



Meeting Minutes City Commission

Tuesday, October 6, 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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Parness.

APPROVAL OF CITY COMMISSION MEETING MINUTES

Regular City Commission Meeting Minutes – September 3 & September 14, 2020
Special City Commission Meeting Minutes – September 14, 2020

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

Planning & Zoning Board Meeting Minutes - August 6, 2020

Deerfield Beach Municipal Firefighters Fund Meeting Minutes - June 8, 2020

Hillsboro Inlet District Meeting Minutes - August 17, 2020

Community Appearance Board Meeting Minutes - August 26, 2020

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to acknowledge the board minutes. Voice Vote:

ACKNOWLEDGEMENT OF CITY BOARD MINUTES – CONTINUED

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

October 6, 2020

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve the agenda as amended; Item #26 to be moved forward. Voice Vote:

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

Nays: 0

AWARDS & RECOGNITION

1. Certificates of Appreciation presented to Broward League of Cities CARES Act Task Force Members for their commitment, time and dedication in advocating for municipal CARES Act funding.

Commissioner Drosky outlined the extensive efforts by the CARES Act Task Force which included numerous meetings, conference calls and long hours, which essentially led to the Broward County Commission approving funding for municipalities. Thereafter, he thanked members of the task force: Mayor Josh Levy (Hollywood), Commissioner Felicia Brunson (West Park), Mayor Rex Hardin (Pompano Beach), Mayor Lori Lewellen (Dania Beach), Adam Reichbach, (Assistant City Manager Hollywood), Mayor Greg Ross (Cooper City), Mayor Mike Ryan (Sunrise), Mayor Ken Thurston (Lauderhill), Mayor Ana Ziade (North Lauderdale), and Mayor Traci Callari (Hollywood), Broward League of Cities President. The legal team included Sam Goren, Jacob Horowitz, Mike Cirullo and Quentin Morgan as well as Mary Lou Tighe, Broward League of Cities Executive Director and Sely Cochrane.

Task force members in attendance were given an opportunity to comment on their experiences on the task force, the difference the funding will make and their gratitude to Commissioner Drosky for acknowledging their efforts.

2. Certificates of Appreciation presented to FishAngler and Pelagic for their sponsorship and volunteer assistance at the 2020 Jr. Anglers Day Event.

Mayor Ganz said although the event had to be rescheduled due to inclement weather, the event was a huge success; whereas, children were able to take a fishing rod home and will have an opportunity to return at any time. Thereafter, he acknowledged the business sponsors and volunteers; FishAngler, Pelagic/Anthony DiGiulian, George "Skip" Dana, Mike Cleary, Shelby Barra, Krysl Tonkin, Jane and Tom Wye, Liz Sizemore, Nick Cardella, Tom Jones, Jonah Bennett, and Jordan Smith. He thanked them for the time they contributed to the children.

3. Certificates of Recognition presented to Broward Sheriff's Office deputies and firefighters for their altruism and compassion shown toward the Praxis Apartment residents.

Mayor Ganz said there have been challenges at the Praxis apartment complex, but on September 11th, BSO deputies responded to a call at Praxis and while onsite, they found an apartment with items stacked to the roof and blocking access to the stove and bathroom of the residents' apartment. Though the moving company moved furniture and items for the renovation, upon completion, the same service was not given. After observing, the deputies made the space accessible. On September 14th, the BSO Community Outreach team and BSO Fire Rescue returned to the complex to assist with organizing the apartments, unpacking boxes and returning furniture to its proper location, allowing access to kitchen and bathrooms. These volunteers assisted their residents, whereby, some suffer from medical issues. Thereafter, he thanked various BSO Police and Fire Rescue staff for their outstanding assistance and compassion.

AWARDS & RECOGNITION – CONTINUED

4. Certificates of Appreciation presented to Deerfield Park Elementary staff and teachers for their commitment and support in making the School's "Reclaim and Elevate Summer Program" a success.

Commissioner Preston said Deerfield Beach has amazing educational programs along with teachers who strive to do a great job. He thanked Principal Reid and the teachers for abandoning their summer in order to help children with the Reclaim and Elevate program. This program targeted 145 students who were engaged in reading intervention during the summer, but also helped develop critical skills needed at the next grade level. This program would not be possible without the commitment of the staff who dedicated seven (7) weeks. Thereafter, he listed the faculty members involved in the program: Assistant Principal Donna Rucker, Ms. Bonita Mason, support staff and the teachers; Danica Jeffers, Dolores Paschall, Janiece Davis, Kassandra Burton, Marchard Desire, Rosilande Desamour, Susanna Rodriquez, Tanya Fenton, Tawana Chang, Tamara Lang, Lenny Carrol, and Yvette Moise.

Principal Reid acknowledged Commissioner Preston and the Commission for honoring her staff as it has been challenging with keeping children interested during the pandemic. Thereafter, she explained how the program was implemented.

5. Proclamation presented to Florida League of Cities in recognition of Florida City Government Week.

Commissioner Hudak read the proclamation recognizing October 19, 2020 – October 25, 2020 as Florida City Government Week. He outlined the importance of city government and due to social distancing and COVID guidelines, he commented on various events the City has provided to support its residents as is the intention of City Government Week. Additionally, Parks & Recreation is hosting a virtual Student Government Week with various activities, to include virtual story time on face book, virtual art contest and others. Since local government has the greatest impact on residents, it is important to understand how their city operates, the services and importance of active involvement.

6. Certificate of Recognition presented to Joy Zubkousky's for 13 years of dedicated service as the Office Specialist for the Department of Active Aging.

Donna DeFronzo, Director of Active Aging, recognized Ms. Zubkousky for her service to the City over the past 13 years. Ms. DeFronzo outlined the assistance given by Ms. Zubkousky to the residents, the department and all customers.

Ms. Zubkousky said the time to retire has come, but it has been wonderful working in her capacity as they have an opportunity to reach many people.

CITY COMMISSION BUSINESS

26. Resolution 2020/147 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, opposing the Proposed County Charter Amendment that purports to Preempt Municipal Home Rule Authority for zoning and other regulations on county owned or leased property within municipal boundaries; authorizing the joining of the lawsuit filed by the City of Weston against Broward County seeking to remove the Proposed Charter Amendment from the November 2020 Ballot; authorizing the expenditure of \$2,500 to join the lawsuit; waiving the conflict resolution procedures set forth in Chapter 164; providing for implementation and an effective date. (Funds from Account #606-0900-519-37-70 - General Liability - Legal)

Item #26 was discussed out of order.

The Resolution was read by title only.

CITY COMMISSION BUSINESS – CONTINUED

Anthony Soroka, City Attorney, said due to the waiver of conflict resolution in section 164, F.S., the vote to approve will require a 4/5 vote of the Commission.

Commissioner Drosky said Amendment No. 2 attempts to thwart the cities' home rule powers; thereafter, he read the excerpt for the amendment. While the amendment supports transportation to an extent, it doesn't mention the County's ability to trample on home rule powers which it does. He suggested the Commission's support to join the lawsuit filed by the city of Weston to take the amendment off the ballot. Although he is not against the voters having their voices heard, but wants it to be clear on what they are voting. The City has started its public education campaign and a number of residents have contacted him about the true purpose of the amendment. Further, he said he does not think there is enough time to get the word out to everyone to understand what they are voting on. Moreover, this amendment is last on a very long ballot which could have a greater impact than other items. Commissioner Drosky read a Sun-Sentinel article encouraging voters to vote no on the amendment. Conclusively, if Circuit Court Judge David Haynes rules in the cities favor, the votes on the question will not be counted.

