



Meeting Minutes City Commission

Tuesday, December 1, 2020

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach and via electronic meeting communication.

Present: 5 – Commissioner Todd Drosky - via Zoom
Commissioner Michael Hudak
Commissioner Ben Preston - via Zoom
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

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

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - November 10, 2020

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, 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 - October 1, 2020

Community Redevelopment Agency Meeting Minutes - August 11 & August 25, 2020

Non-Uniformed Employees' Retirement Committee Meeting Minutes - July 14 & September 8, 2020

Cultural Committee Meeting Minutes - October 19, 2020

Hillsboro Inlet District Meeting Minutes - October 19, 2020

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

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

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

December 1, 2020

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve the agenda as submitted. Voice Vote:

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

Nays: 0

AWARDS & RECOGNITION**1. Presentation by Representative Chip LaMarca regarding the upcoming 2021 Legislative Session.**

Representative LaMarca highlighted various legislative priorities and what can be expected on the State level. During this session, he filed his first bill, e-Fairness Remote Sales Tax which requires larger companies such as Amazon to collect sales tax. This is an area where the State of Florida could probably lower taxes on commercial leases and other areas during times like these. A couple of years ago he filed a bill on vacation rentals as they continue to be problematic. Other bills include continued beach funding, whereas, \$50 million, recurring, will be placed into the State's beach program and hopes Deerfield Beach and Hillsboro Beach will receive funding soon. Representative LaMarca outlined other areas of importance, environmental issues, educational funding and funding deficit, \$5.4 billion, due to the pandemic over the next two (2) years. On a positive note, the state is experiencing better revenues than expected and the economy is improving. Lastly, committee meetings will begin the second week in January and all the legislators are participating in online seminars to learn about different committees. Committee assignments have not been provided at this time, but once that happens, he will know what he can do to help the City. Session begins on March 2nd for eight (8) weeks. In closing, Representative LaMarca said he is available locally on the weekends to help as issues arise.

2. Certificates of Appreciation presented to City staff and volunteers for their time, dedication and commitment to making the Haunted Arboretum event a success.

Mayor Ganz said the second Haunted Arboretum was held at Constitution Park and sold out. Thereafter, he named the staff and volunteers that made the event successful.

Adele Trizzino, Parks & Recreation Manager II, thanked the City Commission for recognizing everyone as well as staff and volunteers for their contributions to the event.

3. Certificate of Recognition presented to Vickki Placide-Pickard for 5 years of dedicated service as the Director of Legislative and Community Affairs.

David Santucci, City Manager, presented a certificate to Ms. Placide-Pickard for her service to the City; thereafter, he listed many programs Ms. Placide-Pickard has implemented as well as her service to the City, businesses, residents and Education Advisory Board.

AWARDS & RECOGNITION - CONTINUED**4. Certificate of Recognition presented to Nicole Giordano for 9 years of dedicated service as the Program and Innovation Manager.**

David Santucci, City Manager, presented a certificate to Ms. Giordano for her service to the City; thereafter, he listed many contributions Ms. Giordano has made to the City, businesses, and residents.

Mayor Ganz said both Ms. Placide-Pickard and Ms. Giordano are tremendous losses to the City and wished them well on their future endeavors.

QUASI-JUDICIAL PUBLIC HEARINGS**5. P.H. 2021-018: APPLICATION NO. 11-B2-111 Rev. 3 (Aldi Expansion - Federal Marketplace)**

Applicant: **Aldi Florida, LLC represented by Thomas Engineering Group, LLC.**

Proposal: Major site plan application seeking approval to expand the existing Aldi Supermarket from 15,945 SF to 17,568 SF (addition of 1,623 SF) with associated site and parking lot improvements to terminal islands, parking spaces, and sidewalk.

Location: The property is generally described as CENTRUM FEDERAL 180-103 B PARCEL A, more particularly described in the file, and located at **747 South Federal Highway.**

Kevin Betancourt, Thomas Engineering, 6300 NW 31st Avenue, Fort Lauderdale, representing Aldi, provided a brief presentation on the project. Mr. Betancourt outlined the existing and proposed site, the area for added parking followed by the east and south elevation renderings of the proposed elevations. The landscape plan included all the plantings, as well as mitigated and/or additional plants.

