Supplier	QTY	UOM	Price	Extended	Supplier Notes
Man-Con Incorporated	7540	yd2	\$5.32	\$40,112.80	
Emerald Construction Corp	7540	yd2	\$14.00	\$105,560.00	
FG Construction, LLC	7540	yd2	\$14.39	\$108,500.60	

Event Number	24-02-BA Addendum 3	Organization	City of Deerfield Beach
Event Title	SE 8th Avenue Area Stormwater Capital Improvements Project	Workgroup	Purchasing Dept.
Event Description	The City of Deerfield Beach is soliciting sealed responses for	Event Owner	Bogdan Avasiloae
Event Type	RFP	Email	bavasiloae@deerfield-beach.com
Issue Date	10/6/2023 11:20:48 PM (ET)	Phone	(954) 4804486
Close Date	11/21/2023 02:00:00 PM (ET)	Fax	

Responding Supplier	City	State	Response Submitted	Lines Responded	Response Total
Emerald Construction Corp	Dania Beach	FL	11/21/2023 01:19:03 PM (ET)	42	\$2,731,792.79
FG Construction, LLC	Tamarac	FL	11/21/2023 01:01:56 PM (ET)	42	\$3,855,640.05
Man-Con Incorporated	Deerfield Beach,	FL	11/21/2023 01:33:02 PM (ET)	42	\$6,208,003.28

SECTION VI - SCOPE OF WORK

1. General

The City of Deerfield Beach is requesting the services of qualified vendor(s) to provide all labor, material, equipment, tools, supervision, insurances, bonds, permits, and incidentals for the SE 8th Avenue Area Drainage Project, located in the City of Deerfield Beach, in accordance with all terms, conditions, scope of work, and plans of this RFP. The Site is located to the east of SE 6th Avenue, south of SE 3rd Court, north of SE 7th Street, and west of S Federal Highway, as shown on the plans. The work area includes the right of ways of the City of Deerfield Beach in accordance with the terms, conditions, scope of work, plans and technical specifications herein. The work shall include, but not limited to, the construction of the infrastructure site work for West Deerfield Capital Improvement Project. The work will include but not be limited to drainage system improvements, swale, driveway and pavement restoration in accordance with the Contract Documents and Specifications.

2. Contract Specifications and Plans

Refer to Contract Specifications Exhibit II and Plans Exhibit III.

3. Maintenance of Traffic (MOT)

- a. Contractor shall provide all items necessary to protect, warn and/or maintain vehicular and pedestrian traffic during the course of construction.
- b. If necessary, Contractor shall arrange for the services of a Traffic Engineer, registered as a Professional Engineer in the State of Florida, to prepare detailed Maintenance of Traffic (MOT) Plans for approval by the City and other governmental agencies having jurisdiction prior to the start of construction activities.
- c. The Maintenance of Traffic Plan and all traffic warning and control devices shall conform to the applicable provisions of the latest editions of the national "Manual On Uniform Traffic Control Devices" (MUTCD), the 600 series of the Florida Department of Transportation's "Roadway and Traffic Design Standards", and Broward County's Minimum Standards Applicable to Public Rights of Way Under Broward County Jurisdiction".
- d. There will be no separate payment for the fee for Engineering Services, if required.

4. Protection of Property

- a. The Contractor shall at all times guard against damage or loss to the City property and any other persons in or around the work site and shall be responsible for replacing or repairing any such damage or loss. The Contractor will be required to report any such damages immediately to the City's Project Manager or designee. Replacement or repairs shall begin within five (5) days of the incident that caused the damage.
- b. The Contractor and its subcontractor(s) shall clean, repair, or replace any item damaged during the performance of the service to the satisfaction of City at no additional cost.
- c. The City reserves the right at its sole and absolute discretion, to repair any damages created by the Contractor and deduct the actual cost of repairs from their payment.