Continuing, Commissioner Drosky said while there is not a lot of county property in Deerfield Beach, they own Quiet Waters Park and if they envision something other than a park, they would not have to come before the City Commission. He does not believe the County should be exempt as any other developer is required to come before the Commission. The ballot measure is so poorly worded that no one could truly understand that what they are voting on would strip cities of their abilities to govern themselves. Lastly, he reiterated that the City join the Weston lawsuit; whereas, North Lauderdale and Fort Lauderdale voted affirmatively today to join also. The judge hearing the case needs to know that it is not only Weston, but Broward County that opposes the amendment.

Mayor Ganz commented on a similar situation 12 or 13 years ago fighting against Deerfield Beach on a project that benefited the City, but did not give proper notification or setbacks that protected the residents. He has also fought to implement rules and regulations that increase transparency and notification for any project in the City. Therefore, he fully supports the proposed resolution.

Ricardo Cukier, 1221 SW 46th Avenue, Deerfield Beach, thanked the Commission for its support of the citizens. Mr. Cukier agreed that the ballot is misleading and how it is written in the ballot is very misleading from what he has read and heard. He further commented on changes at Waste Management to increase the mountain. He expressed concern that it would bypass the City without being approved.

Mayor Ganz said the City is aware and is monitoring. Thereafter, he closed the public hearing.

Vice Mayor Parness spoke in support of the proposed resolution as local government is closer to the people than any other jurisdiction and will always support keeping home rule.

Commissioner Hudak also spoke in support.

MOTION was made by Commissioner Drosky, seconded by Commissioner Preston, to approve Item #26, adopted Resolution 2020/147. Roll Call:

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

Nays: 0

PRESENTATION**7. Presentation from FDOT regarding the SW 10th Street Connector Project.**

Robert Bostian, FDOT, and Phil Schwab, RS&H Project Management, provided an overview of the connector project, upcoming public hearings and steps leading to the alternate selection.

PRESENTATION – CONTINUED

Purpose and Need – Mr. Bostian said the PD&E studies start with purpose and need and since the use of SW 10th Street has increased over the years, it has led to safety and operational issues along the corridors. He explained that the changes along the corridor will enhance intermodal and economic development, provide relief for congestion and reduce emergency response times and evacuation needs.

Project Location – Mr. Bostian provided a map, which depicted the SW 10th Street Connector study running from the Turnpike to I-95. Along I-95 is another study compatible with 10th Street to provide the interchange improvement to bring the direct connection onto the general purpose and express lanes of I-95. Additionally, there is an ongoing PD&E study to the west being conducted by the Florida Turnpike Enterprise which is in the earlier stage. Alternatives are being considered and will be presented to the public early next year for input.

One Corridor, Dual Facilities – Mr. Schwab said the project helps with regional connectivity of the limited highway access. This project puts two facilities into one corridor with the connector road, which serves as a limited access non-stop facility to connect Sawgrass to I-95 on the north. The local street on the right provides opportunity for landscaping and a shared use path with reduced speeds at 35 mph.

Overview of Access with Connector Lanes – Mr. Schwab explained the line diagram and how the traffic will be directed. There is a connector road that goes directly into the sawgrass expressway westbound. Going eastbound on the expressway, there will be an option to go on the local streets or connector lanes. On the east side, the connector lane will make access to I-95, but also direct connect lanes to both general purpose and express lanes. The Newport Center area will have ramps with access to the connector lanes from the local lanes. Essentially, if traveling west on SW 10th Street access to the connector lane is provided, but if traveling on 12th Avenue, access to the connector lane from the 12th Avenue circulation is also possible. Traveling east on the connector lane, there is a ramp that will be an eastbound egress that will allow access to the Newport Center intersection. Additionally, the local road access points to the east of Powerline Road allows for vehicles along the road or in the western communities to access a ramp to the eastbound connector lanes. Mr. Schwab further advised that if coming from I-95 on the connector or from Newport Center, a ramp going under the eastbound connector lane into the local street in advance of the Powerline Road intersection. There is an option to build the center ramps or not.

Addressing Concerns – Mr. Schwab explained the process of addressing concerns with City staff and residents; connection to I-95 general purpose lanes; shared use path in the 10th Street project and I-95; the pros and cons from various aspects for depressed sections has been evaluated, whereby, noise abatement and aesthetics has been enhanced elements; green space; and full access to the turnpike interchange is a separate study whereas additional collaboration is ongoing with City staff.

Public Engagement since last update to the Commission (June 16, 2020) – Mr. Schwab provided an update of actions taken since June. Three virtual webinars conducted with 799 attendees total, public feedback through Q&A sessions, posted recordings of the webinars, conducted several homeowner association meetings in the City, stakeholder meetings, updates to various cities, a meeting with Waterford Homes residents is pending.

Alternatives Comparison – Mr. Schwab provided the differences wherein, the top rendering represents the width ramp concept, the bottom without those ramps. Without the ramps, there is more green space, but it is a tradeoff. The sectional view shows the width view concept with the depressed roadway with Powerline Road ramps; the bottom is without ramps and the road moves further away from the residents and the utility lines do not require relocation. However, the design concept for both cases reduce the 2040 peak hour volumes lower than the existing traffic today. With the ramps, the future estimated peak hour volume will be lower by 73% in the morning and 52% in the evening. Without the ramps it does not reduce it as much, 40% in the morning and 20% in the evening.

Continuing, Mr. Schwab provided another rendering with and without ramps. With ramps, a large amount of landscaping would be removed from the front of Waterford Courtyard as right-of-way has been purchased from them. Without the ramps, the right of way taking is avoided to allow more landscaping, but pushes the road further north.

Rendering Comparison – Mr. Schwab displayed a rendering without the Powerline Road ramps which shows a ramp going under the eastbound connector lane and ties into the local lanes on the right, in front of Waterford. This

PRESENTATION – CONTINUED

area has the largest impact on traffic and from a visual standpoint. The without ramps concept provides more green space and large trees. There are cameras at the same location.

DRAFT – Preliminary Evaluation Matrix (SW 10th St) – Mr. Schwab explained the matrix and the qualification of each category.

Comparison Matrix – Mr. Schwab said this table provides more detail and reiterated the reduction in traffic volume. The annual average daily traffic (AADT) is a reduction from the existing AADT in the local lanes. He continued to highlight various categories in the matrix.

Renderings – Mr. Schwab provided views from Waterways looking west, Independence Bay looking east, at Powerline Road looking north with a proposed overpass and connector lanes, at Powerline Road looking east, Newport Center looking northeast, and others.

Public Hearing Overview – Mr. Schwab said a public hearing is forthcoming next week, October 12, 13 and 14th. On each day, there will be three (3) different virtual meetings; an in person option will be provided on the 15th with four (4) sessions. The public hearing session will include an open house period so citizens can ask questions and once that period is over, a formal public hearing presentation will begin and last approximately 45 minutes. The last portion will involve an open comment period whereby, comments will be added to the public record. He advised that people will be given 20 days after the public hearing, up till November 4th, to provide comments in writing. The recordings will be posed to the website along with the minute's transcription.

Where does PD&E fit in the Project Delivery Process – Mr. Schwab explained the process wherein the PD&E study is in full effect and the final steps include continued public engagement, finalizing environmental and engineering documents then location and design concept acceptance.

Post Public Hearing Process – Mr. Schwab said a few options will be presented at the public hearing and the documents will be updated to reflect that decision. Feedback will be received throughout the comment period and shared with the City. Once a decision is made to include or not include ramps, the City will be advised along with an update to the Broward MPO. Mr. Schwab advised that major construction can start as early as 2023.

