



Meeting Minutes City Commission

Tuesday, April 21, 2020

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., through virtual electronic meeting connection.

Present: 5 – Commissioner Todd Drosky
Commissioner Michael Hudak
Commissioner Ben Preston
Vice Mayor Bernie Parness
Mayor Bill Ganz

Also Present: 3 – City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Samantha Gillyard

Commissioner Preston was present during roll call, but couldn't respond due to technical difficulties.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Parness.

APPROVAL OF CITY COMMISSION MEETING MINUTES

Regular City Commission Meeting Minutes - April 7, 2020

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve the minutes as submitted.
Voice Vote:

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

Nays: 0

Commissioner Preston did not have audio and was not included in the vote.

APPROVAL OF CITY COMMISSION AGENDA

April 21, 2020

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

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

Nays: 0

Commissioner Preston did not have audio and was not included in the vote.

PUBLIC COMMENT

There were no comments from the public.

CONSENT - BOARD APPOINTMENTS

- 1. Resolution 2020/046 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Sally Ling to the Historic Preservation Board; and providing for an effective date.**

The Resolution was read by title only.

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

Commissioner Drosky said he has multiple residents in his district with a rich history, whereas, Ms. Ling is a noted author and wrote a book about the City's history; therefore, he fully supports her as per his nomination.

Commissioner Preston activated audio shortly before the vote on Item 1.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 1, adopted Resolution 2020/046. Roll Call:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

- 2. Resolution 2020/047 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Grant Agreement with the State Division of Emergency Management for the City's receipt of grant funds related to Hurricane Irma disaster debris removal and other disaster related emergency measures in the amount of \$2,249,910.97; authorizing execution of the Grant Agreement; and providing for an effective date.**

The Resolution was read by title only.

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

There was no discussion amongst the Commission.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 2, adopted Resolution 2020/047. Roll Call:

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

Nays: 0

- 3. Resolution 2020/048 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the purchase of a license plate reader camera system, software and related equipment from Vetted Security Solutions, LLC, in the amount of \$277,170.00 utilizing Law Enforcement Trust Funds; providing for execution, severability and an effective date.**

The Resolution was read by title only.

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

Commissioner Drosky spoke in support of the item and explained that the equipment is not supplied universally; therefore, costs are more than expected. Further, the equipment has to be compatible with existing equipment; as it is in use 24/7 and is commercial grade.

In response to Commissioner Hudak's question, David Santucci, City Manager, replied yes, the new system is compatible with the existing system.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 3, adopted Resolution 2020/048. Roll Call:

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

Nays: 0

- 4. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Evaluation Committee's ranking of proposals pursuant to Request for Proposals #20-02-PC for Design-Build Construction Services for the Center of Active Aging; authorizing the City Manager to commence contract negotiations with Seawood Builders, LLC, the top ranked firm; providing for severability and an effective date.**

The Resolution was read by title only.

Anthony Soroka, City Attorney, said last Monday, he received a letter alleging the campaign contribution disclosure form submitted by the top ranked proposer was insufficient and after review, he issued a memo which is included in the backup. Also, he spoke with the Elected Officials individually about their options based on the City's Code. Furthermore, he received a memo from counsel of Seawood Builders in response to his memo, which was provided to the Clerk today.

Samantha Gillyard, City Clerk, advised that the memo was being e-mailed at Mr. Soroka's request.

Mr. Soroka said there was a cone of silence in effect, thus, staff had to wait to send the information to the Commission. Seawood's counsel is on the line and would like to present their position; notwithstanding, the memo will be made a part of the record of the agenda item.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Mayor Ganz opened the public hearing.

Ms. Gillyard provided an overview of the e-mails received in connection with Item 4.

Alice Taylor, CEO Broward Health North, supporting Ed and Betty Masi, as well as the project.

Richard Hopper, 409 Goolsby Boulevard, Deerfield Beach, supporting Seawood Builders and the project. He further advised that an oversight of campaign contributions should not have any bearing on the proposal.

Dave Noderer, no address provided, supporting Betty Masi and Seawood Builders.

Adam Corin, 1500 E. Hillsboro Boulevard, Suite 206, Deerfield Beach, supporting Betty Masi and Seawood Builders; he also recognized her integrity and character.

