



Meeting Minutes City Commission

Monday, August 17, 2020

7:00 PM

Virtual Meeting

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., via virtual meeting technology.

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

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Hudak.

APPROVAL OF CITY COMMISSION MEETING MINUTES

Regular City Commission Meeting Minutes –August 4, 2020

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve the 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

Community Appearance Board Meeting Minutes - January 22 & February 12, 2020

Planning & Zoning Board Meeting Minutes - February 6, 2020

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

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

Mayor Ganz expressed condolences for the loss of Heywood Coleman, City employee, who recently passed.

AWARDS & RECOGNITION

1. Proclamation presented to the League of Women Voters recognizing the 100th Anniversary of Amendment 19, granting women the right to vote.

Commissioner Hudak read the proclamation outlining the history of women's right to vote by Amendment 19. The US House of Representatives passed Amendment 19 on May 21, 1919 and US Senate on June 4, 1919. It became part of the US Constitution on August 18, 1920. Without much fanfare, Amendment 19 ended almost a century of struggle, protest, torture and prison time.

2. Presentation by Waste Management regarding a request to amend the Future Land Use Map (FLUM) for the Monarch Hill Renewable Energy Park, more specifically the former Wheelabrator location.

Barbara Herrera, Waste Management, 2700 Wiles Road, Pompano Beach, thanked the Commission for the opportunity to provide the presentation on the update of a land use plan amendment (LUPA) which was filed with the County.

Monarch Hill Landfill – Vital Broward County Asset – Ms. Herrera said the parcel is a 500-acre site bounded by the Turnpike, Wiles, Powerline and Sample Roads which is believed to be a Broward County asset.

Monarch Hill – LUPA – Ms. Herrera said the LUPA is a 24-acre parcel; whereby, they are seeking a redesignation from electrical generation to industrial. Currently located at the site is the former Wheelabrator facility on the north side; it was originally a waste-to-energy facility. At this time, it is being operated as a trash transfer station. In order for the current use to be in compliance, they are seeking this land use designation because the current use is not consistent with current zoning. Eventually, after July 2023, the end of the Wheelabrator site, will be used for landfill disposal. Thereafter, she introduced William Laystrom, Waste Management council.

Monarch Hill Landfill – Aerial of 24 - Acre Parcel - Mr. Laystrom said he will provide the land use presentation throughout the County approval process. The property is located in unincorporated Broward County and must go through their land use process which is very similar to the City. The application has been filed with Broward County, but due to COVID-19, they have not had the first development review hearing. Once that occurs, they would go to the County Commission to request to go from an electrical generating plant for the area shown in red to industrial. All the property in the slide is land use industrial as is the property across the street. He continued to explain the steps necessary in the approval process which should take approximately one (1) year. For industrial land use, they have taken a look at water, sewer, electric, which are not needed with the current needs and uses and still little with the landfill. Regarding traffic, there are no anticipated changes.

Continuing, Mr. Laystrom provided the process with the County; i.e. rezoning application, site plan approval process and permitting at the federal, state and local level. Although it currently serves as a trash transfer station, it takes trucks from all parts of northern Broward County into larger trucks, municipal solid waste, to transport to the southern facility and burned.

AWARDS & RECOGNITION – CONTINUED

Monarch Hill Landfill – Currently Permitted – Mr. Laystrom said this slide outlines the current area that is land use industrial and over the course of the next 10 to 17 years it will be filled in for land use as the Monarch Hill landfill.

Monarch Hill Landfill – Proposed Land Use Change – Mr. Laystrom said this shows the landfill at full build out.

Monarch Hill Landfill – Mr. Laystrom outlined the materials collected at the landfill; construction and demolition (C&D) debris, municipal solid waste, yard waste, project driven materials and hurricane debris. The landfill operates as the closest place for disposal for hurricane debris; whereas, the distance to travel to the Broward County landfill in western Pembroke Pines would take double the time for Deerfield Beach. The additional parcel will allow for an additional four (4) to five (5) storms of debris. Over the last several years, they have worked on bird and odor mitigation as well as street sweeping. Thereafter, he outlined the focal areas for street sweeping and cleaning.

Monarch Hill Landfill – Bird Mitigation – Ms. Herrera said the landfill is adjacent to many beautiful communities and what they do has a potential to impact those neighbors. Bird mitigation has been near and dear to their hearts as avian pests can impact property values and quality of life. Therefore, they use falconry services; whereby, hawks and falcons are effective with scaring birds away from the landfill. This method has proven to be highly effective.

Monarch Hill Landfill – Odor Mitigation – Ms. Herrera said odor mitigation is very important to the residents around the landfill and Waste Management. The mitigation efforts are numerous, which she explained in detail. First, landfill gas collection is the primary form of odor control and are installed twice yearly. The gas collection and control system is monitored daily to ensure effective collection. Pin wells are shallow wells that capture potentially odorous gases. Other mitigation efforts include: misting, daily cover and limited schedule for odor-causing activities.

Monarch Hill Landfill – Street Sweeping – Ms. Herrera said street sweeping takes place across Wiles Road, going east from the landfill toward Powerline. This is important to Deerfield Beach because of the impact it could have on the drainage; as they do not want to block it and assure that it remains clear and free of debris.

Monarch Hill Landfill – Renewable Energy Creation – Ms. Herrera said they are a renewable energy landfill gas to energy site. She explained that the facility captures gases and powers about 9,000 homes daily. They are investing about \$1 million in additional flare capacity to not only enhance the program, but the odor abatement program, as well.

Monarch Hill – Vital Broward County Asset – Ms. Herrera said the future capacity of Monarch Hill varies as it depends on the storms. Currently remaining capacity is approximately 17 million yards; however, the LUPA will provide for an additional 7.8 million yards of vital capacity. She estimated that approximately 17 years of life and the LUPA will add about 7 more years which can vary depending on hurricanes. The proposal represents an increase of almost 9% total capacity at Monarch Hill which would allow handling of four (4) to five (5) storm events.

Monarch Hill Landfill – WM Community Outreach – Ms. Herrera outlined the communities she has visited in Deerfield Beach and Coconut Creek. Residents have been invited onto the landfill via tour and shown them the various systems, held Q&A sessions and meetings with district managers. Also, over the past 10 years, over 12,000 Broward County residents have visited during Earth Day celebrations.

Aerial Views - Ms. Herrera provided photos from the residences mostly impacted by Monarch Hill. The first photo showed the ground level view from Independence Bay across from the Wheelabrator facility. In the center is the building which is a shell of a building and is not used for waste to energy; however, currently there is a trash transfer station that services the Wheelabrator South facility. Additionally, from a higher altitude, it shows the lake, industrial area in the front, building in the back and the landfill. She also pointed out Sun 11 facility and the Waste Connections trash/transfer station they use. Ms. Herrera also provided

AWARDS & RECOGNITION – CONTINUED

views from Waterways.

Continuing, Ms. Herrera displayed a photo from the corner of Powerline Road and Wiles Road, which is where material is deposited on a daily basis. The material is above the tree line, but if driving next to it, you can only see the green on the top. She also displayed an aerial photo, which outlined the Wheelabrator facility on the right. The next photo is from Monarch Hill overlooking the City. The white building is the Sun 11 facility with the Waste Connections transfer station next to it.

Completion of 24-Acre Site – Ms. Herrera provided renderings of the area once the 24-acre parcel is completed. After some years, the facility will be green. Thereafter, she provided future renderings of views from Independence Bay.