Schedule – Mr. Schwab provided the project milestones from 2017 through 2021 and reiterated that construction can start in 2023 with completion expected by 2027/2028.

Thereafter, Mr. Bostian and Mr. Schwab entertained questions of the Commission.

In response to Commissioner Hudak's question, Mr. Bostian replied that the public hearing will be held at FDOT District IV Office, 3400 W. Commercial Boulevard, Fort Lauderdale. The facility is well suited to handle multiple sessions and keep people safe and socially distanced due to COVID; also, between sessions, they are able to sanitize the areas. He advised that approximately 15,000 letters along the corridor have been sent out and notification has been posted to their website.

Commissioner Hudak also asked for the times of the October 15th meeting.

Commissioner Drosky asked about the possibility of a simulcast meeting for October 15th for residents unable to attend in person.

Mr. Bostian replied that the since the notifications have gone out, a simulcast will not be possible; however, the transcripts will be available as soon as possible.

Commissioner Drosky commented on how Mr. Bostian and Mr. Schwab have had myriad discussions regarding 10th Street. He further commented on the recommendations made by the COAT Committee, wherein, more depression on 10th Street was the number one priority. While he understands why more was not incorporated, FDOT has to do a better job informing residents on the reasons.

PRESENTATION – CONTINUED

Mr. Schwab provided the times of the October 15th meeting in response to Commissioner Hudak: first session – 9 a.m.; second session – 12 p.m.; third – 3 p.m.; and fourth – 6 p.m. The open house will be 1 hour followed by a 45 minute formal presentation, then open comment period.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, expressed concern that bicyclists will be on the same sidewalk as pedestrians which to her is similar to the same scenario on Federal Highway. She also asked if the traffic study was completed before March, because many businesses are closing brick and mortar, which has people working from home and reduces traffic. Additionally, she asked about the sound barriers as doubling the capacity with lanes will increase traffic noise to all the homes. Lastly, Ms. Freitag commented on the I-95 project that was just completed and now it is being destructed for another project. She asked that the neighborhoods be taken into consideration.

Ricardo Cukier, 1221 SW 46th Avenue, Deerfield Beach, said there were not previous Waterways meetings with the project team and asked for a few updates on the traffic study after March because of the virus. He also explained how many people are home now and the changes in traffic have already happened and will not be going away; therefore, he expects a much lower reduction. Unfortunately, while this information has been requested, a response has not been received.

David Mirantz, Economic Development Council, said it was great to serve as a member of the COAT Committee. He asked if the Broward MPO has any influence on FDOT's decision making process.

Caryl Berner, 3130 Cambridge F, Deerfield Beach, commented on how Century Village is looking to have separate lanes for walkers and bicyclists and recommended the same for 10th Street.

Mayor Ganz closed the public hearing.

Mr. Bostian explained that a presentation will be given to the Broward MPO on the selected alternative by FDOT, which is prior to submission of documents for formal review with the Office of Environmental Management, a state office. The Broward MPO will have opportunities to take whatever actions they feel are necessary for the project and give feedback to FDOT. Regarding traffic, there was a very comprehensive study in 2016 which was to project traffic to 2040. Although it is understood that the pandemic has reduced traffic, they continue to watch it; whereby, it has fallen off by 10% in some areas. However, as businesses and schools reopen, traffic has increased among other factors.

Moreover, Mr. Bostian advised that the 10th Street project has been in planning since the early 1970s and is part of an overall Broward County Regional Transportation system. The expectation was to build a project to facilitate the needs of Deerfield Beach and the rest of the County, but also address traffic impact and concerns in the design phase. The project is viewed as a long term component of transportation locally and regionally. As for the noise walls, all the residential areas along the corridor are warranted for noise walls. If walls are desired at certain locations, they will work with the communities and city to address the certain aesthetics of the wall as well. Mr. Bostian explained that some of the larger projects by FDOT take many years to unfold from planning to construction; the PD&E study has been ongoing for three (3) years. He outlined that the process for I-95 which will be complete before the 10th Street project begins in the spring 2023. Lastly, Mr. Bostian said bike lanes on the pavement were proposed, but the public did not want them on the same path. Therefore a shared, 10 foot path is being recommended which meets or exceeds FDOT's design standard for pedestrians and bicyclists.

Vice Mayor Parness expressed concern with excessive traffic during construction and asked if any studies have been done; if not, he said he is open to discussing the concerns of his constituency.

Mr. Bostian replied that he understands the impact to traffic, but they have already started finding ways to improve construction methods to keep traffic moving. They are committed to not shutting down thru lanes during peak times and limit when lanes need to be closed for traffic work. They are fortunate to have a very wide right-of-way in FDOT ownership of 250 feet allowing them to work away from traffic. Also, the local lanes can be reconstructed before the heavier connection work begins. Moreover, the corridor is being viewed as a traffic management and operations

PRESENTATION – CONTINUED

system, a smart corridor; whereas, they are seeking grants to look at the future of smart corridors and seek features early to include in construction. They plan to incorporate traffic monitoring devices to monitor traffic in real-time. There is still a long way to go and said he is open to meeting with Vice Mayor Parness. In closing, Mr. Bostian said as plans develop further, it will be provided to the City for feedback and recommendations.

QUASI-JUDICIAL PUBLIC HEARINGS

8. P.H. 2020-091: CASE NO. 776 (Project Name: Deerfield Town Square)

Applicant: **LBJ1, LLC represented by Art Sign Co**

Proposal: Seeking four (4) SIGN VARIANCES from the provisions of the Deerfield Beach Land Development Code: 1.) From Section 102-8 (c)(1)a. to allow a freestanding sign that is 73 feet from another freestanding sign in lieu of the 100 foot separation required by Code; 2.) From 102-8 (c)(1)e. to allow a third freestanding sign on a site that has less than 700 feet of frontage, in lieu of two, as required by Code; 3.) From Section 102-8 (c)(1)f. to allow 11 tenant panels in lieu of a maximum of 6 tenant panels, as required by Code; and 4.) From Section 102-9 allowing a sign that exceeds the maximum height, size of sign structure and size of sign face within the structure for a sign within the 10-19-foot setback area

Location: The property is generally described as A PART OF PARCEL A, OF "LIVING LEGENDS CENTER", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 135 PAGE 30 as more particularly described in the file, and located 3825-3901 W. Hillsboro Blvd.

Anthony Soroka, City Attorney, outlined the application; whereby, to approve the sign variance will require a 4/5 vote.

Jack Gervais, Art sign Company, waived the quasi-judicial procedures and provided a presentation on the monument sign at Deerfield Town Square. There is a very unique property line as shown on page 4 causing a major setback for the multi-tenant sign. Code allows placement of the sign at 20 feet from the median, but due to the property line, he requested 12 feet back from the median; thus, the allowed setback requirement would place the sign 36 feet from the road. Another disadvantage in seeing the tenant sign is the 4 foot drop off from the street. Page 3 illustrates the proposed rendering of moving the multi-tenant sign closer to the property line. Thereafter, Mr. Gervais provided street views east and west on Hillsboro Boulevard as well as other photos illustrating the hardship. In closing, he advised that upon approval, additional landscaping will be added and the sign will be harmonious with the plaza.

Commissioner Drosky referenced page 6 of the presentation and further clarified the hardship; whereby, there was a taking by FDOT which contributed to the property configuration. He said the sign should be in the location requested by the applicant without the taking, as it pushes the setback further away.

Mayor Ganz opened the public hearing.

Commissioner Preston spoke in support of the application to help the businesses especially during the pandemic as some are dissolving; i.e. Ruby Tuesday.