Quality Assurance

All employees shall be competent and highly skilled in their particular job in order to properly perform the work assigned to them. The Contractor shall be responsible for maintaining the quality of the materials and workmanship on the job throughout the duration of his/her responsibility.

6. Personnel

- a. The City may require the Contractor to remove any employee it deems careless, incompetent, insubordinate or otherwise objectionable and whose presence on City property is not in the best interests of the City. The City shall not have any duty to implement or enforce such requirements and such obligation shall be the sole responsibility of the Contractor to immediately address upon the City's notification to the Contractor's supervisory staff on-site or the managerial point of contact designated to the contract.
- b. The Contractor's employees performing work on City property shall be in uniforms with the company's name, clean, courteous, sober and competent. The Contractor agrees to be responsible for such personnel. All Contractor's personnel dealing with the public under this contract, shall be identified by name through the use of a nametag or embroidered name on his/her uniform. The Contractor agrees that the owners of the company, or officers if a corporation, shall be held fully responsible, except as otherwise prohibited by law, for acts of their personnel while on duty.
- c. At least one (1) employee in a supervisory role at the worksite must be able to communicate clearly and fluently in the English language.
- d. Contractor's personnel shall be competent and highly skilled in their particular job in order to properly perform the work assigned to them.

7. Contractor's Vehicles

Contractor's vehicles used on City projects shall be clean and presentable, in working condition, and identified with the name of the company and proper licensing.



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2323

Agenda Date: 1/9/2024

Status: DEPARTMENTAL BUSINESS

In Control: City Commission

Title

Resolution 2024/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Ferraro Law Firm, P.A. to serve as outside counsel representing the City in litigation related to Per- and Polyfluoroalkyl Substances (PFAS) at the direction of the City Attorney; approving and authorizing execution of an agreement for retention of outside counsel on a contingent fee basis; providing for implementation and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: N/A Contingent fee arrangement

Background/History

Per- and polyfluoroalkyl substances, known as PFAS, are manufactured chemicals that have been used in industry and consumer products since the 1940s, and their components break down very slowly over time. Scientific studies have shown that exposure to PFAS in the environment may be linked to harmful health effects in humans and animals.

The aim of PFAS litigation is to seek reimbursement of the costs incurred and to be incurred to investigate and remediate soil, groundwater and surface water and design, construct and operate drinking water treatment systems arising out of contamination caused by the conduct of the defendants in the litigation.

Current Activity

The enclosed Resolution approves retaining the Ferraro Law Firm, P.A. to serve as outside counsel representing the City in litigation related to per- and polyfluoroalkyl substances (PFAS) at the direction of the City Attorney. The Ferraro Law Firm has represented to the City that it is the only law firm located in South Florida that has a seat on the Executive Committee for the multi-district PFAS litigation. The enclosed Resolution also approves a Retainer Agreement with the Ferraro Law Firm, P.A., attached as Exhibit "A", for representation of the City in PFAS litigation on a contingent-fee basis.

The applicable contingency fee depends on the stage of litigation where the recovery is achieved and is capped at no more than 20% of the gross recovery. The Law Firm agrees to advance all necessary litigation expenses necessary to prosecute these claims and there is no fee due to the firm if there is no recovery.

Recommendation
Approval.

RESOLUTION NO. 2024/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE FERRARO LAW FIRM, P.A. TO SERVE AS OUTSIDE COUNSEL REPRESENTING THE CITY IN LITIGATION RELATED TO PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) AT THE DIRECTION OF THE CITY ATTORNEY; APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR RETENTION OF OUTSIDE COUNSEL ON A CONTINGENT FEE BASIS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

WHEREAS, per- and polyfluoroalkyl substances, known as PFAS, are manufactured chemicals that have been used in industry and consumer products since the 1940s, and their components break down very slowly over time; and

WHEREAS, scientific studies have shown that exposure to PFAS in the environment may be linked to harmful health effects in humans and animals; and

WHEREAS, the aim of PFAS litigation is to seek reimbursement of the costs incurred and to be incurred to investigate and remediate soil, groundwater and surface water and design, construct and operate drinking water treatment systems arising out of contamination caused by the conduct of the defendants in the litigation; and

WHEREAS, the City Commission desires to retain outside counsel for the specific purpose of pursuing litigation to recover costs and other damages associated with the discovery of PFAS in the City on a contingency fee basis.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby approves the Ferraro Law Firm, P.A. to serve as outside counsel representing the City in litigation related to per- and polyfluoroalkyl substances (PFAS) at the direction of the City Attorney.