Monarch Hill LUPA – Summary – Ms. Herrera said the proposed land use change is limited to the former Wheelabrator North plant. Monarch Hill landfill serves as a disposal backup to the Wheelabrator South plant now, but currently, the site is being used as a trash/transfer station as per the Broward County Waste Management Global Agreement, which is in place until July 2023. Utilizing the property for landfill capacity, will not extend the landfill beyond the borders of the current facility; however, they are maximizing the current footprint. She concluded the presentation reiterating the current uses; thereafter, she entertained questions of the Commission.

Mayor Ganz said Ms. Herrera has done an outstanding job with outreach, but his experiences with Waste Management have not been the best. For example, with the last fill in, at Powerline and Green Road, many things were promised as well as no impact on the City but it has had a tremendously negative impact. Residents have complained about dust, dirt and debris. Everything that is being proposed, like street sweeping and property maintenance should already be in place. He credited Ms. Herrera for odor mitigation as it has been improved with her onboard and she has been very responsive; nonetheless, it has not gone away and is still a problem. Whereas, adding another 24-acre parcel of more garbage will not change that except make it worse. Mayor Ganz further commented on the negative impact to the residents and the proposed LUPA will kill any opportunity for north Broward to have a waste to energy plant in the future. The plant is not the issue, but the garbage is; therefore, he will be advocating against it to the County and Planning Council.

Commissioner Drosky said the countywide Solid Waste Taskforce is composed of County members, Commissioner Fuhr, municipal representatives and Waste Management. They have not come to any conclusion and are debating alternatives which one could be waste to energy. He then asked why the land use designation would be done now without knowing what the Solid Waste Taskforce will recommend; once the designation is changed, it seems that it will be gone forever if the Taskforce decides.

Mr. Laystrom replied that under the global agreement with the County, Waste Management has to use the property for trash transfer through 2023 and County staff has advised that it is not a permissible use in the electrical generating category. For the purpose of continuing the trash transfer alone, Waste Management has to have the industrial designation changed. Also, he advised that he has been involved for many years and outlined the requirements for their contracts under the South Wheelabrator Plant; whereas, they are not permitted to use the property for an electrical generating plant. This was a contractual requirement entered into as part of the transition. The reality is that the south plant has about 830,000 tons available burning capacity every year for which they are using about 730,000 tons. Mostly C&D material is done at the facility which is not burnable but a landfilling material. An additional burner can be added to the south plant which provides between 200,000 to 250,000 tons of additional annual capacity if needed. He explained that over the years, Broward County has gone further away from waste to energy plants and the demand went down significantly over the last 10 years which is why the plant was no longer needed. If the County has another use, all uses would be covered by the industrial land use designation being proposed, i.e. recycling, landfill which is important to the County. The property as an electrical generating plant will not proceed because of their contractual obligations with Wheelabrator South.

Commissioner Drosky asked when the parcel would be infilled and the timeline to tear down the existing Wheelabrator facility.

AWARDS & RECOGNITION – CONTINUED

Mr. Laystrom replied that they would like to tear down the existing facility rather quickly because it is an old abandoned facility. All the parts and most of the equipment that was of any value was sent to the south facility so they could use it both as spare parts and interchangeable parts for the south Wheelabrator facility. Thus, he anticipated that the land use amendment would take about a year, site planning around 6 to 12 months, permitting about a year after and right now, Waste Management has about 16 to 17 years to fill the existing facility.

Commissioner Drosky said once the additional parcel is filled in, there will be more garbage, debris and dust. He expressed concerns with the trucks going through Green Road and Military Trail; thereafter, he provided photos of the area. The signs indicate “No Thru Trucks” and are at all four (4) geographic corners of the location. He said the first time the sign is visible it is too late and trucks are traversing in these areas, and debris is flying off the trucks. Many residents in this area are complaining of garbage in the swales and medians. He asked if additional signage can be provided to make sure trucks are not going on roads they do not belong. As a result, there is additional debris mitigation being caused by the trucks; whereas, the fill-in will create more debris.

Ms. Herrera said Waste Management will be happy to explore whatever they can to assure there is clear signage in those areas. Also, they can instruct their trucks to not take that road. As for the traffic studies conducted thus far, there will not be any additional landfill traffic because it is not as if the area will be filled at once, it is done in cells. The traffic going in and out right now will be about the same in the future. In case of a major storm, there will be more queuing space at the landfill once the design is done. She reiterated that Waste Management will be happy to work with the City on the signage and cleaning of the areas which is being done right now. The street sweeping is being done now as it was part of the conditional approval for the facility approved by the Commission in February. Lastly, she advised that they collect any visible litter along Powerline Road now.

Commissioner Drosky said the borders of the project need to be expanded as three (3) of the four (4) corners of the intersection at Powerline and Green Road are City and the northwest corner is the County. He asked that Waste Management work with staff and the Commission on not only better signage, but better debris mitigation through the corridor and even south toward Sample, will help alleviate a lot of residents' concerns.

Mr. Herrera said Waste Management would be happy to work with him and the County to assure these mitigation efforts are implemented.

Vice Mayor Parness commented on the ownership of Green Road being with the County. Additionally, he said until the cities decide on building a burning plant, we are stuck with garbage. The proposed LUPA is not something that the City has to decide on right now as the process will take some time. In the meantime, the garbage goes to the landfill and may be that way for the next 10 years. He said it is not a good idea to say no to something upfront when the future is unknown.

Commissioner Hudak said he visited the landfill last week and is impressed with the site. He said by not expanding the waste to energy program and eliminating a facility that can be used for it is shortsighted. No one has been able to answer why eliminating the potential facility as opposed to retrofitting it and building the program back up. Between 10 and 17 years, there may not be space and the decisions made now will have serious adverse effects to the future Commission. Therefore, he agreed with Vice Mayor Parness. Lastly, he asked why Waste Management is not looking to expand the waste to energy program in northwest Broward as opposed to eliminating it.

Commissioner Preston said his understanding was that tonight's presentation did not require any action. Thus, the information provided should be considered by the Commission when moving forward. He asked the timeframe on when the Commission would have to make a decision.

Mr. Laystrom replied that it will go through the County's approval process and the City's participation will be in the form of input at the Broward County Planning Council along the way; possibly a year or so. Nevertheless, they are open for discussion at any point during the process and would be willing to meet

AWARDS & RECOGNITION – CONTINUED

with additional residential groups if necessary. Furthermore, he said although nothing will come before the City Commission formally, the Commission could adopt a resolution to support or not and is the only action to take place. Mr. Laystrom also offered to come back to the Commission with an update in the next 3 to 6 months and respond to street sweeping and signage on Green Road, a County road. He said they will work with the County to have additional signage installed and can fund those signs as well. The signage could be installed on the west side of Powerline Road on Wiles going east.

Commissioner Preston said the information provided by the Commission is beneficial as it gives a clearer picture moving forward and outlines concerns. Thereafter, he asked that the Commission be kept abreast of what happens so the Commission can anticipate the challenges and in turn, be mitigated by Waste Management.

Mr. Laystrom said they will follow up on the comments received today and provide a written update on the land use plan process and their responses on a quarterly basis to the City Manager. Once the Commission receives the update, they can advise whether Waste Management should return or address concerns with staff.

Commissioner Preston agreed and asked the Commission their stance.

Mayor Ganz said he does not have an issue with more information coming forth. He provided his past experiences with Waste Management and said the garbage has been moved closer to the residents and has had a negative impact. The Commission does not have the opportunity to wait and see but needs to get ahead of this early. The last time this was done and what is currently being experienced, he does not support at all. It is disappointing that West Management is trying to do this now knowing the conversations that are occurring. There have been many bad deals with the County and hopes it does not repeat itself. Lastly, Mayor Ganz said moving forward at this time is a mistake and it is disappointing that Waste Management is proposing it and the need for that site could have much more impact on the City than just filling it in.