Rick Jorden, 111 Jim Moran Boulevard, Deerfield Beach, supporting Seawood Builders for the project and outlined his experiences with Ed and Betty Masi.

Jeff Anderson, Stor-All, 141 SE 1st Street, Deerfield Beach, supporting Seawood Builders for the project and Betty Masi. He also asked that there not be any backlash for not listing the political contribution.

Audra Durham, Director of Sales & Marketing, Wyndham, 2096 NE 2nd Street, Deerfield Beach, supporting Betty for the project, as well as her dedication and passion for the City.

Glenn Sullivan, 2377 Deer Creek Trail, Deerfield Beach, asked that the bid be rejected for insufficiency in the bid response. He made several suggestions: approve the second bidder, reject all bids and restart, City Commission to re-rank the second and third bidders or send ranking back to the evaluation committee.

Lastly, Ms. Gillyard advised that the campaign contributions are outlined in the agenda backup.

Scott Backman, 14 SE 4th Street, Boca Raton, representing Seawood Builders, provided an overview of the bid process for the design-build contract for the Center for Active Aging, whereas, Seawood responded last March and the submittal included a list of several campaign contributions which was required in the RFP application, as well as the City's Code. Upon the initial submittal package, the evaluation committee selected Seawood as one of three responsive bidders that moved into the second phase of the RFP process. Seawood is the top responding and qualified bidder, as the backup reflects, by more than 100 points and over half a million dollars lower than the second ranked qualified response. Mr. Backman commented on allegations submitted last week and Betty Masi receiving a call from the New Pelican regarding this issue, that a single contribution was left off. After checking the files, the clerical error was discovered and although three (3) contributions were noted, one (1) was left off. He said there were contributions from Ed and Betty Masi individually and a contribution from Seawood both to a commissioner's campaign. One was disclosed, but one was not.

Continuing, Mr. Backman said there was nothing done intentionally as it relates to the backup associated with the issue. The Commission is faced with deciding whether this clerical oversight of one (1) out of four (4) campaign contributions is what the Code calls a minor irregularity versus something egregious in a finding that Seawood attempted to improperly influence the outcome of the RFP process. Giving those things, it is instrumental in the decision that will be made this evening. Thereafter, he explained what a minor irregularity refers to; a variation from the competitive solicitation which does not affect the proposed price or give the offeror an advantage or benefit not enjoyed by other offerors or does not adversely affect the fundamental fairness of the competitive solicitation process. This is the definition in the City's Code and based on the facts presented, none of the circumstances exist. Mr. Backman continued to outline various aspects of the Code related to conflicts of interest, impropriety in the procurement process, kickbacks and others that would influence the outcome of the procurement; none of those circumstances exist. He advised that the campaign contributions are provided through the campaign treasurer's report and is a matter of public record and can be found in the Clerk's Office. He said it is their position that the missing information can only be viewed as a minor irregularity as defined by the City's Code, and according to Section 138-130 [s/b 38-130] giving the City Commission full discretion to waive minor irregularities. Lastly, Mr. Backman provided a brief history of Ed & Betty Masi's contributions and time in the City and that with all their years in the City,

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

they have never been selected as a general contractor on a City contract.

Betty Masi, 1617 SE 6th Street, Deerfield Beach, said she and her husband have lived and worked in the City for 35 years and their company, Seawood Builders, has been here for about the same amount of time. She said this was supposed to be a simple consent agenda item; wherein, little to no discussion was presumed. Nevertheless, Seawood was ranked #1 by over 100 points and offered a bid \$550,000 less than the #2 ranked firm. There would not have been much to discuss except the Center for Active Aging being a great project for the City with a highly regarded local contractor doing the work. She said she never imagined that a single search on her accounting database, which provided the wrong answer, would have led to a discussion about her, her husband and their company's moral character. It is unfathomable that their company may be disqualified because of a clerical error; it would be a harsh disproportionate punishment for an error. While Seawood disclosed campaign contributions, they failed to list one (1) due to oversight; however, there was no unfair advantage over the offerors. Had the additional \$500 campaign contribution been listed, it would not have changed the outcome. Ms. Masi explained that there was no reason to hide a single contribution, but the disruption is celebrated by very few who would like to destroy this opportunity. In closing, she said they are here for the long haul, always working to make the community they live, work and play the best it can be.