Section 3. The PFAS Litigation Retainer Agreement with the Ferraro Law Firm, P.A., attached as Exhibit “A”, for representation of the City in PFAS litigation on a contingent-fee basis is hereby approved, and the City Attorney and City Manager are authorized to execute the Retainer Agreement, attached as Exhibit “A”, together with such non-substantial changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4. The appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 5. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK

PFAS LITIGATION RETAINER AGREEMENT

The City of Deerfield Beach, Florida ("Deerfield") and The Ferraro Law Firm ("Law Firm"), hereby agree that the Law Firm shall serve as attorneys for Deerfield to investigate and prosecute claims against any and all parties, individuals and/or corporations that may be liable under the law, for wrongs and injury suffered by Deerfield arising out of groundwater supply and soil contamination by Per- and Polyfluoroalkyl Substances ("PFAS") containing with any and all products including, but not limited to, Aqueous Film Forming Foam ("AFFF"), including the submission and processing of claims in currently pending class action lawsuit settlements.

The Law Firm has both the financial and legal resources to provide Deerfield with the highest level of representation. The Law Firm is prepared to investigate PFAS contamination of the groundwater and soil on behalf of Deerfield upon the signing of this Retainer Agreement ("Agreement"). If upon the conclusion of the Law Firm's initial investigation it is determined there are actionable claims for PFAS contamination, the Law Firm shall bring suit on behalf of Deerfield. The Law Firm is prepared to finance the entire litigation including all out-of-pocket expenses and disbursements and handle the lawsuit on a contingent fee basis. This guarantees that Deerfield will not be responsible for any costs of this litigation whether the Law Firm is successful or not.

The purpose of this litigation is to seek reimbursement of the costs incurred and to be incurred to investigate and remediate soil, groundwater and surface water and design, construct and operate drinking water treatment systems arising out of contamination caused by the conduct of the defendants in this litigation. By way of example, the aim of this litigation is to seek reimbursement of costs including, but not limited to, those associated with potential soil and groundwater contamination at any fire training facilities and the installation and continued maintenance of filtration systems at Deerfield's water treatment plant.

1. CONTINGENCY FEE PERCENTAGE, COSTS, FEE/COST CAPS: In consideration, Deerfield agrees the gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. The agreed contingency fee percentage and fee/cost caps shall be determined by the stage of litigation, as set forth in the Schedule below:

- 15% upon execution of the Agreement. Total fees and expenses shall not exceed 16% of any gross recovery.
- 18% of any gross recovery obtained following disclosure of expert reports. Total fees and expenses shall not exceed 20% of any gross recovery.
- 19% of any gross recovery obtained following briefing of summary judgment or *Daubert* after expert discovery. Total fees and expenses shall not exceed 20% of any gross recovery.
- Total fees and expenses shall not exceed 20% of any gross recovery after jury selection begins.

Total fees and expenses shall not exceed twenty percent (20%) of the gross recovery. Deerfield grants the Law Firm an interest in a fee based on the gross recovery. If a court awards attorneys' fees, the Law Firm shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **There is no fee if there is no recovery.**

The Law Firm agrees to advance all necessary litigation expenses necessary to prosecute these claims. The litigation expenses may include, but will not be limited to, court costs and filing fees, process serving fees, investigators' fees, product investigation and testing fees, trial related expenses, including but not limited to, audiovisual, court reporter, exhibits, expert witnesses, demonstrative aids, and computer research charges. **These Litigation expenses will only be incurred if they pertain directly to Deerfield's claim. Additionally, there is no reimbursement of litigation expenses if there is no recovery.**

With respect to travel costs and travel-related expenses, the Law Firm agrees to adhere to Section 112.061 of the Florida Statutes as they pertain to out-of-pocket expenses, including employee lodging, transportation, per diem, and all miscellaneous travel related costs and fees.