Commissioner Preston said moving something like this closer to people could present a challenge to him, but the Mayor has experience and wisdom and the Commission should be open minded to the Mayor's comments.

PUBLIC COMMENT

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, said the garbage collectors do a fantastic job in her neighborhood and never leave anything on the ground. It is a hard job, but she is very proud of them.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

- 3. Resolution 2020/103 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the First Amendment to the Agreement between Broward County and the City of Deerfield Beach for participation in the Consolidated Regional E-911 Communications System and First Amendment to the Regional Interlocal Agreement between Broward County and the City providing for cooperative participation in a regional public safety intranet; providing for execution, severability, and an effective date.**

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed on Items 3, 5 – 9.

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 Items 3, 5-9 in concert. Roll Call:

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

Nays: 0

- 4. Resolution 2020/104 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the agreement with Paymentus Corporation for electronic bill payment services; waiving competitive selection requirements; ratifying execution of the agreement with Paymentus Corporation; and providing an effective date. (Funds from Account #401-8000-536-39-37 - Bank Charges & Account #001-3008-545-39-37 - Bank Charges)**

The Resolution was read by title only.

David Santucci, City Manager, advised that due to vulnerabilities with City's current vendor for utility bill online bill payment service, he recommended the approval of a new contract with Paymentus for this service. Thereafter, he provided background on the requirements leading to the selection of Paymentus: high level of assurance for security, compatibility with the City's existing ERP system and cost effective. After evaluating a few systems, the Chief Information Officer recommended Paymentus and he concurred.

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

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 4, adopted Resolution 2020/104. Roll Call:

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

Nays: 0

Items 5 through 9 were approved along with Item #3, see vote record above.

- 5. Resolution 2020/105 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an amendment to Grant Agreement H0329 with the State of Florida, Division of Emergency Management for the Hazard Mitigation Grant Program City Hall Wind Retrofit and Drainage Project to extend the project end date; providing an effective date.**
- 6. Resolution 2020/106 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the submission of the Florida Urban and Community Forestry Grant Program Application to the Florida Department of Agriculture and Consumer Services; authorizing matching funds in the amount of \$15,000; authorizing execution of a Grant Agreement; and providing for an effective date.**
- 7. Resolution 2020/107 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Work Authorization with CH2M Hill Engineers, Inc. in the amount of \$75,046 for professional design services for the evaluation and rehabilitation of the West Wellfield Wells; authorizing execution of the Work Authorization; and providing an effective date. (Funds from Account #413-5000-536-60-31 - Improvements other than Buildings)**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

8. **Resolution 2020/108 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Work Authorization with Total Municipal Solutions, Inc., in the amount of \$89,700 for professional design services for the docks at Pioneer Park Piers 1, 2, and 3; authorizing execution of a Work Authorization; and providing an effective date.** (*Funds from Account #001-1630-519-60-31 - Pioneer Park Dock, Rail and Piling Replacement*)
9. **Resolution 2020/109 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the submission of an application to the Broward County Marine Advisory Committee for the Broward Boating Improvement Program Grant; authorizing matching funds in the amount of \$151,631; authorizing execution of a Grant Agreement; and providing for an effective date.** (*Funds from Account #001-5060-519-6031 - Improvements other than buildings [FY 2021]*)

DEPARTMENTAL BUSINESS

10. **Resolution 2020/110 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the amended rules and regulations for Deerfield Beach Memorial Cemetery and Pineview Cemetery; providing for conflicts, severability and an effective date.**

The Resolution was read by title only.

Cassi Waren, Assistant Director of Parks & Recreation, provided a brief presentation on changes to the cemetery rules and regulations.

Purpose and Highlighted Changes – Ms. Waren explained that the current rules and regulations were adopted in 2015 and are being revised to bring clarity to staff and customers. The highlighted changes include: additional definitions; revision of current definitions; addition of changes of rules/regulations; and service fees/charges.

Added Definitions and Revised Definitions – Ms. Waren said three (3) new definitions have been added: dependent, family member, and minor. Dependent is a new qualifier and did not exist before; qualifications are based on applicable IRS regulations. Family member is defined as a grandparent, parents/legal guardian, siblings, spouse, domestic partner, children or grandchildren. Lastly, the definition of a minor is a person under the age of 18.

David Santucci, City Manager, said the purpose of these definitions are to provide clarity and recognize that the different groups of individuals would be able to receive the resident rate for burial.

Continuing, Ms. Waren said the definition for resident has been revised. It is now defined as a person having his/her place of residency within the City at the time of purchase or death. There are a number of ways one can show proof of residency. Ms. Waren outlined the current ways to show proof of residency: valid Florida driver's license, state issued identification card, Broward County voter registration certificate and others. Additional alternatives also include declaration of domicile and homestead exemption, instead of property ownership.

Revised Definitions - Continued – Ms. Waren continued to outline the revised definitions. She explained that for a dependent/minor, a parent or legal guardian may establish residency of a dependent or minor by providing proof of guardianship or applicable IRS tax documents. Those living in nursing facilities, nursing homes or assisted living facilities, if living in one outside the city's boundaries, they may be considered a resident by providing proof of residence status showing they lived in Deerfield Beach immediately preceding the move to the listed facilities. If a facility is within the city's boundaries, they must provide the most recent copy of an invoice or bill. Also added, the City reserves the right to request additional documents in an

DEPARTMENTAL BUSINESS – CONTINUED

affidavit under oath, declaring representations made to the City regarding residency are true.

Additional Rules and Regulations – Ms. Waren outlined additional rules and regulations: interment instructions/notice, plot reservations and violations. The interment instructions must be filled out by the funeral home and provided to the City at least two (2) business days prior to the cremation/interment. There are exceptions but will be determined by the director and subject to additional charges. Plot reservations now provides that a family member has 90 days to hold and pay for plot next to deceased; the hold is removed after 90 days. Further, there is now the opportunity to reserve the plot before death.

Additional Rules and Regulations - Continued – Ms. Waren outlined the violations. First, if a funeral home fails to provide timely notice per section 3.03, Interment Instruction, within two (2) business days, it can result in a delay of interment and/or expediting fee. The fee will be set forth in the fee schedule. Additionally, if a funeral home has three (3) or more violations in a 12-month period, the City Manager now has the right to suspend business if decided.

Service Fees/Charges – Ms. Waren said the service fees and charges are now set forth in the fee schedule; a revised fee schedule will be brought before the Commission soon. Until then, the current fees in place are effective. Payment for service charges must be paid at the time of issuance of the order for the interment or removal at least two (2) business days prior. Overtime charges will be assessed for any services before or after normal burial business hours. She advised that normal burial business hours are from 9 am - 2 pm Monday through Friday. Thereafter, she entertained questions by the Commission.

Vice Mayor Parness asked if he could purchase a plot and not use it for five (5) years.

Ms. Waren replied yes, that is a change to the policy.

Commissioner Preston commented on the requirements to prove residency; whereas, there are people who live in rooming houses and do not have the typical residency status. He said those people should also receive the residency rate at the time of death. He read from the regulations and asked that it include alternate information instead of additional written documents.

Mr. Santucci said the spirit of the sentence is to recognize Commissioner Preston's stance and agreed with amending the clause. Some may not be able to produce the documents listed but may have other documents to substantiate their residency claim.