Commissioner Hudak asked if staff has any objections that the Commission is unaware.

Eric Power, Director of Planning & Development Services, replied no. The applicant met all requests made by staff and the application represents the minimum amount for a variance.

Mayor Ganz asked if anyone from the public wished to speak.

DK Mink, 3081 E. Commercial Boulevard, Fort Lauderdale, advised that she is part of the management company for the plaza and thanked the Commission for its support. She explained the importance of the sign as Ruby Tuesday did not renew their lease because the multi-tenant sign was not installed. Ms. Mink also commented on the issues experienced with landscaping due to the property line.

Ricardo Cukier, 1221 SW 46th Avenue, Deerfield Beach, spoke in support of the variance as the businesses need to be seen especially with many dissolving and others struggling.

QUASI-JUDICIAL PUBLIC HEARINGS – CONTINUED

Mayor Ganz closed the public hearing. Thereafter, he spoke in support of the application as they are not responsible for the setback which creates the variance.

MOTION was made by Commissioner Drosky, seconded by Vice Mayor Parness, to approve Item #8 as submitted, adopted Resolution 2020/131. Roll Call:

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

Nays: 0

9. P.H. 2020-092: APPLICATION NO. 20-M3c-20 (U.S. Crane & Rigging)

Applicant: **4250 Powerline Road, LLC, represented by Neal Kalis, Esq.**

Proposal: Major Site Plan application seeking approval to construct a 93,907 square foot pre-cast concrete manufacturing plant.

Location: The properties are generally described as 15-48-42 S1/2 OF SW1/4 OF SW1/4 OF NW1/4 LESS R/W FOR POWERLINE RD; and LANZO INDUSTRIAL CENTER 111-14 B POR PAR B DESC AS: BEG SW COR PAR, N 398.08, E 186.5, S 273.27 SLY ARC 21.68, SWLY ARC 146.27, E 216.51 TO POB, more particularly described in the file, and located at **4250 North Powerline Road** and **4251 NW 19th Avenue**.

Anthony Soroka, City Attorney, outlined Items 9 and 10; whereby, a presentation will be provided for both items and voted on separately.

Neal Kalis, 7320 Griffin Road, #109, Davie, representing the applicant, waived the quasi-judicial procedures. Thereafter, he introduced the team who worked with the Planning team which was a very pleasant experience. US Crane & Rigging is a major New York company that is expanding its business into South Florida and chose Deerfield Beach. The intent is to manufacture prefabricate precast concrete. The facility will allow operations to occur inside the building.

Location – Mr. Kalis provided a rendering outlining the location that sits on approximately 7.5 acres and is an unimproved site, used for outside storage. Furthermore, it is an intense manufacturing zoning area which suits their purpose. The property is served by access to NW 19th Avenue and Powerline Road as well as 44th Street.

Site Plan – Mr. Kalis provided the site plan rendering which highlights the landscaping area, 114 parking spaces, setbacks have been met and no variances will be requested; however, they are seeking an abandonment of an existing utility easement running north and south through the property as it would be through the building. Mr. Kalis explained the property is based on two (2) acquisitions being combined; one (1) other parcel was recently platted by the owner and during that process, a utility easement was required as it runs east and west along that property. All utility companies have been contacted and do not object to the vacation of the utility easement.

Utility Easement to be Abandoned/Vacated – Mr. Kalis said the rendering shows the location of the easement at 10 feet wide. Concurrently, the application to vacate and abandon the utility easement is being processed by Broward County.

Site Circulation – Mr. Kalis explained the circulation of traffic through the site. Trucks coming through picking up product take it out and away from the site; alternately, material will be brought in and picked up through a hopper, dropped below ground and conveyed up through the building. All operations occur within the building; therefore, no dust and a ventilation system will be used. Moreover, the applicant is looking for more environmentally friendly options like saving and reusing water, gathering water from the roof to use in the operation and solar energy. Employee parking will be along the northwest edge of the building.

3D Renderings – Mr. Kalis provided renderings of the building when completed as well as landscaping. The building is aesthetically pleasing and may be a catalyst for other development in the area.

QUASI-JUDICIAL PUBLIC HEARINGS – CONTINUED

Internal Operations – Mr. Kalis highlighted the landscaped area; at the bottom is the hopper and others. If there are any additional questions regarding the operation the team is available to respond.

Products Overview – Mr. Kalis provided photos of the products that will be manufactured at the facility, seawall panels, precast piles, precast beams, hollow core and others. He further explained the importance of the products as some have not been made in Florida. Lastly, 50 to 60 full time employees are expected at the facility ranging from \$40 to \$50 per hour with benefits; personnel will be skilled and licensed.

Vice Mayor Parness asked if there would be part time employees in addition to those mentioned.

Mr. Kalis replied that he was only provided information for full time employees.

Mayor Ganz opened the public hearing.

Ricardo Cukier, 1221 SW 46th Avenue, Deerfield Beach, spoke in support of the application, but questioned the amount of traffic the business would generate. He asked if it gets worse or remains the same.

AJ (not given), 1333 S. Dixie Highway, Deerfield Beach, asked if the City's administration has vetted the company to see how they operate.

Mayor Ganz closed the public hearing; thereafter, he responded to the questions posed by the public. He explained that the City does not vet businesses coming to the City; notwithstanding, the City does not have the authority to stop businesses from coming to the City.

Commissioner Drosky asked for additional information regarding traffic as there is an estimated daily 365 trips from the site and asked if it is for employees or is it trucks coming in and out of the facility.

Mr. Kalis replied that it is 365 trips total and includes trucks.

Commissioner Drosky analyzed the number of trips generated by employees; whereas, 60 employees would equate to 120 daily trips.

Mr. Kalis said a traffic report was provided to the City and the report the traffic engineer provided he believed would have included this information; nevertheless, the requirement for a traffic study is based on 500 daily trips or more and this is less.

Commissioner Drosky said the proposed project is a huge improvement over what is currently in place. He also advised that the City will receive improvements to NW 19th Avenue. Additionally, he said bringing this business to Deerfield Beach is a huge benefit.

Eric Power, Director of Planning & Development Services, said City code requires that every applicant for a new site plan provide a traffic analysis to show whether it will generate more than 500 trips. If more than 500, then staff would request a traffic study which was not requested in this case. However, the applicant worked with the City and FDOT so that improvements on the City's local roads and Powerline would be made. Thereafter, he explained how traffic analyses work; whereas, the number assumes employees coming to work, leaving for lunch, returning, then going home. Additionally, trucks will come to load and unload finished material.

Commissioner Drosky said he thinks the residents should know how many trucks are coming to the City.

Mr. Power said trips are generated during the morning and evening hours, so with light industrial, the actual generation is 4.96 but includes every type vehicle going into the property. Mr. Power provided the calculation which is based on 9 a.m. and after 5 p.m. Most businesses utilizing heavy truck traffic try to avoid the highways during the rush hour. The business model for this project is not presented for that.

QUASI-JUDICIAL PUBLIC HEARINGS – CONTINUED

In response to Commissioner Drosky's question, Mr. Power replied that the analysis is not site specific.

Commissioner Drosky also asked if there is a way to determine the number of trucks going in and out of the facility.

Mr. Kalis advised that the traffic engineer who did the report has passed and though he and the team tried to anticipate as many questions as possible, they can only provide information on the amount of daily trips. Lastly, he advised that the site plan meets the City's requirements.

Commissioner Hudak said the trucks will add stress to the roadways and asked for what the road improvements entail to combat the roadway stress.

Mr. Kalis said he believes 19th is not in the greatest condition and they are committing to doing some improvements to a portion of that road.