At the conclusion of the matter, Deerfield will have the right to receive and approve a closing statement before a fee is deducted. The statement will list all of the financial details of the entire case, including the amount recovered, an itemized list of all expenses incurred, and a precise statement of the Law Firm's fees.

To be clear, the Law Firm shall not be paid nor receive reimbursement from public funds. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall not be considered public funds for purposes of calculating the contingent fee. Deerfield and the Law Firm agree to make a good faith effort to seek a monetary payment in any settlement that includes a non-monetary equitable remedy.

2. FEDERAL MULTIDISTRICT LITIGATION ("MDL"): The litigation authorized by this Agreement may become part of The Federal Multidistrict Litigation ("MDL") docket, on which one or more attorneys from the Law Firm currently serve on plaintiff management or executive committees, performing work that benefits multiple clients of the Law Firm, as well as clients of other attorneys involved in similar litigation. As a result, the court or courts where an MDL is pending may order that one or more Law Firms is to receive additional compensation for time and effort which has benefitted all claimants in the MDL. Compensation for this work and effort, known as "common benefit work," may be awarded to the Law Firm and paid out of the MDL court's assessments against settlements, including settlements on behalf of Deerfield and others who have filed claims that are pending in the MDL court. This common benefit compensation is separate and distinct from any fees or costs owed under this Agreement.

3. CONTACT COUNSEL AND COMMUNICATION WITH CLIENT: The Law Firm shall appoint a contact person to keep Deerfield reasonably informed about the status of the matter in a manner deemed appropriate by Deerfield. The identity of the contact person designated by the Law Firm may change over the course of the investigation and litigation to best match the contact person with the stage of investigation and litigation and to best meet the needs of Deerfield.

Deerfield at all times shall retain the authority to decide the disposition of the case and personally oversee and maintain absolute control of the litigation. Deerfield, acting through its City Attorney, shall be the ultimate decision maker on all matters relating to the investigation and/or litigation, including whether to file litigation and whether and what terms to settle such litigation. The Law Firm shall consult with and obtain the approval of Deerfield, acting through its City Attorney, concerning all important issues regarding the investigation, litigation, and any settlement, including but not limited to the complaint and all dispositive motions, selection of consultants, experts and other professional services, discovery, pre-trial proceedings, trial, and settlement offers, demands, or negotiations. The Law Firm shall consult with and obtain the approval of the City Attorney, or the City Attorney's designated alternate contact, prior to making or releasing any press release, news release, media release, press statement or public statements regarding Deerfield's role in or position on this litigation or any matters related thereto.

4. CLOSING STATEMENT: Upon conclusion of this matter, the Law Firm shall provide Deerfield with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to Deerfield and the method of its determination. The closing statement shall specify the matter in which the compensation was determined under the Agreement, any costs and expenses deducted by the Law Firm from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm, as required in Rule 4-1.5 (f)(5) of the Florida Rules of Professional Conduct. The closing statement shall be signed by Deerfield and each attorney among whom the fee is being divided.

5. ASSOCIATION WITH ADDITIONAL ASSOCIATE COUNSEL: Weiss Serota Helfman Cole + Bierman, P.L. shall serve as associate counsel. The Law Firm may retain additional associate counsel to assist with litigation pursuant to this Agreement. Any additional associate counsel selected by the Law Firm shall be subject to Deerfield's approval. Deerfield shall not be responsible for any additional costs or fees for any associate counsel, all of whom shall be compensated by Law Firm out of the contingency fee described in Section 1 of this Retainer Agreement.