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

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 10 as amended, adopted Resolution 2020/110. Roll Call:

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

Nays: 0

11. Resolution 2020/111 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the renewal agreement with Calvin Giordano & Associates, Inc. for professional building department services for a five year renewal term; authorizing execution of the renewal agreement; providing for implementation and an effective date.

The Resolution was read by title only.

David Santucci, City Manager, outlined Item 11, a renewal of the contractual services agreement with Calvin Giordano & Associates (CGA) to provide building services. Eric Power, Director of Planning & Development

DEPARTMENTAL BUSINESS – CONTINUED

Services, and CGA staff are here to present the item.

Background – Mr. Power briefly outlined the City's history with CGA which began in 2015 to replace the building department. He also outlined the functions of the department: building plan and inspection review for structural, mechanical, electrical and plumbing permits, and others. The initial contract allowed five (5) years of service and is set to expire; however, it allows for a one-time five (5) year extension.

Current Compensation – Mr. Power provided the current compensation structure for the past four (4) years; whereas the current contract is split 15/85 with 15% going to the City's Building Trust Fund and 85% going to CGA. Each year, the City maintains 15% regardless of any increase to building revenue; albeit, there has been an increase in the last few years. He explained that over the past 12 years, the City has not averaged \$3 million; however, since rates and permits have increased, staff expects an average of \$3 million to \$4 million even in lean years. Mr. Power outlined the permit revenue for 2019 which is an anomaly but was the best year and the City's return was just over \$1 million.

Proposed Compensation – Mr. Power said in order to move forward, it was determined that the City must collect a minimum of \$750,000 to \$1 million every year to fund the Building Services Fund. Therefore, during negotiations, the City proposed retaining 25% of permit fees while CGA would retain 75% for the first \$3 million of permit revenue. Afterward, the City would only retain 10%. The City would then achieve the \$750,000 needed for the fund.

Mr. Santucci said the \$750,000 to \$1 million pertains to the City's expenses related to the building fund. This will allow the City to recoup those costs quicker and at a higher rate of guarantee.

Permit Revenue from Inception – Mr. Power outlined the projected revenue if the proposed contract was in place from 2016 – 2019. The spreadsheet shows the amounts that would have been allocated to the City and CGA. In each scenario, the City would have exceeded the required fund amount. Thereafter, he commented on the differences each year. The intent of proposed contract would allow the City to retain the funds needed even when revenue is not as high.

Additional Notes – Mr. Power said the City has to follow State Statutes; thereby, the building fund is regulated and can only be used for building activities and not general government activities. Mr. Power explained what the building fund can be used for: pay for building permit review and inspection, administrative costs, imputed rent and others.

Additional Notes - Continued – Mr. Power said there was a recent revision to a State Statute that further discussed the allowable activities and costs for building revenues; however, it does not apply to the current contract. Notwithstanding, the State will no longer allow for city contracts or expenses to be waived, even with Commission approval. This means that staff must find ways to fund building projects on City property. In discussion with CGA, they believe the City can be charged 50% of the cost of the permit and essentially, it would pay for the cost of the review without contributing to overhead, burden or profit of CGA.

Plan Review Activities/Hours – Chris Giordano, Vice President CGA, provided a graph showing plan review activity and plan review hours from 2016 – 2020 which line up with revenue from those years. He advised that activity has increased by 28.37% and review hours by 30.72%. Furthermore, the change between the plan review hours and activity led to more complexity due to larger development projects. In summary, over 15,000 plan reviews are being completed yearly.

Inspection Data Activities/Hours – Mr. Giordano provided inspection data to include activity, which is also spiking as well as the inspector hours; whereby, on average, there are about 34,200 yearly. Inspection activity has increased 82% over the initial term of their contract and hours by 118%. He noted that the increase stemmed from complex development projects.

Total Staff Data Activities/Hours – Mr. Giordano outlined staff activity and hours; activity has increased 61% and staff hours 22% from 2016 – 2020. The total staff cost per hour has increased by 15.84%; most recently, those costs have been due to health insurance, fuel and insurance. The most recent impact is

DEPARTMENTAL BUSINESS – CONTINUED

due to COVID-19 via PPE and less efficiencies due to social distancing.

Permit Review Times – Mr. Giordano outlined the permit review times for varying criteria. All the criteria are well within the allotted timeframe of 30 days as outlined in the Florida Statutes; the longest timeframe is new construction, 7 – 10 days.

Contractual Service Benefits – Mr. Giordano said cost control-risk reduction is one of the benefits of contractual services; whereas, with the decrease in permit volume, it is up to CGA to staff the department. The staff does fluctuate as the work increases and decreases, yet, CGA staffs accordingly to assure a high level of customer service. Additional benefits include the City retaining its percentage of permit fees regardless of operating costs, the City never having department labor costs that exceed revenue and others.

Contractual Service Benefits - Continued – Mr. Giordano continued to outline contractual service benefits: fluctuating workload control whereby, CGA will bring staff up or down to balance workload and cover for anyone out on leave. Also, CGA is responsible for hiring, benefit costs, unemployment costs and others. Mr. Giordano concluded by outlining some of the compliments received by customers for their assistance.

Thereafter, questions were posed by the Commission.

Commissioner Drosky said he understands that building services is not a revenue source for the City and can only collect revenue that supports the building fund; thus, a 50/50 split cannot be justified. He asked if Mr. Power is comfortable with \$750,000 covering all the City's costs.

Mr. Santucci replied that the \$750,000 would be a minimum amount that the City needs to fund its portion of the expenses. In the busier years, it would take a little more to properly fund the expenditures but more would be received.

Commissioner Drosky spoke in support of the proposed contract as CGA is able to add or reduce staff when activity increases or decreases; government could not respond as quickly if the operation were in-house and flexibility would not be the same as it is with CGA.

Commissioner Hudak agreed with Commissioner Drosky on flexibility. He asked for clarification on the true-up as there has been confusion in the past. Also, he asked why CGA decided to relinquish additional funds by reducing their percentage share.

Mr. Power replied that there is a true-up and what has occurred over the last five (5) years is that staff produces a projected budget revenue for the year. That budget revenue is a little different than the budget revenue his department would have because it is the amount of money to be spent on programs and projects. Staff provides the building revenue projection as no one is aware of what will come and typically include traditional functions like DRC, the economy, etc. Some projects cannot always be predicted, like remodels for Target and Publix; thus, the projections for the last couple of years have been lower than the reality of the building revenue. This will eliminate the true-up, which is the difference between what staff projects and reality. CGA would be paid in arrears so at the end of the month, staff would review and approve the revenue then send 75% to CGA; after \$3 million, 90%. He advised that this does eliminate the need for the true-up and what the City has to do every year to approve those additional funds.

Mr. Santucci said it also forces staff to monitor the performance of the contract on a monthly basis.

Regarding additional funds, Mr. Giordano replied that CGA did not want to negotiate the contract to these rates but see Deerfield Beach as a good partner and since it is a five-year renewal, it is worth it to keep the relationship going. He also commented on the spike in building activity being unexpected; whereby, the current contract was appropriate in comparison with the proposed contract which correlates properly.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed. Thereafter, he agreed that eliminating long term liability in building services is a good thing. He

DEPARTMENTAL BUSINESS – CONTINUED

also asked staff to discuss some of the performance measures and credited staff for their work on negotiating the contract.

Mr. Power said the performance measures for the building department are based on how quickly and efficiently plans are reviewed, returned to customers and the time it takes to satisfy inspections. These are measures that developers look for and homeowners appreciate. The State allows 30 days total which is a lot of time and Deerfield Beach does not allow it; thereafter, he outlined the time allowed for the completion of a permit.