Jose Fortuno, applicant's representative, replied that FDOT standards were included in the approval process which require a high traffic load for heavy vehicles.

Mr. Power explained that FDOT required the improvement to the right-of-way portion of 19th Avenue and fronting the property. The applicant has agreed and essentially, it is a denser, thicker level of concrete that can handle the additional truck weight. Powerline Road is already built for heavy industrial use as a majority of Powerline Road throughout the County have heavy industrial.

There was a brief discussion regarding the plan and the approval process with the County.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve Item #9, adopted Resolution 2020/135. Roll Call:

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

Nays: 0

10. P.H. 2020-093: APPLICATION NO. 20-A-196 (Project Name: U.S. Crane & Rigging)

Applicant: **4250 Powerline Road, LLC, represented by Neal Kalis, Esq.**

Proposal: Abandonment application seeking approval to abandon an existing 10-foot-wide easement to accommodate a proposed 93,907 square foot pre-cast concrete manufacturing plant.

Location: A 10 foot wide utility easement being a portion of Parcel "A" of the "LANZO INDUSTRIAL CENTER PHASE II, according to the plat thereof as recorded in Plat Book 183, Page 324, of the Public Records of Broward County, Florida, more particularly described in the file, and located at **4250 North Powerline Road and 4251 NW 19th Avenue.**

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

There was no additional discussion amongst the Commission.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item #10, adopted Resolution 2020/136. Roll Call:

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

Nays: 0

PUBLIC HEARING – SECOND READING**11. P.H. 2020-096: ORDINANCE 2020/023 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING DIVISION 1 "GENERALLY" OF ARTICLE VI "CODE**

PUBLIC HEARING – SECOND READING – CONTINUED

ENFORCEMENT" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE BY CREATING SECTION 2-347 "NEIGHBORHOOD IMPROVEMENT PROGRAM" TO ESTABLISH A NEIGHBORHOOD IMPROVEMENT PROGRAM TO ASSIST QUALIFIED RESIDENTIAL HOMEOWNERS THAT HAVE BEEN CITED BY CODE COMPLIANCE IN MAKING REPAIRS TO THEIR HOMES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said she wants to make sure that funds are not being used to help people who are taking advantage.

Mayor Ganz closed the public hearing.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve Item #11, adopted Ordinance 2020/023. Roll Call:

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

Nays: 0

12. P.H. 2020-094: ORDINANCE 2020/024 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, APPROVING THE AWARD OF INVITATION TO BID #20-50-IG FOR CAPITAL EQUIPMENT FINANCING TO JP MORGAN CHASE BANK, N.A.; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH JP MORGAN CHASE BANK, N.A.; 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.

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item #12, adopted Ordinance 2020/024. Roll Call:

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

Nays: 0

13. P.H. 2020-095: ORDINANCE 2020/025 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING DIVISION 1 "GENERALLY" OF ARTICLE II "STOPPING, STANDING, PARKING" OF CHAPTER 66 "TRAFFIC AND VEHICLES" SECTION 66-41 "PARKING CITATIONS AND PENALTIES" OF THE CITY CODE TO PROVIDE FOR THE ESTABLISHMENT OF ENHANCED PARKING ENFORCEMENT AND COLLECTION PROGRAMS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Commissioner Preston questioned the \$35 late fee; he asked how it was calculated.

PUBLIC HEARING – SECOND READING – CONTINUED

David Santucci, City Manager, replied that the parking rate and late fees are based on the average parking fees within the area for similar services.

Commissioner Preston expressed concern with the fee during the pandemic as many families are making less money.

Mr. Santucci advised that the fees are not new; however, the amnesty program allows the late fee to be waived if the citation is paid in full.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item #13, adopted Ordinance 2020/025. Voice Vote:

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

Nays: 0

14. Resolution 2020/137 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, establishing the Parking Amnesty in Deerfield Beach ("P.A.I.D.") Program to provide assistance to qualified individuals by waiving late fees for unpaid parking citations upon fine payment under certain conditions; providing implementation and for an effective date. (Departmental Business)

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.

Vice Mayor Parness said he does not feel it is fair to waive the late fees because staff sends multiple notices to violators advising that the citation needs to be paid.

David Santucci, City Manager, advised that parking fees are difficult to recoup if not paid within the first 10 days; nevertheless, the program would only help those with one (1) citation and would run until the end of December. The resolution is a companion to the ordinance just passed. The outstanding fines bring a potential revenue of approximately \$400,000 and waiving the late fee would help the consumer as well as the City.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item #14, adopted Resolution 2020/137. Voice Vote:

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

Nays: 0

PUBLIC COMMENT

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, commented on the road changes on Federal Highway; whereby, bike lanes are proposed for construction in the middle of the street. She also thanked everyone for participating in the food distribution at Quiet Waters Park.

AJ (not given), 1333 S. Dixie Highway, Deerfield Beach, said he has experienced racial profiling by the Broward Sheriff's Office police department. In watching how the officers deal with residents, he has noticed that Black people who drive nice cars are being pulled over. Additionally, he said he videos his interactions with the police and they need to be informed that it is not illegal.

Ricardo Cukier, 1222 SW 46th Avenue, Deerfield Beach, asked about the Commission vetting the company approved (Items 9 & 10). He also advised that Waste Management changed zones and WM confirmed that they do not have a sound study included in their project as the City has already approved various projects for them. He asked that the City assist in assuring the study is done.

PUBLIC COMMENT – CONTINUED

Mayor Ganz advised that Federal Highway is not a city road, but he does agree with the plan and even though the Commission has fought against it, the plan remains. Additionally, he asked that staff speak with Mr. AJ before he leaves the Chambers. Lastly, Mayor Ganz said he does not agree with expansions by Waste Management, but will work with them to make sure the allowed studies are done.

Commissioner Drosky said he attended the meeting between Waterways and Waste Management and Mr. Cukier is referring to the recycling plant on the north side of Wiles Road, not Wheelabrator. He advised that if the residents feel the noise is too much, Code Enforcement can come out to test it; if over 70 dB, Code can cite WM.

Captain Brimlow, BSO Police District X, advised that he has not seen any complaints regarding racial profiling, but takes this very seriously. He asked that Mr. AJ leave his contact information and also provide the video, if any, so they can discuss together. Captain Brimlow suggested the gentleman contact him via e-mail or call his office to set up a meeting. Lastly, though he has been with the city only two (2) years, he wants to address these issues right away as racial profiling will not be tolerated.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Mayor Ganz opened the public hearing for Items 15 – 17; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Items 15-17 in concert. Roll Call:

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

Nays: 0

15. Resolution 2020/138 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the First Amendment to the Subrecipient Agreement with Florida Housing Finance Corporation for the distribution of State Housing Initiatives Partnership ("SHIP") Coronavirus Relief Funds; authorizing the Mayor and City Manager to execute the Agreement; and providing for an effective date.

16. Resolution 2020/139 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with the State of Florida, Division of Emergency Management, for the Implementation and Administration of the Hurricane Loss Mitigation Program Fiscal Year 2020-2021; authorizing the execution of the Agreement; providing an effective date.

17. Resolution 2020/140 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting and authorizing submission of an amended fiscal year 2019-2020 Community Development Block Grant Action Plan to the United States Department of Housing and Urban Development; providing for implementation and an effective date.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Items 15-17. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS**18. Resolution 2020/141 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the submission of the Local Government Verification of Contribution Loan Form for the Tallman Pines III Development Project; providing for a commitment of future loan funding of \$640,000 contingent upon City Commission approval of the loan terms and all applicable planning and zoning approvals for the project: providing for execution and an effective date.**

The Resolution was read by title only.