Mayor Ganz closed the public hearing.

Vice Mayor Parness said he did not receive a contribution from Betty Masi or Seawood Builders and his comments have no reflection on anyone who did. He outlined the possible decisions the Commission could make based on a mistake; however, he does not want to send a message that the Commission are sticklers and unfriendly to businesses that have been in the City for years, as it may discourage other businesses from working with the City. This is not a major violation or attempt to deceive the City, but a clerical error. Therefore, he suggested awarding the contract to Seawood, as it will save half a million dollars and because they were 100 points higher than the other bidders.

Commissioner Preston said this is a tough situation, but the Commission must consider what is right. Although there is no nefarious act, there is a process in place and with this bid, there are three (3) bidders, whereby, the Commission can consider the other bidders in an effort to move forward. Thereafter, he commented on various measures the Commission may take; awarding the contract, start the process over or award the next bidder. Nevertheless, the Commission must think about the residents.

Commissioner Hudak said he has thoroughly researched this topic and if the contract is awarded to the second bidder, it will cost the taxpayers \$500,000; therefore, that is not the proper course of action. He said he was informed that the other applicants [bidders] had not responded that they were not given a fair opportunity and asked if that were still accurate.

David Santucci, City Manager, replied that to the best of his knowledge, no correspondence has been received from the other bidders.

Commissioner Hudak said they are the most adversely affected in this situation and did not see fit to bring forth any claims. Commissioner Hudak said he does not believe Seawood Builders received an unfair advantage by not disclosing a campaign contribution. He said he does not know of any corporation that would intentionally hide a \$500 campaign contribution to lose a potential \$11.5 million bid. He commented on the memo received from the City Attorney and asked that it be discussed to determine why mechanisms were implemented and whether the error falls under an ethical violation or a clerical error.

Commissioner Drosky said the City Attorney's memo outlines four (4) options; however, there is not an option for the City Manager to negotiate with the second bidder to take the first bidder's price as it is not an option per the City's Code. Thereafter, he listed the options: 1) approve the recommendation of the evaluation committee; 2) reject all bids; 3) City Commission re-rank proposals; or 4) send back to evaluation committee for further review. Commissioner Drosky said he does not favor approving the recommendation because of the City's Code of Ethics which is the strongest in Broward County. He said he cannot overlook the error even though it was minimal and unintentional in his view. Additionally, he objected to option 3 because he sat on the audit committee when the City auditor was being selected and the amount of information involved in these selections is extremely voluminous. Whereas, re-ranking

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

without having reviewed the information in detail is not fair to any of the applicants and is an injustice to the process. Option 4 would not accomplish much as the committee is not in tune with myriad concerns ethically or politically and would most likely to the point system stick. Though option 2 is not high on his list, he is not in favor of spending an additional half million to prove a point.

Continuing, Commissioner Drosky said if the bids are redone, there is no guarantee that the number one applicant would be first again. Additionally, there may be more applicants than the three (3); whereby, the bid for the Tigner Center closed in March and there were six (6) bidders. Moreover, with the economy, private firms may potentially want to bid as it is hard to find work in the private sector. In closing, Commissioner Drosky asked that options 2 and 4 be further discussed.

Mr. Soroka provided excerpts from the City's Code regarding procurement practices and ethics. He said after reviewing the documents outlined in his memo, he did not find any evidence of deceit or intentional misconduct by anyone. As such, the direction he is providing abides by the City Code. The campaign disclosure requirement in Section 2-505(a) requires that any applicant submit a disclosure listing campaign contributions to all sitting commissioners from the past four (4) years as well as contributions of any individual members of an LLC. It is his opinion based on the evidence, that for a particular contribution to the Mayor, two (2) payments should have been disclosed instead of one (1) and it was acknowledged that it was a clerical error. Section f states that failure to disclose shall be a violation of the ethics code and shall be grounds for the City Commission to void or rescind any approval or contract.