6. STATUTE OF LIMITATIONS: Deerfield understands that the Statute of Limitations period for the case must be investigated, and that this Agreement is made subject to that investigation as well as an investigation of the entire case.

7. RESULTS NOT GUARANTEED: No attorney can accurately predict the outcome of any legal matter, accordingly, no representations are made, either expressly or impliedly, as to the final outcome of this matter.

8. INSURANCE: During the performance of services under this Agreement, the Law Firm shall maintain the following insurance coverage. All insurance policies shall be written by an insurance company authorized to do business in the state of Florida. The Law Firm shall procure and maintain, for the life of this Agreement either Professional Liability Insurance or equivalent Errors and Omissions Insurance. This coverage is for damages arising out of the insured's negligence, mistakes or failure to take appropriate action in the performance of business or professional duties. This coverage shall be on an "Occurrence" basis, however, if the Law Firm's coverage is on a "Claims Made" basis, Deerfield will accept such coverage as long as the Law Firm shall maintain a

“retroactive date” prior to or equal to the effective date of this Agreement. The Certificate of Insurance shall evidence whether the coverage is on an “Occurrence” or “Claims Made” basis, and if the coverage is on a “Claims Made” basis, the Certificate of Insurance must also evidence the “retroactive date” of coverage. The minimum limits of coverage shall be \$1,000,000 per occurrence with a deductible of no more than \$10,000. A Certificate of Insurance shall be forwarded by the Law Firm to the City Attorney.

9. LOCAL GOVERNMENT REQUIREMENTS:

I. Scrutinized Companies

- A. Pursuant to Section 287.135, the Law Firm is ineligible to enter into, or renew, this Agreement if the Law Firm is on the Scrutinized Companies that Boycott Israel List (as identified in Section 215.4725, Florida Statutes), or is engaged in a boycott of Israel.
- B. By entering into this Agreement, the Law Firm certifies that the Law Firm is not on the Scrutinized Companies that Boycott Israel List, and that the Law Firm is not engaged in a boycott of Israel.
- C. The Law Firm shall notify Deerfield if, at any time during the term of this Agreement, the Law Firm is placed on the Scrutinized Companies that Boycott Israel List, or that the Law Firm is engaged in a boycott of Israel. Such notification shall be in writing and provided by the Law Firm to Deerfield within ten (10) days of the date of such occurrence.
- D. In the event Deerfield determines, using credible information available to the public, that the Law Firm has submitted a false certification or the Law Firm is found to have been placed on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel, Deerfield may, in its sole discretion, terminate this Agreement and seek a civil penalty, and other damages and relief, against the Law Firm, pursuant to Section 287.135, Florida Statutes. In addition, Deerfield may pursue any and all other legal remedies against the Law Firm.
- E. The Law Firm shall not seek damages, fees, or costs against Deerfield in the event Deerfield terminates the Agreement pursuant to this provision.

II. E-Verify

By entering into this Agreement, the Law Firm becomes obligated to comply with the provisions of Section 448.095, Fla. Stat., "Employment Eligibility." This includes but is not limited to utilization of the E-Verify System to verify the work authorization status of all employees hired after January 1, 2021 (as well as contractual employees whose contract is renewed after January 1, 2021) and requiring all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Failure to comply will lead to termination of this Agreement, or if a subcontractor knowingly violates the statute, the subcontract must be terminated immediately. Any challenge to termination under this provision must be filed in the Circuit

Court no later than 20 calendar days after the date of termination. If this Agreement is terminated for a violation of the statute by the Law Firm, the Law Firm may not be awarded a public contract for a period of 1 year after the date of termination. Should the Law Firm violate the requirements of Section 448.095, Fla. Stat., they shall be liable for any additional costs incurred by Deerfield as a result of the termination of the Agreement.