Anthony Soroka, City Attorney, advised that Mr. Betancourt has the right to a formal quasi-judicial process, but may waive if he wishes to do so.

Mr. Betancourt waived the formal process. Thereafter, he provided a presentation for Item 6, sign variance.

The public hearing was opened during Item 6.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 5, adopted Resolution 2020/173. Roll Call:

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

Nays: 0

6. P.H. 2021-019: CASE NO. 778 (Aldi Sign Variance - Federal Marketplace)

Applicant: **Aldi Florida, LLC represented by Thomas Engineering Group, LLC.**

Proposal: Seeking approval of a SIGN VARIANCE from the provisions of the Deerfield Beach Land Development Code Section 102-8 (c)(2)(a) to allow a second building sign on the south elevation not facing a street, in lieu of the one building sign per street frontage as permitted by Code.

Location: The property is generally described as CENTRUM FEDERAL 180-103 B PARCEL A, more particularly described in the file, and located at **747 South Federal Highway.**

Anthony Soroka, City Attorney, advised that the sign variance requires a 4/5 vote and will be voted separately from Item 5, site plan application.

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

Kevin Betancourt, Thomas Engineering, 6300 NW 31st Avenue, Fort Lauderdale, representing Aldi, provided a brief presentation on the project. He advised that in 2013, the Commission originally approved three (3) sign variances which included an additional sign, illustrated as A on the presentation which is a 46 square foot sign and the two (2) others. The other two (2) signs consisted of a sign reading "Food Market" and a sign on the east side facing Federal Highway. The existing sign is a backlit cabinet sign totaling 46 square feet and the original food market sign was 21 square feet. Mr. Betancourt explained that the request entails increasing the sign to 75 square feet, whereas, the maximum allowed by Code is 100 square feet. Since the elevation on the building will increase, approval of the variance will make the signs congruent.

Vice Mayor Parness asked for clarification on the hardship.

Mr. Betancourt explained that the applicant wishes to increase the sign on the elevation to match the south sign.

Commissioner Drosky spoke in support of the application and thanked the applicant for making a good faith effort to explain the hardship. He also commented on the need to make various changes to the Code.

Commissioner Hudak also spoke in support of the application and does not agree with having two (2) different sized signs.

Commissioner Preston spoke in support of the application and explained that the City should do all it can to help the businesses survive during this pandemic. Thereafter, he commented on businesses that have closed as a result.

Mayor Ganz opened the public hearing for Item 5; however, there were none to speak and the public hearing was closed. Mayor Ganz said he does not believe the sign will help Aldi's thrive, but this is an aesthetic hardship and supports it for that reason.

Following the vote for Item 5, notated on previous page, Mayor Ganz opened the public hearing for Item 6; however, there were none to speak and the public hearing was closed.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 6, adopted Resolution 2020/174. Roll Call:

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

Nays: 0

7. P.H. 2021-020: APPLICATION NO. 20-RS5-1, CONDITIONAL USE CASE NO. 2521 AND VARIANCE CASE NO'S 2532 & 2533 (Project Name: Radiant Living Worship Center)

Applicant: Radiant Living Worship Center, Inc. represented by Juliette Schiff of Asante Design Group, LLC.

Proposal: Major site plan application seeking approval to construct a 4,992 square foot church with additional off-site parking; Conditional Use application (Case No. 2521) to permit a church in the RS-5 (Residence, Single-Family) zoning district; AND seeking approval of two (2) variances (Case Nos. 2532 and 2533) from the Deerfield Beach Land Development Code to 1) waive the requirement to construct a 6 foot concrete wall when a nonresidential use is located within a residential zone as required by Code Section 98-77(3), and 2) waive the requirement to provide improvements to the curbs, gutters, and drainage as required by Code Section 98-19(18).