Continuing, Mr. Soroka said regardless of whether it was intentional or not, there is no distinction in the Code between intention or gravity and Section f indicates it is a violation of the Code. If voiding or rescinding were the only provision in the Code to address a violation, he would agree it is grounds, but there are additional provisions which he outlined. Section 38-141(2) states that the City shall not execute a contract if there has been a violation of this section, any ethics provision of a procurement solicitation, or any local, state or federal law, including but not limited to a number of stipulations. Further, Mr. Soroka said he agrees with Mr. Backman that the violation is not outlined in 38-141(2) a-f (see attached) and may not rise to that level or be egregious; however, he is limited to what is in the Code and the reasonable interpretation. Whereby, it states the City shall not execute a contract if there has been a violation of any ethics provision for procurement solicitation for any local law. He advised that the four (4) options provided to the Commission are derived from Section 38-127(4)(e); option 4, though not numbered, is the last line of the section which reads "the City Commission reserves the right to re-rank in accordance with Section 38-130". In closing, Mr. Soroka reiterated the options for the Commission and said if the Commission determines there has been a violation of 2-505, that the contract should not be entered into. Thereafter, he entertained questions of the Commission.

After a brief Q&A with Vice Mayor Parness, Vice Mayor Parness recommended starting the process from scratch as he does not think it's appropriate to remove a bidder and not provide an opportunity to correct the mistake which would be accomplished by a new bid and save a half million dollars over the next bidder. Thereafter, he motioned to reject all bids.

Commissioner Hudak referenced the excerpts provided by Mr. Soroka, specifically Section 2-505(2)(f) which states "failure to disclose in compliance with this section shall be a violation of the ethics code and shall be grounds for the City Commission to void or rescind any approval or contract".

Mr. Soroka explained his understanding of Commissioner Hudak's stance; however, in Section 38-141(2), the Code outlines any violation of local law, ethics or procurement solicitation, the City shall not execute a contract. In Mr. Backman's opinion, they don't believe 38-141 is not applicable.

Commissioner Hudak asked if the vote by the Commission should be based on their belief that it is an ethical violation.

Mr. Soroka said that is not the only option, and if the Commission feels the proposer violated 2a, it is his opinion that a contract should not be entered into based on the provision he outlined.

Mayor Ganz said the omission was a campaign contribution to him. Thereafter, he commented on Deerfield Beach officials being removed from office by the Governor in 2008/2009, which is when there were ethical issues. He explained that the attack is not about ethics or morals but is political. Nevertheless, Mayor Ganz said a mistake was

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

made and believes it to be honest based on the Masi's character; however, it is a violation of the ethics code. There were situations in the past where the ethics in the City were a joke and many things were going on which is why he supported the ethics code. Though this was a technical error, and not unethical, it's still a violation. He said he would have a hard time moving forward and just rejecting; nevertheless, with the options provided, he cannot agree with approving it. Mayor Ganz said the rules are written to do what is in the best interest of the residents and taxpayers; therefore, throwing out almost \$550,000 on a legality is not practical.

Continuing, Mayor Ganz said three (3) firms came forward in good faith and while one firm has been attacked it is only because the firm supports him and others on the Board. Mayor Ganz said he does not believe re-ranking will make a difference, as the second firm would likely be selected, but they are a half million dollars higher than the first ranked. In light of these conditions, Mayor Ganz said the bid process should be restarted. Mayor Ganz said the attacks against the Masi's must stop as people have asked why local firms do not bid on projects and provisions were added to encourage participation. He commented on the character assassination on the Masi's contributions to the City as well as the belief that there is something nefarious happening with him and the Masi's. The contributions provided by the Masi's is outlined in the campaign treasurer's reports which are online, whereby, they are not trying to hide anything but made a clerical error. Mayor Ganz recommended going back out to bid as it would be in the best interest of the residents. Lastly, he explained how important the Center for Active Aging is as it provides care for 200 people and is in need of renovations.

Prior to the vote, Commissioner Drosky asked if all the bids are rejected, would others be allowed to bid.

Mr. Soroka said if no condition is being added, it would be a new open solicitation.

Vice Mayor Parness said the more people that bid the better chance at saving money for the City.

There was a brief discussion clarifying the motion and whether a new proposal would be open to all or the only three (3) original bidders.

Vice Mayor Parness clarified that his motion was meant to start a new process and open bids for all.

Commissioner Preston expressed concern with restarting the process as there are other bidders who did their due diligence and it does not appear that those bidders are being considered in the process. Nevertheless, he understands the consideration due to the price of the bid.