III. Public Records

A. Deerfield is a public agency subject to Chapter 119, Florida Statutes. This Agreement requires The Law Firm to provide services, and therefore the Law Firm shall comply with Section 119.0701, Florida Statutes. Specifically, the Law Firm shall:

- 1) Keep and maintain all public records related to the performance of the services.
- 2) Upon request from Deerfield's custodian of public records, provide Deerfield with a copy of the requested records, or allow the records to be inspected or copied within a reasonable time, at a cost that does not exceed that provided in chapter 119, Florida Statutes, or as otherwise provided by law.
- 3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement.
- 4) Upon completion or other termination of the Agreement, keep and maintain the public records required by Deerfield to perform the services. The Law Firm shall meet all applicable requirements for retaining public records set out in Florida law.
- 5) In addition to maintaining the records pursuant to Paragraph Number 4 above, provide to Deerfield all records that were stored electronically by the Law Firm, upon request from Deerfield's custodian of public records, in a format that is compatible with the information technology systems of Deerfield.

B. The failure of the Law Firm to comply with the provisions set forth in this Article, or to comply with Deerfield's request for records, shall constitute a default and breach of this Agreement, and Deerfield shall, in its discretion, pursue any and all remedies against the Law Firm provided for under this Agreement or at law.

IF THE LAW FIRM HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE LAW FIRM'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (XXX-XXX-XXX), EMAIL, CITY HALL, CITY CLERK, ADDRESS.

I certify and acknowledge that I have had the opportunity to read this Agreement and have answered any questions pertaining thereto. I further state that I have voluntarily entered into this

Agreement fully aware of the terms and conditions. This contract may be cancelled by written notification to the attorney at any time within 3 business days of the date the contract was signed, as shown below, and if cancelled the client shall not be obligated to pay any fees to the attorneys for the work performed during that time. If the Law Firm has advanced funds to others in representation of Deerfield, the firm is entitled to be reimbursed for such amounts as the attorneys have reasonably advanced on behalf of the client.

SIGNED AND ACCEPTED ON THIS _____ day of _____, 2024.

CITY OF DEERFIELD BEACH, FLORIDA

By: _____

Name:

Position:

THE FERRARO LAW FIRM, P.A.

By: _____

Name:

Position:



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet File Number: I.D. 2023-2282

Agenda Date: 1/9/2024

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE II "BOARDS, COMMITTEES, COMMISSIONS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE OF ORDINANCES TO CREATE SECTION 2-26 "CRIMINAL HISTORY BACKGROUND CHECKS" FOR CERTAIN ADVISORY BOARDS AND COMMITTEES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance and set public hearing for January 23, 2024

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The City Commission appoints individuals/residents to various City boards and committees. Article II of Chapter 2 of the Code of Ordinances sets forth the regulations for boards, committees and commissions. Such appointments do not currently require background checks.

Current Activity

At a recent City Commission meeting, Commissioner Drosky raised the issue of background checks for board members, and the City Commission gave direction to prepare an Ordinance for the Commission's consideration. The attached Ordinance requires background checks for members of City boards/committees (i) whose official activities or duties are performed within or in close proximity to parks or facilities with minors, the elderly, or persons with special needs, or (ii) involve participating in City activities/events with minors, the elderly, or persons with special needs as part of their responsibilities or duties as a board or committee member. Such boards would currently include the Education Advisory Board, Cultural Committee and African American Heritage Committee.

Individuals will be prohibited from serving on such boards or committees if they have been convicted, plead guilty or no contest (nolo contendere) had adjudication withheld, prosecution deferred, been placed on probation, received a suspended sentence, or forfeited bail in connection with any of the criminal offenses set forth in Section 435.04(2), Florida Statutes. Chapter 435 provides for uniform background screening requirements and Section 435.04(2), Fla. Stat., sets forth a list of felony offenses and offenses involving moral turpitude, minors and the elderly.

Recommendation

For consideration by the City Commission.