Location: The property is generally described as several parcels of land in W L BRACKNELL SUB 5-24 PB LOT 12 , LOT 9 , LOT 8 AND 31-47-43 BEG 75 W OF SE COR OF W1/2 OF NE1/4 OF SW1/4 OF SW1/4,N 50,W 75,S 50,E 75 TO POB & S 363 OF W1/2 OF NE1/4 OF SW1/4 OF SW1/4 LESS:COMM AT SE OF SAID W1/2,N, more

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

particularly described in the file, and located at **321, 331, 341, & 411 NE 1st Avenue.**

Juliette Shiff, 4800 T-Rex Avenue, Boca Raton, waived the quasi-judicial proceedings. Thereafter, Ms. Shiff provided a historic overview of the church and applicant, its congregation and service location. The new church building will be a 4,992 square foot one-story building on a 20,688 square foot parcel with overflow parking, 140 feet to the north on a 14,000 square foot lot. The combination of both lots entail a 150-foot frontage of the church lot and 70-foot frontage of the parking lot which meets the conditional use requirement of 200 feet of street frontage required by Code. She explained that there will be 52 parking spaces, including ADA spaces; 40 spaces are required by Code.

Continuing, Ms. Shiff provided a layout of the floor plan which shows use of the space, sanctuary, classrooms, offices, multipurpose room, etc. The proposed paint colors meet the Pioneer Grove Zoning District. Ms. Shiff explained that extensive landscaping is purposed for both lots; thereafter, she continued displaying renderings. The landscaping includes myriad trees and a seven-foot high hedge which will be maintained around the perimeter. Additionally, Ms. Shiff said on May 4, 2010, the City Commission approved the project for a larger building on the same site; however, the new building will require less parking and meets the Code requirements. She provided renderings of the facility, to include aerial views of the parking lot and the front of the new church.

Ms. Shiff expounded on the first variance, walls and fences. She explained that the property is in a residential district and the hardship is based on the concept of increasing walkability to the church. Photos were displayed of the current conditions of the property and auxiliary parking lot. Additionally, there will be a continuous landscape buffer on three (3) sides, which will serve as a beautiful buffer in lieu of the concrete wall, along with a 7-foot high hedge to meet the purpose and intent of the wall requirement. Moreover, the hedge will be maintained at that height. The second variance is based on Section 98-19(18) curbs, gutters and drainage. She explained that when the project was originally approved, the Code was different; there have since been changes. On the west side of Northeast 1st Avenue, there is a continuous 5-foot pedestrian sidewalk along the street and also on the east side.

Furthermore, Ms. Shiff said the current sidewalk is maintained and in good condition; if a new raised sidewalk had to be provided, this would be the only parcel on the west side of the street with that condition. This could cause tripping hazards, be aesthetically displeasing as well as non-conformity along the street. No occupied property on 1st Avenue has raised sidewalks, curbs, gutters, or exfiltration trenches currently. Lastly, Ms. Shiff advised that intensity of use is minimal for this project as it is a small church building and not a large scale, high intensity development such as being built on the northeast side of 1st Avenue. To mitigate, the applicant proposed a dedicated 10-foot access easement within the same location for the purpose of future development on the west side of NE 1st Avenue so all sidewalks, curbs and gutters will be continuous if installed later. In closing, she reminded the Commission of the variances and purpose for each request.

Commissioner Hudak asked how tall the trees (landscape buffer) will be when planted.

Louis Vlahos, Landscape Architect, 4711 Cypress Drive South, Boynton Beach, replied that when planted, the trees will be 16-feet overall; the existing trees on the north and west side of the property are beyond that. The hedge will be planted around 3 to 4 feet and will take about a year to reach 6-feet. Calusia Rosias will be planted and can grow up to 8-feet high and approximately 4-feet wide.

Commissioner Hudak said certain areas in the City are prone to flooding and asked what enhancements will be implemented to ensure proper drainage.

Ms. Shiff replied that a civil engineer has been hired for the project and the storm water has been mitigated so it is handled onsite; thus, there will not be any runoff to the adjacent properties or street.

Mr. Vlahos said the parking lot (overflow) will include grass pavers, no asphalt, so there will not be any runoff. Furthermore, he explained that the sidewalks are installed now, it does not help with storm water runoff which is why they prefer waiting as it would only help when it is designed for the entire street.

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

Commissioner Preston thanked the applicant for addressing the City's concerns and spoke in favor of the application.

Commissioner Drosky said this is an improvement to the community; however, the second variance request is concerning for him. He asked if the requests can be split or receive better explanation of the hardship. In trying to improve the area, Commissioner Drosky opined that someone needs to start the sidewalk improvement and does not understand why the second variance request is a hardship.