During the vote, Commissioner Preston commented on Code Compliance and how his district faced many challenges with Code; however, after working with staff, they have worked on promoting good communication within the community and mitigate those challenges.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 11, adopted Resolution 2020/111. Roll Call:

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

Nays: 0

12. Resolution 2020/112 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the renewal agreement with Calvin Giordano & Associates, Inc. for comprehensive code compliance services for a five year renewal term; authorizing execution of the agreement; providing for implementation and an effective date.

The Resolution was read by title only.

Eric Power, Director of Planning & Development Services, provided a brief presentation on the Code Compliance contract and renewal with Calvin Giordano & Associates (CGA).

Background – Mr. Power said the contract with CGA began in 2015 to perform code services for the City. The code contract is structured differently than building. There is a set amount of money specifically stating the number of employees allowed for code services. The initial contract included one (1) code supervisor, five (5) full-time inspectors, one (1) part-time inspector which was later changed to another full-time inspector and two (2) legal clerks. Over the course of those five (5) years, amendments to the contract have been approved by the Commission; whereas, a solid waste inspector was approved in 2018 and 2019, an administrative assistant.

Current Compensation – Mr. Power outlined the current compensation. The initial contract was \$942,178; the solid waste inspector which is paid from the Solid Waste Fund, \$110,000; and the administrative assistant, \$75,000; an overall total of \$1,127,178.

Improvements to Code Compliance Process – Mr. Power outlined improvements to the code process from 2016 – 2020: courtesy notice process which gives residents a chance to come into compliance before being cited; created housing standards for Code of Ordinances; new information pamphlet in four (4) different languages, customer service training and others.

Improvements to Code Compliance Process - Continued – Mr. Power provided metrics for Code Compliance and the most important metric to him is compliance that is adhered to prior to special magistrate. This means there is a relationship and open communication with the property owner and compliance inspector whereby, a resolution was found. Thereafter, he continued to outline other improvements.

DEPARTMENTAL BUSINESS – CONTINUED

Code Incidents – Mr. Power provided a City heat map highlighting code incidents from lowest to highest density. This map shows that Code is commonly in commercial areas; nevertheless, the cases are spread out.

Additional Services During COVID Pandemic – Mr. Power outlined additional services provided during the pandemic; however, no additional costs have resulted from COVID-19. Mr. Power also outlined other services: code service after hours up to 10:00 p.m., the County Interlocal Agreement has been implemented, their department has the most proactive cases in Broward County with over 1,200 cases and partnership with BSO to address after hour and late night violations of emergency orders.

Total Number of Warnings and Citations Issued – Mr. Power said this is a screenshot of the County's map and Deerfield Beach is up to over 1200 resolved cases and 200 warnings and citations issued. Deerfield Beach's Code Compliance is the most proactive in the County right now. He advised that they are focusing on commercial cases, providing information and monitoring their activity.

David Santucci, City Manager, said when the interlocal agreement was authorized, the objective was to assist with funding code enforcement COVID related activities; however, he does not believe the County envisioned what Deerfield Beach was going to do. He opined on the approach the County took; thereafter, he outlined the City's approach in being proactive, even before the agreement. Mr. Santucci encouraged the review of the business COVID GIS map via Broward County, as it will likely show that Deerfield Beach has many more resolved cases than any other city. The cases were initially not showing as resolved, but in a different category and it appeared that the City was not aware of what was happening which was not the case. Nevertheless, changes have been made, so it now shows that the cases were proactive. Lastly, he advised that Code has been doing about 1200 proactive cases weekly.

Service Enhancements – Mr. Power outlined other duties of code officers: attend all district meetings, participated in neighborhood walk-through tours and others.

Contractual Cost v. In-House Cost – Mr. Power provided a spreadsheet outlining code services and the costs if code compliance was a city function; whereas, there would likely be a 2.5% conservative increase each year. Over a 10 year span, the City would end up paying more than \$1.2 million in additional expense if the contract were not flat rate as it is with CGA. Therefore, staff is not requesting a renegotiation with CGA, but asked that the one-time five-year contract be approved.

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

Commissioner Hudak said Bernard Pita is an exceptional employee, he is very cordial and attentive to the needs of the residents. Commissioner Hudak asked about the cost of the administrative assistant being \$75,000.

Mr. Power replied that when the item was presented to the Commission last year, an exercise was done to determine the total cost of an employee. It is not just an hourly wage, but there are benefits and insurance as well as other costs along with the assumption of a raise over time which equates to around \$75,000 to \$80,000. Therefore, the request from CGA was fair and the first year of that employee, the pay would not be \$75,000, but possibly over the course of a couple of years and would extend beyond that rate later. He advised that the rate of \$80,000 proposed by CGA was negotiated to \$75,000.

Mayor Ganz commented on the history of Code Enforcement being contracted out, from the Broward Sheriff's Office and now CGA. He said no one has ever been entirely happy with Code Enforcement, but overall, they do a very good job. Further, Code Enforcement is not paid based on the number of citations, it is a flat rate fee no matter who oversees the operation. Also, the City does not make any money and is more beneficial to resolve matters before it goes to the magistrate or beyond. Thereafter, the public hearing was closed.

DEPARTMENTAL BUSINESS – CONTINUED

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 12, adopted Resolution 2020/112. Roll Call:

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

Nays: 1 - Commissioner Drosky

13. ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING DIVISION 9 "UNSAFE STRUCTURES AND HOUSING APPEALS BOARD" OF ARTICLE II "BOARDS, COMMITTEES, COMMISSIONS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE BY CREATING SECTION 2-165 "ALTERNATE BOARD" TO PROVIDE FOR THE ABILITY TO USE AN ALTERNATE UNSAFE STRUCTURES BOARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

David Santucci, City Manager, advised that the City currently has an ordinance establishing an unsafe structures board; however, there has been great difficulty with filling the board due to the required qualifications of the board members and the amount needed. The purpose of the board is to make recommendations on private properties within the City considered unsafe whereby demolition is recommended. Due to the hardship, staff recommends the use of an alternate board via the County.

Mayor Ganz spoke in support of the proposed ordinance. Thereafter, he opened the public hearing; however, there were none to speak and the public hearing was closed.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 13 on first reading. Roll Call:

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

Nays: 0

14. Resolution 2020/113 - A Resolution of the City Commission of the City of Deerfield Beach, Florida extending the State of Local Emergency regarding COVID-19 until September 17, 2020; authorizing the City Manager to take appropriate actions; providing an effective date.

The Resolution was read by title only.

Anthony Soroka, City Attorney, advised that the previous extension expires today, and the Governor has extended the state of emergency through at least September 7th.

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

Commissioner Hudak asked why the Commission would extend the order until September 17th if the Governor has only gone through September 7th.

Mr. Soroka replied that because of the City Commission's schedule, the next meeting would be September 3rd, and the Commission is not required to follow the Governor's lead. The Commission has another meeting on September 14th; whereas, the Commission has the ability to extend for 30 days which has been the case.

DEPARTMENTAL BUSINESS – CONTINUED

Commissioner Hudak asked if the Governor does not extend past September 7th, can the Commission still have a virtual meeting thereafter.