Mayor Ganz said over \$500,000 and 100 points separates the first and second bidder and if they were asked to get their price closer, it is a lot to ask as it is likely they would have cut it when the bid was submitted. Further, negotiating down the line would be unfortunate for everyone and he would rather inconvenience those involved in the process instead of shortchanging the public.

Mr. Santucci said there is an option to just go back out for the RFP and not both the RFQ and RFP. He explained that the original RFQ was done first because at the time of releasing the RFQ, staff did not have the complete design criteria package and saved time during that process by getting the prequalifications completed while the design criteria package was being finalized. When the RFQ was being approved by Commission, the RFP was ready to go out at that time. It would be feasible to be quicker in the RFP process if the Commission chooses that direction.

Commissioner Preston agreed with Mayor Ganz that the residents should not be shortchanged; nevertheless, there is a process in place and no one knows what will happen if the project is rebid. He asked if the City has any leverage in regard to the other remaining companies.

Mr. Soroka clarified that the question is finding out if the second bidder can close the gap on the \$500,000. He replied that there is no way of knowing if the second bidder will reduce their price. If the motion passes, the second bidder could resubmit and possibly lower their price then.

Mayor Ganz responded to questions and comments posed by Commissioner Preston; however, he does not agree with leveraging someone to cut their price. Also, he said the best solution to the problem presented is to restart the process as competition is always a good thing.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Commissioner Drosky said while he understands Commissioner Preston's comments and sympathizes with the other bidders. He asked Commissioner Preston what he recommends, as there are four (4) distinct options and trying to ask the bidder to reduce their price was not included. Due to the strong ethics ordinance, that option was left out to uphold the Commission's ethics which would be disrupted if it were allowed to skip the first ranked and go to the second for any reason.

Commissioner Preston opined that the remaining bidders should be a part of the conversation and moving forward pushes them aside and takes them out of the process. However, if the process starts over, there will be a ranking system and if something happens, they will not be a part of the conversation.

Vice Mayor Parness said the Code does not outline what Commissioner Preston suggested. Though it provides options, it outlines what is best for the residents. Thereafter, Vice Mayor Parness asked to call the question.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to reject all proposals and direct staff to issue a new solicitation. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

5. ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING ARTICLE X "LOBBYIST REGISTRATION REQUIREMENTS" OF CHAPTER 2 "ADMINISTRATION"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, 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.

Anthony Soroka, City Attorney, said the Ordinance was prepared to update the City's code to reflect consistency with the County's ethics and lobbyist registration requirements and the City's use of the electronic lobbying contact log system which has been used for a number of years, and is operational through software.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 5 on first reading. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION AND LEGAL

CITY MANAGER

COVID-19 - David Santucci, City Manager, said it appears that people are becoming eager with getting things back to the new norm. The federal government has come out with a Reopen America phased approach which gives each state a lot of leeway on how to accomplish reopening, as every state has unique conditions. The Governor has put together a task force to talk about how to reopen and what it looks like while the COVID virus is ongoing, but still functioning as an economy and community. Locally, those plans are underway, so what is being referred to as the quad-counties, Monroe, Miami-Dade, Broward and Palm Beach Counties, are all communicating to devise a phased plan and what it will look like.

COMMENTS BY ADMINISTRATION AND LEGAL - CONTINUED

Continuing, Mr. Santucci said the beaches in Jacksonville have reopened, but Deerfield Beach is vastly different than Duval County as their cases are at 901 and Broward County has over 4,000 cases at this point. Therefore, what is in the best interest of this area is being considered along with close coordination with other counties so there is a unified regional approach as to what is reopened and when. There will be nuances in the City to address, but will be done in unison with neighbors and coordination with other city administrators, as well as the departments. The planning process is underway, but expectations should be managed as this will not occur within a week or two as there is no time table. Reopening is not based on time, but on the number of cases and what the curve looks like as it must be downward in order to move forward through phasing.

Additionally, Mr. Santucci said if there is abuse or people not paying attention to the restrictions throughout the phases, and numbers begin to escalate, the City will revert back. It is a cautious approach and is not based on what is an essential business, but is viewed from a perspective of risk. Businesses as it relates to social distancing and what COVID means has different sets of risks and circumstances that must be addressed to open and under different circumstances as it was prior to the virus.

CITY ATTORNEY - No Report.