Ms. Shiff provided a photograph of the continuous sidewalk and advised that there is not a plan in place by the City to redevelop all the sidewalks and install new curbs, gutters and exfiltration ditches. Doing the sidewalks now would be a piece meal effort and worsen current conditions. The applicant is proposing a public access easement that is 10-feet wide so when the work is done for the entire street, they are onboard. The request does not ask for permanent relief, but from installing the sidewalk at this time. Ms. Shiff explained the precautions they have taken in the design of the site. When the sidewalk is developed, they will lose the two (2) parking spaces but will still comply with the Code. Also, no large trees have been placed in the proposed easement.

In response to Mayor Ganz's question, Ms. Shiff replied that the applicant's intent is to maintain the easement.

Perry Ecton, 1355 SW 122nd Way, Pembroke Pines, serving as contractor for the project, commented on installing a raised sidewalk when the rest of the street is done. He explained that having only the applicant's sidewalk higher than the rest could result in injuries as it will be higher. The applicant does not plan to abandon the responsibility but assured the Commission that the applicant will participate when the rest of the street is done. Further, he opined that no one else on the street knows that a raised sidewalk is being proposed as they only found out during the application process.

Vice Mayor Parness asked about separating the items as he does not want the application to fail.

Anthony Soroka, City Attorney, replied that the Commission may approve one (1) variance instead of two (2); moreover, the Commission may apply conditions as per the Code. He said the applicant can be held to the condition that if a neighbor or the City does a sidewalk project they could commit to doing it at that time.

Vice Mayor Parness asked if a document can be executed requiring the applicant to work with the City to improve the sidewalk.

Ms. Shiff replied yes. The intent is to have a public access recorded easement and memorialize it. The applicant wants the improvement as well, but wants to do it at the right time.

Anthony Pelt, 10647 NW 7th Place, Coral Springs, applicant, said he is willing to put in writing the desire to improve the street.

Commissioner Hudak asked for clarification on the raised sidewalk and piece-meal of the project.

Eric Power, Director of Planning & Development Services, replied that the City follows a manual which outlines certain road widths and drainage. The designated road, 1st Avenue, is one of the oldest roads in the City; that manual was developed decades after the road was built. However, developers are held to this standard like Vista Clara opposite the application site. On the other side of the street, there have not been any developments. He explained that the applicant wants to hold off on the improvement as the sidewalk is continuous and the improvement has not been done for any other home. Furthermore, the height of the sidewalk depends on the road and could be a difference of 3 to 5 feet; it would be a gradual ramp to meet ADA guidelines.

Commissioner Drosky said he would like to approve the item with the condition that if a neighbor or City does the sidewalk improvements, to hold the applicant to their representation.

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed. Thereafter, he commented on the application. He said a wall is normally installed to protect residents from a non-residential property; however, it is not necessary in this case. Further, the landscaped hedge can serve as a sound buffer. Although he supports the condition for the sidewalk, he is concerned about the applicant having to comply in the future and not have the funds.

Mr. Pelt reiterated his commitment; whereas, he intends to impact the community and assured the City Commission that when the time comes, they will be ready.

Mr. Soroka said the only other alternative is to post a bond but is not sure if the applicant would be able.

Mr. Pelt said he would like to investigate other options with staff.

Mr. Soroka explained that the cost of a performance bond could be around 1.5% to 3% of the overall construction costs. Another option is a letter of credit which is normally higher than the bond.

Ms. Shiff disagreed with the performance bond as it would not be imposed on any other resident on the street.

Mayor Ganz said he does not agree because sidewalk improvements have not been brought forward.

Commissioner Preston said he believes that Mr. Pelt will honor their agreement to participate as he has proven his credibility over the years.

Mayor Ganz asked for a good faith effort of exploring a bond from the church. Thereafter, he reopened for public comment; there were none and he closed the public hearing.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 7 as amended with condition of commitment to install raised sidewalks should a neighbor or City do so for the west side of 1st Avenue, adopted Resolution 2020/175. Roll Call:

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

Nays: 0

PUBLIC HEARING

- 8. P.N. 2021-004: Resolution 2020/176 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the program year 2019/2020 Consolidated Annual Performance and Evaluation Report ("CAPER") for Housing and Community Development Programs; authorizing submission of the CAPER to HUD; providing for implementation and an effective date.**

The Resolution was read by title only.