Mr. Soroka replied that the Commission has the ability to revoke the local state of emergency upon a vote of the Commission and can be done at its discretion.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 14, adopted Resolution 2020/113. Voice Vote:

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

Nays: 0

COMMENTS BY ADMINISTRATION AND LEGAL**15. Discussion and potential action regarding extending the suspension of recycling curbside pickup.**

David Santucci, City Manager, advised that there was a prior discussion to suspend the recycling curbside program. The City Commission was provided various options and decided to suspend the program until October 1, 2020. At that time, Waste Management representative did not have the ability to approve a suspension past October. Follow up discussions occurred with Waste Management and agreed to an extension till January 1, 2021. After the presentation, the Commission will be asked to make that decision.

Overview – Chad Grecsek, Director of Sustainable Management, said in June, the City Commission approved the suspension of the curbside recycling program until the current fiscal year due to ongoing excessive contamination and escalating processing costs. The costs have escalated approximately 800% from September 2019. To allow continued recycling, additional recycling drop off centers were implemented, on the west and east side of the City; those containers are being utilized and serviced twice weekly. Unfortunately, there is some contamination as shown in the photo from the east drop off location; whereby, garbage and other non-recyclables were disposed. Mr. Grecsek outlined several benefits: an uptick with drop off to the Central City Campus Center and cost avoidance of about \$30,000 monthly which should continue through the remainder of the fiscal year. Other communities are following suit and suspending their recycling programs.

Current Actions – Mr. Grecsek said staff is recommending the continuation of the program's suspension through the end of the calendar year as market conditions have not changed and there is still contamination; nevertheless, anticipated cost avoidance is estimated at \$100,000 for that three (3) month period. Staff continues to audit commercial and multifamily containers; those that exhibit excessive contamination are being removed from the program. Additionally, staff will continue to promote utilization of regional drop off centers, educate on recyclable items/materials and modify as needed. In the near future, staff plans to implement a solid waste specific mobile application which will enhance the communication to the customers, which he outlined. Moreover, staff would like to find ways to reinstitute a sustainable curbside recycling program, i.e. modify program materials, collection frequency, means to enforcement and other options. Lastly, market conditions will be monitored continually but there are no expectations of improvement and negative impacts from the pandemic are ongoing.

Commissioner Hudak asked about the waste to energy program that Coral Springs has decided to utilize and whether the City can do the same.

Mr. Santucci replied that the only waste to energy facility available to the City is down south. From a cost savings perspective, realizing that all the facilities the City uses to drop off recyclables and solid waste is located within City limits or unincorporated Broward off Green Road. Going to the south site would have significant operational impacts from a travel perspective. During the conversation with Waste Management, he found it interesting that they are using the old waste to energy plant as a transfer station to bring those materials to the south waste to energy plant; therefore, staff can look into it.

COMMENTS BY ADMINISTRATION AND LEGAL - CONTINUED

Commissioner Drosky asked about the cost savings as they differ between the backup [\$50,000] and presentation [\$33,000].

Mr. Grecsek replied that an official invoice has not been received from Waste Management so the \$50,000 is more of a projection and \$33,000 is a little closer to actual.

Commissioner Drosky said the longer the program is suspended, the harder it will be to reinstitute a meaningful curbside program; whereas, in his neighborhood, people are using blue bins regularly for garbage. Thereafter, he commented on the high contamination rates at the east and west drop off. Also, Commissioner Drosky outlined the meetings he attended with Waste Management, residents and homeowner association to educate the public; however, contamination rates remained the same. He explained how non-recyclable items are going into the landfill and increasing the carbon footprint. Lastly, he said he has his doubts that a realistic curbside program can be done in the future and any alternatives, waste to energy, could be developed with other sister cities.

Mr. Santucci asked that the Commission consider extending the suspension until January 1, 2021.

Anthony Soroka, City Attorney, asked that it be done by motion, so Mr. Santucci can execute the document.

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

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to extend the suspension of the curbside recycling program until January 1, 2021. Roll Call:

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

Nays: 0

CITY ATTORNEY – No Report.

CITY MANAGER

Resignation – Mr. Santucci advised that Preston Pooser, Parks & Recreation Director, provided his letter of resignation and will be moving onto the City of Ocala. He recognized Mr. Pooser for all his assistance during the time whereas he came at a challenging time.

ADDENDUM**16. Discussion and potential action regarding FARDA subtenant lease extension request.**

Anthony Soroka, City Attorney, outlined the location of the property, four-acre parcel off SW 10th Street, just east of I-95. Also, the FARDA attorney is available to speak.

Michael Marshall, Gunster's Law Firm, 450 E. Las Olas Boulevard, Suite 1400, Fort Lauderdale, said he is representing DRP Finance, LLP, who is the subleasee under the master lease agreement between the City and Florida Atlantic Research and Development Authority. His client respectfully requested a nine-month extension on the lease agreement due to the ongoing COVID-19 pandemic. Thereafter, he commented on the impact of COVID-19 on people and the economy. Mr. Marshall said DRP spent the first six (6) months of the most recent 12-month extension period negotiating a deal with Broward Health for development of the additional property pursuant to the lease. Unfortunately, the deal was never finalized due to reasons including the coronavirus outbreak; essentially, the first half of the extension period turned out to be a complete loss of time. He outlined the impact on COVID and the difficulty to conduct business. Though they are trying to find ways to move forward, the pandemic has continued for nearly six (6) months which is the entire second half of the 12-month extension period. Market research has confirmed that over that duration, there have not been any land sales, no lease deals within the

ADDENDUM – CONTINUED

vicinity of the area that is the subject of the lease agreement unless deals were already committed to and in place before the pandemic.

Continuing, Mr. Marshall said they understand how much the City wants to see movement, same for DRP; however, over the last six (6) months, it has been nearly impossible to market the property. Market activities could pick up as shown over the past few weeks with phased reopening's of businesses but is still evolving. If the extension is approved, DRP can initiate a very aggressive marketing strategy with a new urgency and bring a close to this development undertaking. The request is reasonable and appropriate on the basis of the COVID-19 pandemic alone, but DRP is offering a payment of over \$46,000 to the City for use in any manner. He advised that Mr. James Egan, DRP Finance is also in attendance to assist with questions. Lastly, he reiterated the immediate launch of a marketing process to make something happen with the property.

Vice Mayor Parness said he would like to grant the extension for the following reasons: continued negotiations could result in a transaction in weeks or a month; possibility of an educational facility; \$46,000 from DRP; and to sell the land, a referendum from the voters is required. If the problem is not resolved, the Commission could submit the referendum question at an upcoming election.

Commissioner Preston said whatever is built there, should serve the community in the area as it should be a benefit for his district.

Mr. Soroka said a building permit was supposed to be submitted for the parcel by August 22nd which is why it is before the Commission for consideration. Also, the lease is with FARDA, DRP is the subleasee and asked Mr. Marshall to confirm what DRP has submitted in writing, as there are certain restrictions with what can be done on the property with respect to public purpose and would have to go through the white paper process. If the Commission grants the extension, he recommends any approval of the extension be subject to a waiver by FARDA and the underlying subleasee of any future extensions as a result of the pandemic or otherwise, with the language being acceptable to the City Attorney. Further, FARDA would have to agree and sign off.

Commissioner Drosky thanked Mr. Marshall for attending. He said FARDA and DRP have not done anything to warrant this extension. The aggressive marketing should have been done well before now, with or without COVID-19. He said something should have been done before to show good faith and intent to move the property. After reading the letter provided by Mr. Marshall, if the case goes to court, there is a possibility that the judge would consider the pandemic; therefore, he asked that the Commission consider that aspect as well. Before he considers an extension, not only would the contract waiver have to be agreed to, the pro-rated rent would also have to be paid, but he would also like an identical rent contribution to the Neighbors Helping Neighbors program to show that they are truly a community partner.