ORDINANCE NO. 2024/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE II “BOARDS, COMMITTEES, COMMISSIONS” OF CHAPTER 2 “ADMINISTRATION” OF THE CITY CODE OF ORDINANCES TO CREATE SECTION 2-26 “CRIMINAL HISTORY BACKGROUND CHECKS” FOR CERTAIN ADVISORY BOARDS AND COMMITTEES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, the City Commission appoints residents to various City boards and committees; and

WHEREAS, Article II of Chapter 2 of the Code of Ordinances (the “City Code”) sets forth the regulations for boards, committees and commissions; and

WHEREAS, due to the nature of certain boards and their duties, functions, and interactions with the public, the City Commission finds that prior to appointing residents to serve on certain boards or committees, it is in the best interest of the residents of Deerfield Beach to require a criminal background check on all applicants to such boards or committees.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are made a part of this Ordinance.

Section 2. Chapter 2 “Administration”, Article II “Boards, Committees, Commissions” of the City Code of Ordinances is hereby amended to read as follows¹:

Chapter 2 ADMINISTRATION

* * *

ARTICLE II. – BOARDS, COMMITTEES, COMMISSIONS

DIVISION 1. – GENERALLY

~~Sec. 2-26 – 2-35. – RESERVED~~

Sec. 2-26 Criminal History Background Checks.

(a) Unless otherwise exempted, criminal history background checks are applicable to all individuals appointed to the City boards and committees (i) whose official activities or duties are performed within or in close proximity to parks or facilities with minors, the elderly, or persons with special needs, or (ii) involve participating in City activities/events with minors, the elderly, or

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~.

persons with special needs as part of their responsibilities or duties as a board or committee member. Such boards include but are not limited to the African American Heritage Board, Cultural Committee, and Educational Advisory Board.

Within thirty (30) days of adoption of this Ordinance, each individual who is currently appointed to a board or committee that involves activities and/or duties as stated above shall complete, and provide to the City Clerk, an authorization form so that a Level II background check may be obtained from the Florida Department of Law Enforcement or equivalent criminal records database. Failure of a current member to submit such authorization form in a timely manner will, after written notice and a 10 calendar day opportunity to cure, result in the individual's automatic removal from the respective advisory board.

Any individual who is seeking appointment or reappointment to such boards or committees must also provide the authorization form prior to being consider for appointment or reappointment and shall not become qualified for the appointment until an acceptable criminal history background check is received by the City Clerk or designee. For reappointments, a new background check is only required if the reappointment is more than a year from the original appointment. Appointees/reappointees will not be considered by the City Commission until a successful background check has been completed.

(b) Individuals who have been convicted, plead guilty or no contest (*nolo contendere*) had adjudication withheld, prosecution deferred, been placed on probation, received a suspended sentence, or forfeited bail in connection with any of the criminal offenses set forth in Section 435.04(2), Florida Statutes, shall not be eligible to serve on such specified boards or committees. If a current member of such board or committee is found to have a criminal record as set forth herein, the City Manager or designee will inform the appointing City Commissioner and notify the board member of their automatic removal from the board.

(c) If, during a members term on such advisory boards or committees, the member is convicted, pleads guilty or no contest (*nolo contendere*) has adjudication withheld, prosecution deferred, been placed on probation, received a suspended sentence, or forfeited bail in connection with any of the criminal offenses set forth in Section 435.04(2), Florida Statutes, such member shall notify the City Clerk within 5 calendar days of such event. Such members will be disqualified from serving, the City Manager or designee will inform the appointing City Commissioner and notify the board member of their automatic removal from the board or committee.

(d) The Mayor and Commission are exempt from the requirements of this Section when serving or being appointed to a board, committee, or commission under the jurisdiction of the City Commission.

Sec. 2-27 -2.35. RESERVED

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED 1ST READING ON THIS ____ DAY OF _____, 2024.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2024.

BILL GANZ, MAYOR

ATTEST:

HEATHER MONTEMAYOR, CITY CLERK