Jonathan Salas, Acting Director of Legislative and Community Affairs, explained the purpose of the CAPER; for CDBG funds that the department uses for the program year. It highlights how funds were expended and serves as a performance evaluation to measure the City's success and highlights all programs funded this year with CDBG funds. Programs funded include Housing & Rehabilitation Program, Purchase Assistance Program, rental assistance and others. The CAPER must be reviewed annually and reported to HUD.

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

PUBLIC HEARING - CONTINUED

There was no discussion amongst the Commission.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 8, adopted Resolution 2020/176. Roll Call:

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

Nays: 0

PUBLIC HEARING - SECOND READING

- 9. P.H. 2021-021: ORDINANCE 2020/028 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT ("CIE") OF THE CITY'S ADOPTED COMPREHENSIVE PLAN BY REVISING AND UPDATING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS SET FORTH IN TABLE 10.3 IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES, AS MORE SPECIFICALLY SET FORTH IN EXHIBIT "A"; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

David Santucci, City Manager, outlined Item 9 and advised that the proposed ordinance amends the capital improvements element section that has the most recent adopted capital improvement programs.

There was no discussion amongst the Commission.

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 approve Item 9, adopted Ordinance 2020/028. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Peggy Noland, 325 SE 3rd Terrace, Deerfield Beach, said the flag at Deerfield Beach Middle School needs to be replaced as it is a disgrace. Although she reported to Commissioner Hudak, it has not been handled. Also, there is no flag at Pioneer Park. Furthermore, Ms. Noland commented on the lights on Hillsboro Boulevard going east toward the beach being out and how dark it is around the beach area. Lastly, she suggested removing the flag if it cannot be replaced.

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, thanked the Commission and City Manager for the handling of the pandemic. Mr. Rosenzweig also commented on various events, boat show, Honor Flights, and wished everyone happy holidays. He then advised that there is a national law on how flags should be handled and because the flag is a remembrance of freedom, he hopes the problems will be handled quickly. Lastly, the Jewish War Veterans of the United States celebrated its 125th anniversary.

Leonard Arabia, 2051 SE 5th Street, Deerfield Beach, said he walks his dog every day on South Ocean Way. Over the last couple of years, he has made several attempts to contact various city departments in an effort to resolve the egregious conditions that have caused a significant danger to public safety and potential liability to the City. He advised that when walking on South Ocean Way, he is forced to walk on the west side of the street with his back to the traffic or facing the traffic. There are two (2) locations on the

PUBLIC COMMENT - CONTINUED

west side of Ocean Way where no sidewalk exists, in front of the Wyndham Hotel and the adjoining property directly south. The second location is north of the Embassy Suites with a distance of 100 to 200 yards. He said while walking the dog this past weekend, he was sideswiped by a car in front of the Wyndham, but was not badly injured. He recommended a complete review of the City's ordinances that force a person to endanger themselves. He asked that the dog walking ordinance be rescinded immediately. Lastly, Mr. Arabia explained the difficulty in walking his dog with the road width and sidewalk distances.

Dave Mirantz, Economic Development Council, 10 Fairway Drive, Deerfield Beach, said both Vickki Placide-Pickard and Nicole Giordano are exemplary employees and wished them the very best as they served the City with great candor.

Mayor Ganz said flags that are in bad condition should be addressed immediately. Also, lights are out in various parts of the City and though most have been handled, the remaining should be replaced. He also asked that lights out be noticed to City staff. Mayor Ganz empathized for what has happened with Mr. Arabia and suggested reviewing the ordinance to determine the potential for changes.

BOARD APPOINTMENTS

10. Resolution 2020/177 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, removing Tracey Williams from the Education Advisory Board; appointing Karen Shelly to the Education Advisory Board to fulfill Ms. Williams's unexpired term; 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.

Vice Mayor Parness said Ms. Williams has relocated from Deerfield Beach thus prompting a replacement with Ms. Shelly whom he believes will be an asset.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 10, adopted Resolution 2020/177. Voice Vote:

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

Nays: 0

11. Resolution 2020/178 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing William Lane as a regular member to the Planning & Zoning Board; and providing for an effective date.

Mayor Ganz opened the public hearing.

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, spoke in support of Mr. Lane being appointed to the board.

Mayor Ganz closed the public hearing.