COMMENTS BY MAYOR AND CITY COMMISSIONERS

COMMISSIONER HUDAK DISTRICT 1

COVID-19 - Commissioner Hudak said two weeks ago the University of Washington projected that the State of Florida would have over 1,000 deaths from the virus and as of this morning there are 839. Commissioner Hudak continued to outline the number of deaths resulting from the virus, the previous case totals and increase of current cases since the last City Commission Meeting: 556 deaths; the State has over 27,000 cases an increase of 12,991; Miami-Dade - 909,840, an increase of 4,843; Broward County - 4,149 cases, an increase of almost 2,000; Palm Beach County - 2,296, an increase of 1,160; Duval County, had a total of 901 cases with over 957,000 residents. Other data included Fort Lauderdale: 922 cases with a population of 182,000 people. He explained that Deerfield Beach is different than Duval and while he understands the residents want to open the beach, patience is needed. He also commented on Deerfield Beach having 86 cases, an increase of 51 since the last meeting. Nevertheless, it is lower than Boca Raton, Delray Beach and Pompano Beach. He thanked the residents as their actions are working, but asked that they continue to be patient.

Business Assistance - Commissioner Hudak thanked Ace Hardware, Winn Dixie and Publix for helping the first responders as they have done special things for them.

Candle of Hope - Commissioner Hudak said the *Candle of Hope* is by Hillsboro and Federal Highway, which was presented by a local artist Tony Vilavoca to support the first responders. He said the first responders are doing a tremendous job and thanked them for keeping everyone safe. Lastly, he encouraged everyone to remain strong.

COMMISSIONER PRESTON DISTRICT 2

Online Church Services - Commissioner Preston thanked the district churches for having online services, including bible study. He thanked them for following the rules and encouraged everyone to follow the social distancing guidelines.

COVID-19 - Commissioner Preston said there is still a lot that is being unveiled, but said there will be a new normal. He then commented on two (2) parents serving as first responders who lost their 5-year old daughter due to the virus. He said it is very serious and at some point, there will be a new normal. Further, the City is doing a good job dealing with the virus. He also asked that everyone support City staff as they are doing as much as possible, as well as the local businesses because of their loyalty and the difficulties they face. In closing, Commissioner Preston said everyone will get through this difficult period and thanked his colleagues, City Manager, and City Clerk as they are doing a great job.

COMMENTS BY MAYOR AND CITY COMMISSIONERS - CONTINUED

VICE MAYOR PARNES **DISTRICT 3**

Compliance Issues - Vice Mayor Parness said certain businesses are allowing people to enter without masks, whereas, larger businesses are enforcing face coverings as no one knows who is or is not sick. The law needs to be enforced as people who do not believe they are sick could possibly endanger others.

COVID-19 Testing - Vice Mayor Parness said testing is available by appointment at the Festival Flea Market; the average waiting time is only 20 minutes per car. It is important that if someone is not feeling well or someone you know to get tested. He discouraged going to an emergency room as it is possible to get sicker there than staying home.

COMMISSIONER DROSKY **DISTRICT 4**

CDC Guidelines - Commissioner Drosky thanked every resident for following the orders to stay at home and using face coverings.

Local Businesses - Commissioner Drosky also encouraged the support of local businesses and though it is a sacrifice, it doesn't go unnoticed.

Thank You - Commissioner Drosky thanked the first responders and those who are serving during this challenging time. He also thanked the Commission for being studious and contributing to the topics discussed this evening.

Saturday Office Hours - Commissioner Drosky said he is accepting phone or Zoom appointments on Saturday, May 2, 2020; he provided his e-mail for contact, tdrosky@deerfield-beach.com.

Local Bridge Work - Commissioner Drosky said there are five (5) bridges in the City being repaired, starting today with the Deer Creek Country Club Boulevard bridge that includes painting, recoating, cleaning, rebar, sidewalk repair. There may be minor traffic disruptions in the area, but the work will start in District 4 then other parts of the City. Lastly, Commissioner Drosky encouraged the public to stay safe and strong.

MAYOR BILL GANZ

Current Conditions - Mayor Ganz said he is impressed with frontline staff, but people have been impatient with social distancing. Also, though everyone is concerned with the local economy, he agreed that the local businesses should be supported, but it is disappointing that people wish for others to lose their jobs.