Mr. Marshall said he does not have the authority to agree to any additional monetary payments but assured the Commission that the client is committed to bringing in a use that would serve the community. There are limitations by Florida Statutes for uses within an R&D park which have proven a challenge over time and there are other restrictions placed on the property when acquired from the Florida Department of Transportation (FDOT). Nevertheless, the client has the best intention and has acted in good faith throughout the duration and have met their financial obligations. While there have been opportunities, some panned out, some did not; whereas, he mentioned the jobs brought to the City through People's Trust.

Commissioner Drosky said he does not believe an effort has been made; however, though things have gone on longer than expected, there must be a commitment to the City. Also, the conditions he laid out must be agreed to for him to vote affirmative.

Mr. Marshall said he is not near the client who would have to make the decision.

Mayor Ganz said while COVID has been the nemesis for the last six (6) months, he asked why the client has not done an aggressive marketing campaign for nearly 15 years.

ADDENDUM – CONTINUED

Mr. Marshall said he has not been involved for 15 years, but has worked on the Boca campus; whereas, there are challenges on both campuses with the use of restrictions and other terms and conditions, the approval process, tracks process, etc. It is not an easy task and marketing challenge and when the details are provided to interested parties, it impedes finalizing the deal. Though he cannot make any guarantees, the intent is legitimate and whatever time is afforded to them they will do what is necessary to make up for lost time.

Mayor Ganz opined that DRP has paid more attention to the Boca Raton property instead of Deerfield Beach and only communicates when the renewal is needed; therefore, the lack of participation is disappointing.

Commissioner Preston expressed his disappointment that the client is not available to answer questions.

Mr. Marshall said he communicated with the client who is watching a delayed video; notwithstanding, he will try to bring him in and update him.

It was the consensus of the Commission to move onto Item 17 until Mr. Marshall's client could respond to their questions.

CITY COMMISSION BUSINESS**17. Discussion regarding the Community Participation Grant Program and the process for selecting and awarding funds.**

Commissioner Drosky said he thinks it is time for staff to take over the grant program process. Each commissioner received a binder with all the information and the Commission rarely makes an initial ranking for bids, selection committees, etc.; there is always a vetting process before it reaches the Commission. Therefore, he would like the initial review done by staff as they work with these entities regularly starting this fiscal year, 2021.

David Santucci, City Manager, said staff has no objections as it is very common for staff to make the recommendation on distributing grant funds. He advised that as it stands today, the item would come before the Commission in September for each commissioner to complete their rankings and have dialogue on the dais to decide on distribution of grant funds as proposed in the FY21 budget. If the Commission wants staff to make the recommendation and analysis, the recommended budget would ensue and adoption at the will of the Commission and staff could subsequently make the recommendation based on the funding provided.

Commissioner Preston spoke in support of the process; however, there needs to be flexibility so elected officials can amend the grant funds based on need. Therefore, he asked how that aspect would be handled, directly with staff or by way of the City Commission.

Mr. Santucci said the framework needs to be worked on. He envisions the same application period would stand, the agencies who submitted a request for grant funding would be vetted by staff with a recommendation to the City Commission for consideration and review. Therefore, the Commission would have input during the public discussion. The policy change would have to be presented to the Commission at a future date.

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

Commissioner Drosky advised that it was never the intent that staff's decision would be final, but the Commission would have the final say. Staff would do the initial research and rankings and then the Commission would decide.

Anthony Soroka, City Attorney, said it will be brought back to the Commission at the next meeting.

CITY COMMISSION BUSINESS - CONTINUED

Commissioner Hudak asked if the initial rankings will include the dollar amounts allocated to each party.

Mr. Santucci replied yes, staff would make the recommendation of the organizations to receive funding and the amounts.

MOTION was made by Commissioner Drosky, seconded by Commissioner Hudak to direct staff to perform the initial rankings on the Community Grant Participation Program. Voice Vote:

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

Nays: 0

ADDENDUM – CONTINUED**16. Discussion and potential action regarding FARDA subtenant lease extension request.**

Mr. Marshall advised that Mr. Egan is on the phone to respond.

Commissioner Drosky said there has not been any activity during the last six (6) months of COVID, but also for the last 15 years. Thereafter, he reiterated the conditions he would like to see in order to move forward.

James Egan, DRP Finance, said the client has been a good citizen as related to this site which may not be apparent since there hasn't been much action over the last few years. He advised that his client has gone through numerous efforts and expended much to bring something to fruition; they were hoping to duplicate an effort like People's Trust in order to bring jobs to the City as well as accomplish other goals. Further, Mr. Egan advised that land lease payments are paid every year, taxes and other expenses associated with the site. Though they have entertained numerous prospects, the City has always had a preference for a particular type tenant and many who are best suited for the site are not necessarily the best fit for the City; i.e. retail and service oriented.

Continuing, Mr. Egan said as it relates to this extension, there has been a tremendous setback as a result of COVID-19. After paying a substantial amount for the last extension, toward the end, they were negotiating with Broward Health, but after a strenuous process, COVID halted their outside real estate efforts and projects. He explained that the previous extension was based on their inability to get anyone to visit the site. Further, it has been made clear that this is going to be the last request for an extension which his client understands. The site reverting back to the City would be a very unsuccessful conclusion to years of effort and understanding the City's frustration, they have made efforts, engaged with Addison Young, one of the best brokers in the area, as they understand the area. They have expressed the willingness to be flexible to various tenants, but would remain flexible, transparent and communicative with the City. For the requested extension, due to COVID, they were not expecting to pay an extension fee. After consulting with the client, a payment at the \$46,000 level was granted; however, he is unsure how to react to the request to double the payment nor does he understand why it is being requested. This is a legitimate request with a legitimate reason.

Mayor Ganz asked what the problem has been for the last 15 years.

Mr. Egan replied it has been multifaceted, location of the site, neighborhood it is adjacent to, the best and highest use of the site is retail and service oriented. By sticking to the guidelines, they have attempted to secure a tenant able to create jobs and be more attractive to the City whereby, there are not as many out there. He outlined other issues his client has faced including fraud.

Mayor Ganz commented on the aesthetics of the property whereas, there was a rotted for sale sign that an elected official had to ask the client to replace six (6) years ago. These type things reduce his confidence in the client. He advised that the client's reluctance to pay the extension because he did not feel it was owed, shows him a person who is not fully vested or has an appreciation for what the City has gone through.

ADDENDUM – CONTINUED

Mr. Egan said anything brought to their attention has been remedied but rely on the local contact to communicate needs. He reiterated that this is the last extension and will continue to bring tenants to the City and talk with the City about them. The initial payment has been agreed upon, but if more is required, it will be entertained as it was not expected.

Commissioner Preston agreed with the Commission comments. He advised that he did not appreciate the statement Mr. Egan made about the community the property is adjacent to. Commissioner Preston said the neighborhood is economically starved and is in need of a business that will benefit the community. Additionally, he advised that Commissioner Drosky's request is not unfair; thereafter, he reiterated the needs of the community.

Commissioner Drosky commented on the inactivity prior to COVID and asked whether Mr. Egan if he is willing to agree to the three (3) conditions posed earlier.

Mr. Egan agreed that COVID is not a reason to not have anything done over the last several years, but it has been a reason during this extension period. Regarding the extension payment, it was never suggested that his client would have to pay \$46,000 twice. The client agreed to the \$46,000 as there was a legitimate reason for it, but the client hasn't heard about the second \$46,000, but will discuss tomorrow. He said he would like the site developed so everyone involved will be proud.