Vicki Placide-Pickard, Director of Legislative and Community Affairs, said staff has been working with the Broward County Housing Authority and Housing Trust Group (HTG) on this project. HTG is applying for a 9% tax credit through Florida Housing & Finance and since it is a statewide application process the City approving the terms would be an incentive. Included in the backup is \$640,000, which is the minimum amount for the application to be competitive. Staff is recommending a loan as the project is a couple of years out and approval would be announced in 2021. If approved, HTG will work with City staff to meet all requirements; thereafter, discussions on interest rate, loan disbursement and repayment would be discussed. Tonight, HTG seeks City Commission approval to move forward. Thereafter, Ms. Placide-Pickard announced Ms. Dilia Tabora, Assistant VP HTG, who is present to provide a presentation.

Mr. Eleon Metoyer, HTG Senior Vice President, announced himself and provided a presentation containing the background on the HTG. The company was formed in 1997 and has completed 40 multifamily developments. HTG is comprised of over 150 highly trained professional in development, financial accounting, management and others. HTG prides itself on building better communities, being dynamic, creative and flexible.

Ms. Tabora provided a brief presentation outlining the proposed development plan for the parcels. The property is located between 38th and 39th Street off Dixie Highway. The land is divided and the portion facing Dixie Highway will be a high rise comprised of 75 units; the larger interior lots will be comprised of 80 family dwellings. Also included is extensive landscaping to improve the pedestrian environment along with 300 parking spaces concealed from view. Thereafter, renderings were presented to outline their plan for development. Ms. Tabora mentioned that all the villas are one-story. A privacy wall is intended for the community villas, but also creates a walking path for the neighborhood; other amenities, i.e. playgrounds are enclosed within the community.

Additionally, Ms. Tabora said all the units are rental units and will be available to local residents with an income certified by the management company. The range for this development is \$18,000 - \$67,000 annually and depends on the number in the households as well as bedrooms being rented. It is important to note that the range covers the median income of the area and salaries of local employees, teachers, police officers and others. 85% to 90% of the rentals will range from \$1100 to \$1600 monthly and 10% to 15% of the units are for lower income residents with rents ranging from \$500 to \$700 monthly. She advised that the leasing criteria and compliance come from the state agency and private lenders, equity investors. Ms. Tabora said funding will be applied for in October and will know by February 2021 if HTG was awarded funding. If approved, the process for obtaining building permits will begin; therefore, construction is expected to start at the end of 2021 or beginning 2022 and may take 12 to 14 months to construct. The leases for the project are expected to stabilize in March 2023. Ms. Tabora said they are requesting the City's support for the larger site, family villas, which will make them more competitive since the grant is very competitive. Lastly, she provided renderings of complexes developed within Broward County and thanked City staff for their assistance.

Commissioner Hudak spoke in support of this opportunity; whereby, he outlined how engaged City staff has been with the Broward County Housing Authority (BCHA). Last December, the BCHA presented plans for the area and was also shown to residents with positive reviews. District 1 workforce redevelopment is a win for everyone and an opportunity to develop a stagnant area is huge. He said this project will provide housing units for both current and future residents, attract employees the businesses need along with residents to help businesses thrive. Commissioner Hudak suggested engaging the Urban Land Institute on this type project to spur additional ideas. Lastly, Commissioner Hudak reiterated his support of the project.

DEPARTMENTAL BUSINESS – CONTINUED

Commissioner Drosky commented on a project that a lot of residents were against and asked the Commission of their interest in the project as he understands the importance of affordable housing. He said he is unsure if residents will support site A, the high rise.

Mayor Ganz said the prior project is no comparison to this project and explained how it negatively impacted the residents and traffic. He said each project along Dixie Highway should be addressed on a case by case basis. Nevertheless, the project should be presented to the community for feedback, but this project is completely different than the prior project. Thereafter, he opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said based on the number of units, it would increase the number of residents by 600 to 700. She asked if there are enough parking spaces for the residents. Ms. Freitag continued to express her concern with public safety being able to traverse the roads if the project goes forward.

Dave Mirantz, Economic Development Council, 1010 Fairway Drive, Deerfield Beach, said this is an exciting project and though he cannot speak for Broward Health, they have spoke in favor of the project. He advised that the hospital will soon become a teaching hospital and this is an exciting step forward.

Mayor Ganz closed the public hearing. He then responded to questions posed; whereby, there are 155 units proposed. Based on the number of residents, parking would have to meet Code or it could not go forward. This is not a massive project where a lot of people will reside. Mayor Ganz also spoke about the flex units wherein this would not use all of them like the previously proposed project. Lastly, he said he is very excited to support the project.

Vice Mayor Parness said this project will improve the neighborhood as staying status quo is not a good plan.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item #18, adopted Resolution 2020/141. Roll Call:

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

Nays: 0

19. Resolution 2020/142 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the release of the City's Right of Reverter of Title for the 3,049 square foot property located at 191 S. Dixie Highway, Deerfield Beach; and providing for an effective date.

The Resolution was read by title only.

Anthony Soroka, City Attorney, provided a brief background on the proposed resolution. In 2005, the parcel was owned by the City and was deeded to the Bailey family. The deed included conditions which required the Bailey family to start development within 24 months which was extended in 2008 to 36 months and as of today, the site has not been developed. The agreement also included a reverter if the Bailey's did not construct by that time. Also, the deed prevents the transfer of title until a certificate of occupancy, but neither has occurred. He understands that there is a contract for the property and he has requested information to help in the decision-making process, i.e. sales contract, drawings and document are included in the backup. Ms. Bailey is requesting the release of reverter interest to allow the sale of the property.

Paul Webb, 236 NE 10th Street, Pompano Beach, said support documents were provided to explain what the Bailey family tried to do with the property. He said the property needs to be on the tax rolls and there is a buyer ready to move forward on the project. Additionally, there is no road cut on the property which makes it unusable. The potential buyer intends to develop the entire south half of the block, similar to the Bailey's plan. He asked for the Commission's support so development can move forward.

In response to Mayor Ganz's question, Mr. Webb replied that the developer intends to build a salon on the first floor and possibly residential on the second/third floor.

DEPARTMENTAL BUSINESS – CONTINUED

Commissioner Drosky said the documents Mr. Soroka mentioned were not a part of his backup. He also asked for staff's recommendation on the proposed resolution and why release the reverter without guarantees that the property will be developed.

David Santucci, City Manager, replied that there were personal reasons the property was not developed and Ms. Bailey believed she owned the parcel free and clear. The title search revealed that she did not; notwithstanding, there is a potential sale. He explained that if the City did not release the reverter, the parcel alone is not developable. Furthermore, any project would go through the City's advisory board process.

Commissioner Drosky expressed concern that there is no guarantee that a new owner would develop the property either.

Mr. Santucci said there is not any concrete information related to the development.

Mr. Soroka said the backup mentioned is online.

Mayor Ganz spoke in support of releasing the reverter as it will place the parcel back on the tax rolls. Thereafter, he opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked what can be done with the parcel of land.

Mayor Ganz replied that it would fall under the guidelines for the area.

Faye Bailey, 1006 Courtland Avenue, Macon, GA, thanked the Commission for considering the release of reverter. She explained that she has paid the taxes for years on the property, believing it was her property; therefore, she believes it is fair to release the reverter since she was unable to develop the property.

Mayor Ganz closed the public hearing.