COVID-19 - Mayor Ganz agreed that the number of cases need to be watched and thanked Vice Mayor Parness for helping secure the Festival Flea Market as a testing site. Furthermore, he commended Commissioners Preston and Hudak for their assistance with the food giveaway. He thanked the entire Commission for their efforts and expressed his gratitude for serving with them. Additionally, Mayor Ganz warned that people are trying to exploit the citizens by claiming to sell masks as well as price gouging and asked that it be brought to the City's attention if it occurs.

Local Changes - Mayor Ganz said the City is tied with the Governor's Orders as well as the surrounding counties, but Commissioner Lamar Fisher has been trying to work on separating from Miami-Dade and Palm Beach counties as Broward starts to slowly rollout policy changes which will be based on cases. Mayor Ganz said he would much rather save a life and look out for the citizens, whereas, no one should sacrifice their health because money can be replaced, but not a life. He said he hopes this can be overcome.

Mayoral Meetings - Mayor Ganz said he has been meeting with mayors in northeast Broward County and making decisions in unison. He thanked Mayors Chris Benson, Glenn Troast, and Rex Hardin for their communication and keeping each other informed. Thereafter, he commented on Tiara East being terrorized by over 50 motorcycles riding down A1A and destroying their property, and although they were in Boca and Delray, it was not communicated to Deerfield Beach. Additionally, in speaking with Boca Raton's Mayor, they had a meeting tonight to discuss opening their boat ramp for commercial fishermen; nonetheless, communication will help roll out a plan that will make sense for everyone.

COMMENTS BY MAYOR AND CITY COMMISSIONERS - CONTINUED

Potential Considerations - Mayor Ganz asked that everyone start thinking about how the 4th of July event will be handled. He also commented on possible changes to the pay plan that will be fair to the taxpayers, but also takes care of the employees. There has also been concern about parking revenue when the main concern is closing the beach and protecting residents. Those decisions are being made now and staff is working toward the changes. In closing, Mayor Ganz encouraged everyone to be safe and kind to others.

ADJOURNMENT

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to adjourn the meeting at 9:11 p.m. Voice Vote:

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

Nays: 0

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk

CITY CODE EXCERPTS

Sec. 2-505. - Disclosure and behavior requirements of applicants and person/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"):

(1) Shall not induce, attempt to induce, offer, solicit or knowingly assist any person in violating the ethics code.

(2) Shall with their application, proposal or bid:

a. Include a listing of all campaign contributions to sitting city commissioners in the past four years as well as contributions of all officers, directors, shareholders of a corporation if the applicant is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

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

c. Disclose any action that is a violation of this ethics code by a regulated officer (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).

d. 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.

e. An applicant has a continuing duty to report any violation of this ethics code related to their application.

f. 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.

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

Sec. 38-127. - Competitive solicitations.

(4) Evaluation committee procedures.

(e) The ranking and the evaluation committee's recommendation shall be reported to the city commission. The city commission, by majority vote, has the option to either (1) approve the evaluation committee's ranking/evaluation and recommendation; (2) recommend rejection of all submittals based upon a stated reason; or (3) send the ranking/evaluation back to the evaluation committee to conduct further evaluations consistent with the requirements of the RFP or RFQ and the evaluation committee may either ratify the ranking/evaluation or re-rank the firms. The city commission reserves the right to re-rank in accordance with [section 38-130](#).

Sec. 38-141. - Ethics in procurement.

(1) Any attempt by city employees to realize personal gain by conduct inconsistent with proper discharge of their duties is a breach of public trust. Any effort to influence any public employee to breach the standards of ethical conduct set forth in this division is also a breach of ethical standards. The provisions of city ordinances, county ordinances and state statutes shall be strictly enforced to preserve the public trust.

(2) The city shall not execute a contract if there has been a violation of this section, any ethics provision of a procurement solicitation, or any local, state, or federal law, including but not limited to:

(a) Conflicts of interest;

(b) Kickbacks;

(c) Solicitation of procurement by payment of a gratuity or offer of employment;

(d) Acceptance of a gratuity or offer of employment resulting from solicitation of procurement;

(e) Violations of the cone of silence;

(f) Any other improper or unlawful attempt to influence the outcome of a procurement.