Commissioner Drosky said he is considering a motion to approve the extension upon the conditions that the contract waivers are acceptable to the City Attorney, the \$46,000 rent payment is made along with an equal contribution to the Neighbors Helping Neighbors Program and without approval in 24 hours, then it is denied. He asked if it could be a conditioned approval within 24 hours.

Mr. Egan said he can speak with his client to receive consensus, but since they are a subtenant to FARDA, FARDA must also approve. He therefore asked that approval also be subject to FARDA as they must agree. The next FARDA meeting is August 26th and procedurally, it would have to go before the board.

Mr. Soroka said he was going to recommend that FARDA be one (1) of the conditions. Even though the deadline is August 22nd and FARDA's meeting is after, the approval could be subject to the conditions and it will take a couple of days to negotiate and formalize an amendment to the existing agreement if the Commission chooses.

Vice Mayor Parness agreed with the conditions provided by Commissioner Drosky but added that FARDA must also agree or the lease is terminated.

MOTION was made by Commissioner Drosky, seconded by Vice Mayor Parness, to approve the lease extension provided that FARDA and DRP both approve the contract waivers, payment for extension fee of \$46,406.17 to the City and equal match of \$46,406.17 to the City's Neighbor Helping Neighbors Program be paid by midnight August 27th; and FARDA approve the lease extension by midnight August 26, 2020; otherwise the extension is denied. Roll Call:

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

Nays: 1 – Mayor Ganz

COMMENTS BY MAYOR AND CITY COMMISSIONERS**COMMISSIONER HUDAK****DISTRICT 1**

Election Day – Commissioner Hudak said the election will be held tomorrow, Tuesday, August 18, 2020, and encouraged everyone to vote.

Food Distribution – Commissioner Hudak said the Quiet Waters food distribution will be held on Friday, August 21, 2020 from 9:30 am - 12 pm.

COMMENTS BY MAYOR AND CITY COMMISSIONERS - CONTINUED**COMMISSIONER HUDAK****DISTRICT 1 – CONTINUED**

Census – Commissioner Hudak advised that the Census Bureau will stop counting efforts as of Wednesday, September 30th which is one (1) month earlier than planned. The average response rate for Broward County cities is 59%; Deerfield Beach has the third lowest response rate at 37.7%. The 2010 rate response was 72%. He said this is extremely important to the City.

Housing Assistance Program – Commissioner Hudak said the City's program for those impacted by COVID-19 started today; the application is on the City's website. He advised that the program can provide a one-time payment of up to \$5,000 per household for past due rent or mortgage and utility costs. One-time assistance will be in the form of a grant and does not require repayment. He encouraged people to take advantage if in needed.

COVID-19 Testing – Commissioner Hudak said since testing started at Oveta McKeithen Recreational Complex on June 8, 2020, 16,930 people have been tested by the Department of Health. The Deerfield Beach site has been extended through August 31st and testing is available Monday - Saturday, 8 am – 4 pm. As of August 13th, there were 1800 cases of positive results for Deerfield Beach residents.

COMMISSIONER PRESTON**DISTRICT 2**

Condolences – Commissioner Preston said he is sad to announce that Fred Scott's son passed away. He was employed with the City for over 30 years and when people commit so much of their lives to the City, it should be remembered and requested the City Manager contact him to express sympathies and let them know the Commission is ready to help.

Thank you – Commissioner Preston thanked staff, the residents and the Commission for contacting him about his son. He reported that his son has completely recovered from COVID-19 after having two (2) negative tests and can now return to work. He thanked everyone for their prayers and support.

Fire Station – Commissioner Preston displayed a video of a leak coming from an electrical box after rain at one of the City's fire stations. He said the fire stations are deteriorating and this needs to be addressed.

VICE MAYOR PARNES**DISTRICT 3**

Election Day – Vice Mayor Parnes thanked the Commission for changing the normally scheduled meeting to tonight instead of Election Day, August 18, 2020 as every citizen should have the opportunity to vote. Those active should have the opportunity to help people to vote.

District Meeting – Vice Mayor Parnes announced that he will have a district meeting via Zoom on Monday, August 24, 2020; he said if the Commissioners wish to attend to contact the City Manager's Office for the Zoom link.

Code Compliance – Vice Mayor Parnes applauded Code for cleaning up bulk violations. The security system at Century Village sends pictures every day of violators with the addresses and Code responds immediately. There has been a huge improvement in bulk throughout the City because of their work.

COMMISSIONER DROSKY**DISTRICT 4**

Pioneer Park Boat Ramp – Commissioner Drosky thanked the Commission for approval of the boat ramp repairs, applying for the grant and design services. A resident sent pictures of the pier to him and several planks were missing so it is becoming a more dangerous condition.

FDOT Meetings – Commissioner Drosky said the Florida Department of Transportation continues to have individual meetings with communities throughout the City, but District 4 in particular. He encouraged the residents in the affected communities to attend webinars and engage. Also, he asked that the residents

COMMENTS BY MAYOR AND CITY COMMISSIONERS – CONTINUED**COMMISSIONER DROSKY****DISTRICT 4 - CONTINUED**

provide their thoughts and opinions to him, Mayor Ganz and Vice Mayor Parness as this situation is not going to be resolved soon and is heating up.

Commissioner Preston's Son - Commissioner Drosky said his thoughts go out to him and his son, making a full recovery as that is always good news.

Saturday Office Hours – Commissioner Drosky said he will have office hours on September 5, 2020 via Zoom, video or phone; 2 of the 4 appointments have been taken. Email and texts are always welcome anytime.

Primary Election Day – Commissioner Drosky encouraged everyone to vote during the election.

MAYOR BILL GANZ

Census – Mayor Ganz commented on the low response and though there has been much effort, it has not happened. He encouraged completion via various mediums; mail and online. He advised that there are census takers going door to door and will return up to six (6) times. The census should not be feared as the records are sealed for over 70 years and are confidential. Further, he spoke with Commerce Secretary

Wilbur Ross last week and he was calling the mayors throughout the Country for those with numbers below a certain percentage. Though staff has done a lot, more has to be done. He advised that the lack of participation is widespread and is not just certain sects. The census helps the City receive funding to address needs of the City and determines how much will be received. He encouraged everyone to assist as the help is needed.

Condolences – Mayor Ganz said he is sorry to hear about Fred Scott's son and his heartfelt sympathy goes out to the family.

Broward County Housing Authority (BCHA) – Mayor Ganz said he read about a month ago that Dr. Jarmon, current director for the Deerfield Beach Housing Authority, was selected as the interim director for Little Rock, Arkansas. While he knows she previously applied for the position, she declined so he thought it was outdated information since the City had not heard anything. After looking into it more, he found that in the last five (5) days, that Dr. Jarmon is the interim director in Little Rock and although she does an outstanding job, he is concerned that the residents will not receive adequate service. There could be a public meeting this week, but does not care for the lack of information from the Housing Authority.

COVID-19 – Mayor Ganz encouraged people to continue wearing masks and though cases are flattening, no one should let their guards down. This is very serious, life threatening and still out there.

VFW – Mayor Ganz said he received an impassioned plea from someone with the VFW. While many are social clubs, bars have been banned, there are certain groups and organizations where it extends the financial impact and has much to do with mental health. Though he is not a veteran, he knows what the camaraderie is like and hopes to find a way to open with restrictions.

Election Day – Mayor Ganz encouraged everyone to go out and vote tomorrow as it should not be taken for granted.

ADJOURNMENT

There was no further business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to adjourn the meeting at 10:57 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