Commissioner Hudak said the City cannot develop the property because of the properties surrounding it. Thereafter, he motioned approval.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item #19, adopted Resolution 2020/142. Roll Call:

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

Nays: 0

20. Resolution 2020/143 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, ratifying the Collective Bargaining Agreement between the City of Deerfield Beach and the Local 1010/District Council 78 of the International Union of Painters and Allied Trades, AFL-CIO in effect from October 1, 2020 through September 30, 2021; authorizing the City Manager to sign the Collective Bargaining Agreement on behalf of the City; authorizing the City Manager to take all actions necessary to implement the Collective Bargaining 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.

Commissioner Hudak thanked the union leaders and members for approving the contract. He said the union members saw the importance of protecting all jobs; thus, he thanked them.

DEPARTMENTAL BUSINESS – CONTINUED

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve item #20, adopted Resolution 2020/143. Roll Call:

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

Nays: 0

21. Resolution 2020/144 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, ratifying the Collective Bargaining Agreement between the City of Deerfield Beach and the Professional Managers and Supervisors Association in effect from October 1, 2020 through September 30, 2021; authorizing the City Manager to sign the Collective Bargaining Agreement on behalf of the City; authorizing the City Manager to take all actions necessary to implement the Collective Bargaining 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.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item #21, adopted Resolution 2020/144. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION AND LEGAL**CITY ATTORNEY**

Executive Sessions – Anthony Soroka, City Attorney, requested two (2) executive sessions; Town of Hillsboro v. City of Deerfield Beach Case #17-0077 and John Quintoni v City of Deerfield Beach Case #CACE16015623.

CITY MANAGER**22. Fiscal and Economic Impact Update.**

David Santucci, City Manager, said throughout the year, the Commission has been updated on the City's finances due to COVID. He advised that Angelia Adediran, Assistant City Manager, has watched the finances closely and will provide a brief presentation on the City's financial position as related to the pandemic.

Economic Update – Ms. Adediran said the presentation will provide an update on where the City stands. She outlined new unemployment claims and since mid-March, the State has distributed nearly \$14.3 billion to unemployed applicants. Last week was the first time unemployment claims dropped by nearly 25%.

Unemployment Rate – Ms. Adediran said the City had a high unemployment rate of 15.7% from March through April, but by July 2020, 11.4% and in August, 12.5%.

Business Restrictions and Economic Impact – Ms. Adediran provided highlights of the Governor's Executive Order 20-244 entering Florida into Phase 3; Broward Schools phased reopening next week; and other community events and entertainment/sports venues are returning with limited capacity. She noted that development in the City continues to thrive and did not slow down. Travel has slowed and flights have gotten better, but not as before. Lastly, local residential sales are still thriving.

COMMENTS BY ADMINISTRATION AND LEGAL – CONTINUED

Major Revenues – General Fund – Ms. Adediran outlined the differences from FY 20 budgeted and FY 20 actual for ad valorem, fire assessment, electricity (FPL revenue), charges for services, local government half cent and parking meter fees.

Net Position – 92% Year Lapsed General Fund Revenues and Expenditures – Ms. Adediran said the FY 20 budget was amended to \$110.8 million and as of August 31, 2020, the actual revenues were \$97 million and expenses were \$95.7 million resulting in a general fund total of \$1.3 million. A total deficit of \$9.2 million was anticipated; however, staff implemented strategies to manage the budget.

Projected YE Results – Ms. Adediran said the total revenue projected by September 30, 2020 totals \$6.2 million; the total projected expenditures total \$10.3 million resulting in an estimated need from the unrestricted fund balance of \$4.1 million. This is a far cry of what staff thought based on preliminary revenue shortfalls.

23. Update regarding the reinstatement of late fees and disconnection for the utility billing program.

David Santucci, City Manager, advised that there are many people still struggling, but in reviewing the utility billing program and customer base, there are 13,000 active accounts which is approximately \$3.1 million received in monthly billings. Generally, there is a delinquent balance of about \$500,000. In June and July, delinquencies were around \$750,000, but has been reduced to approximately \$650,000, equating to about 11.5% of customers with delinquent accounts; normally, about 10% of customers have delinquent accounts. Additionally, programs to assist customers have been implemented to help with delinquencies, such as the Neighbors Helping Neighbors and CARES funding. Therefore, reinstatement of late fees will start this month; however, a repayment plan can be arranged. The plan has been in place pre-COVID to assist customers facing difficulties and it spreads out the late payments for six (6) to 12 months. Staff is reaching out to all delinquent customers to advise them of all the programs he mentioned.

CITY COMMISSION BUSINESS – CONTINUED**24. Resolution 2020/145 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving free admission to the International Fishing Pier for active first responders every year on September 11th; authorizing amendment to the appropriate fee schedule to the extent required; providing for severability and an effective date.**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Ricardo Cukier, 1221 SW 46th Avenue, Deerfield Beach, spoke in support of the item.

Mayor Ganz closed the public hearing.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item #24, adopted Resolution 2020/145. Roll Call:

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

Nays: 0

25. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, creating the African American Heritage Board in accordance with Section 3.12(2) of the City Charter; and providing for an effective date.

The Resolution was read by title only.

CITY COMMISSION BUSINESS – CONTINUED

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

Commissioner Preston said this board will help organize the parade and Black heritage events and only functions for a specific amount of time.

Mayor Ganz objected to the members of the board being appointed only by the District 2 Commissioner.

Commissioner Preston said if it were not a temporary board, then everyone could appoint members.

There was a brief discussion between Commissioner Preston and Mayor Ganz regarding the appointment of board members.

Anthony Soroka, City Attorney, advised that the board would sunset in 2022 prior to the end of Commissioner Preston's term; moreover, anyone selected would have to be approved by the Commission.

Mayor Ganz advised that only allowing the selection from the District 2 Commissioner could create problems down the line as there is always a possibility that a future mayor or other district representative could be Black. He said there should be sensitivity as to who makes the appointment.

Commissioner Drosky said the Commission has spoken a great deal about the City being one city, in solidarity; whereby, the appointment method indicates otherwise. He also commented on the approval of Juneteenth as a City holiday and how all the districts have a say in these important holidays.

Commissioner Preston said all the districts can have input, but in organizing the events District 2 residents have been mostly involved. Therefore, anyone on the Board will have to organize in a way to meet expectations and extend invitations to all districts. The people on the board have a unique skill and understanding of what is required so everyone is proud.

Commissioner Drosky said there are African-Americans in all districts, not only District 2; whereas, the events are not focused around District 2, but all districts. He again commented on inclusivity and asked why the Board is necessary as efforts can continue through volunteerism.

Commissioner Preston said there are various people on the board from other districts as someone from District 4 assists in the process.

Mr. Soroka advised that the proposed resolution does not require the appointee live in District 2, but selected by District 2 Commissioner and approved by the Commission.

Commissioner Hudak opined that the board seems to be exclusive and though he understands the concept, there are no other boards that celebrate other religious holidays. He said the Cultural Committee should be responsible for these events as he believes they are capable. Trying to carve out specific events for a specific nationality is doing a disservice for what everyone has tried to build, one Deerfield Beach.

Vice Mayor Parness spoke in opposition of the proposed resolution. He said the Commission fully supports all the parades and functions; therefore, each Commissioner should have a part in building the board.

Commissioner Preston opined that the proposed resolution is not exclusionary as it does not prohibit any commissioner from having a point of view; however, there is a uniqueness that cannot be ignored. It does not discourage anyone from the other districts as there are others on the board from varying districts, i.e. District 4. Each person is African-American, but anyone is welcome if they are interested. He said there must be people associated with the board that understand the community it is dealing with. If the resolution required the appointed individual be from District 2, that would be different, but it does not. It states that the District 2 Commissioner can appoint people to the board, but they can be from any district; notwithstanding, he wants to make sure the people appointed understand the community and what the community is seeking.

Mayor Ganz reopened the public hearing.

CITY COMMISSION BUSINESS – CONTINUED

Katy Freitag, 418 SE 2nd Avenue, Deerfield Beach, said she is appalled and offended as she has volunteered for almost every single event the City has sponsored in the last five (5) years. She said she understands the need to have more control over the committee, which this is, but does not feel the committee should be one (1) person doing all the delegating. Thereafter, she commented on having more guidance from the Commission on the Cultural Committee, as they would help with all the events the proposed board would take on.

Ricardo Cukier, 1221 SW 46th Avenue, Deerfield Beach, spoke in opposition of the proposed resolution as it seems to divide everyone. Mr. Cukier outlined his ethnic background whereby, many races are included and thinks the resolution is segregating everyone.

Mayor Ganz closed the public hearing. Thereafter, he opined that the proposed resolution is meant to divide, segregate or insult anyone. It is problematic as written and it is viewed that Commissioner Preston is already working with the board and the proposed resolution formalizes it and keeps everything status quo. There must be some sensitivity in this and whoever is appointed should have the approval of anyone of color on the City Commission, but should not be limited to District 2. He reiterated the possibility of other elected officials being African-American, other than District 2, who would not be allowed to appoint someone to the board.

Commissioner Preston reiterated the ability of having other people from other districts besides District 2. Based on the comments tonight, Commissioner Preston motioned to table until the next meeting.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to table Item #25 until October 20, 2020. Voice Vote:

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

Nays: 0

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

Bid Process – Commissioner Hudak said in 2012, the Pompano Beach City Commission approved a \$3.1 million project to build a fire station. However, after three (3) years, change orders caused an increase in cost to \$4.7 million but the station was still not complete. He cautioned against focusing on the lowest cost option bid; though cost is very important, there is more to consider. He advised that there were numerous construction challenges associated with the contractor and resulted in a 51% cost overrun. Commissioner Hudak commented on the qualifications of City staff to serve on the evaluation committee and select the best qualified contractor, based on price, timeline, and construction quality. Staff is reviewing all these factors in ranking contractors to build projects in the City; therefore, he asked staff not to bow down to public pressure when ranking contractors. Once the ranking is complete, he implored them to stick with their ranking.

Fire & Police Stations – Commissioner Hudak said the City has talked about the condition of the fire and police stations for years, but no steps taken to resolve the issues. He asked that the Commission direct the City Manager to begin the process of developing a master plan and any other steps needed so the City can submit a general obligation bond to allow the voters to decide on the complete reconstruction of the BSO Police substation and at least two (2) fire stations. It has taken far too long to address these properties and will never have the money needed to make the repairs.

Saturday Office Hours – Commissioner Hudak said he will have office hours on October 10, 2020 from 10 a.m. – noon; a meeting can be scheduled by contacting the City Manager's Office at 954.480.4263.

COMMISSIONER PRESTON**DISTRICT 2**

Union Negotiations – Commissioner Preston thanked the City Manager and negotiation teams in their efforts in achieving an agreement with IUPAT and PMSA. He asked that the Commission remember that the employees

COMMENTS BY MAYOR AND CITY COMMISSIONERS – CONTINUED

showed that they are team players as the City is in a difficult financial situation and could have played hardball, but did not. He asked that the employees' actions be remembered when the City recovers.

VICE MAYOR PARNES**DISTRICT 3**

Office Hours – Vice Mayor Parnes said he has office hours every first and third Monday at the Century Village Clubhouse on the third floor; no appointment necessary. Also, he will be available anytime by phone, 954.870.0214.

COMMISSIONER DROSKY**DISTRICT 4**

Union Negotiations – Commissioner Drosky said there are other employees involved in the process who are often lost in the debate. The Commission has a very fine line to walk, being fiscal stewards to the residents but must appreciate and recognize the employees. Nevertheless, he applauded the employees for the work they do and post COVID, asked that the Commission has greater interaction with the employees on the frontline.

Charter Amendment No. 2 – Commissioner Drosky thanked the Commission for supporting the resolution, approval to join the lawsuit. He said it is a 50/50 chance on the judge's ruling; therefore, he encouraged the Commission to get the word out to the residents. The Public Information Office has put together a packet and encouraged the Commission to get the information out so they are aware that Amendment No. 2 is a bad idea.

FAU Visioning Session – Commissioner Drosky thanked those who attended the FAU session virtually. Over 50 participants attended and provided comments in breakout sessions to FAU. He also thanked FAU for agreeing to provide the study as it is free to the City, but provides experience for the graduate students. There was a lot of feedback regarding the four-corners area in west Deerfield Beach and will provide recommendations to the Commission in December. He encouraged others to participate, even those outside District 4. Thereafter, he highlighted a portion of the process of the visioning session.

Louisiana Storm – Commissioner Drosky encouraged people to pray for Louisiana as there is a category 4 hurricane with winds of 130 to 145 mph headed their way. It is expected to approach Friday evening according to the 11 p.m. advisory.

Agenda – Commissioner Drosky said he has had comments on viewing the agenda backup; whereby, they are searching through all the agenda backup for information on one (1) item.

COMMENTS BY ADMINISTRATION AND LEGAL – CONTINUED**CITY MANAGER**

Day of Prayer – Mr. Santucci advised that staff are working with the faith based communities for a day of prayer to be held on October 21st; thus, an agenda item for the special event will be presented on October 20th. There is a request to waive fees which staff supports.

COMMENTS BY MAYOR AND CITY COMMISSIONERS – CONTINUED**MAYOR BILL GANZ**

Union Negotiations – Mayor Ganz expressed dissatisfaction with how the negotiations went. He said it should not have taken a threat of layoffs for them to come to the table and realize that on a one-year contract, during a global pandemic, that requests for raises and increases was not appropriate. He said he was shocked and infuriated by this, especially when the general public is taking a beating. Thereafter, he commented on the difficulties for people in the public sector, reduction in salaries and being laid off; wherein, COLA increases should not be requested especially since the CPI has not increased. The last thing anyone wanted was layoffs and it should not have gotten to that point. Mayor Ganz said there are great employees in the City and everyone should be heard, from the top to the bottom. He said he is glad they came around and realized that it is in everyone's best interest to agree to the contracts. Lastly, he said he hopes the employees realize how fortunate they are during this pandemic with the minor hit as many people are in much worse positions.

COMMENTS BY MAYOR AND CITY COMMISSIONERS – CONTINUED

Broward County Pandemic Rules – Mayor Ganz said the City is in need of clarity from Broward County and the State regarding the rules for the pandemic. Without clarity, compliance becomes difficult because the rules are all over the place. He asked that the rules be defined for everyone; nevertheless, everyone should still wear masks.

Speeding on Hillsboro Boulevard – Mayor Ganz asked about a concrete plan on what the BSO police are doing regarding speeding as it is still an issue. He asked for a written plan.

Panhandling/Sign Pollution – Mayor Ganz said people are trying to sell things on street corners, which shouldn't be happening, especially during a pandemic. There are more signs as well and it needs to be better handled.

BSO Police & Fire – Mayor Ganz applauded BSO Police for recent arrests on the rash of burglaries. There have been car burglaries in District 1 and other parts of the city, especially with cars being unlocked. Additionally, he thanked BSO Fire for the outstanding performance covering a recent fire which included a fatality.

ADJOURNMENT

There was no further business to discuss.

**MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to adjourn the meeting at 11:34 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