Vice Mayor Parness outlined his reasons for nominating Mr. Lane, Ocean Representative at General Electric, understanding of safety measures, ability to read blueprints.

BOARD APPOINTMENTS - CONTINUED

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 11, adopted Resolution 2020/178. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

After a brief discussion, the Commission pulled Items 13, 19, and 20 from the Consent Agenda.

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

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Items 12, 14-18, and 21 - 23 of the Consent Agenda. Roll Call:

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

Nays: 0

12. Resolution 2020/179 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, extending the State of Local Emergency regarding COVID-19 until January 17, 2021; authorizing the City Manager to take appropriate actions; providing an effective date.

13. Resolution 2020/180 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the amendment to the agreements with Waste Management Inc. of Florida for Recycling Processing Services; authorizing execution of the Amendment; providing for implementation and an effective date.

The Resolution was read by title only.

Commissioner Drosky advised that the proposed resolution extends the non-collection of the recycling program until there is a more reasonable solution. The commodity prices have not increased and the solutions for recycling have not materialized; hence, the continued need to pause the program until a better option is given to the City.

Vice Mayor Parness explained why the program was suspended; over 50% contamination as well as the lack of value for recycled materials. He recommended continuation of non-collection for recycled materials.

In response to Mayor Ganz's question, Anthony Soroka, City Attorney, replied that the City previously entered into a 5-year agreement; two (2) separate agreements included curbside single-family pickup and commercial/multi-family. The agreement effectuates the status quo for the remaining three (3) years of the agreement; nevertheless, the City continues to have a 90-day termination for convenience with both agreements. Additionally, recycling can be re-negotiated, but there was an obligation in the agreements to bring all recycling to Waste Management so this removes that obligation on the City for the next three (3) years, consistent with the letter previously issued.

David Santucci, City Manager, advised that the proposed agreement allows the city to be flexible in programming under the existing contract; whereby, if there is an improvement, the City can restart the program. If things do not improve, the City may maintain the current program.

Mayor Ganz clarified that no curbside recycling will occur, the proposed agreement goes beyond January and it is indefinite as to when the City will restart the recycling program.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Mr. Santucci agreed.

Mayor Ganz said although many people want the program back, execution is poor as many people dump recycling around the drop off spots within the City. Regardless of there not being a market for recyclable materials, it is not being done correctly and that is a huge part of the problem. He said staff is always looking for ways to bring it back and since it is not being done effectively, that would not make logical or financial sense for the City. Thereafter, he opened the public hearing.

Leonard Arabia, 2051 SE 5th Street, Deerfield Beach, recommended charging people so recyclable materials are brought back.

Mayor Ganz closed the public hearing. He advised that no one is accepting recyclable material.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 13, adopted Resolution 2020/180. Voice Vote:

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

Nays: 0

14. Motion concerning letter of support regarding the Tallman Pines Project.

15. Resolution 2020/181 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Interlocal Agreement with Broward County for Fiscal Year 2020-2021 Disbursement of HOME Program Funds for the Homebuyer Purchase Assistance Program in the amount of \$99,858; providing for execution; providing for implementation and an effective date.

16. Resolution 2020/182 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Interlocal Agreement with Broward County for Fiscal Year 2020-2021 Disbursement of HOME Program Funds for the Housing Rehabilitation Program in the amount of \$99,858; providing for execution; providing for implementation and an effective date.

17. Resolution 2020/183 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Older Americans Act ("OAA") Contract #JA121-06-2021 with the Areawide Council on Aging of Broward County, Inc. for Center for Active Aging Services in an amount not to exceed \$190,476.71; authorizing execution of the OAA Contract; providing for implementation and an effective date.

18. Resolution 2020/184 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Third Amendment to Contract #JP119-06-2020 with the Areawide Council on Aging of Broward County, Inc. concerning council funding for the Center of Active Aging Emergency Home Energy Assistance Program; authorizing execution of the Third Amendment; and providing an effective date. (*Fiscal Impact: Funding in the amount of \$53,238.28*)

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

19. Resolution 2020/185 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the granting of a 10-foot wide utility easement at 401 SW 4th Street to Florida Power & Light; authorizing execution of the Easement Agreement; providing for implementation, conflicts, and an effective date. (Funds from Account #453-4558-534-60-43 - Equipment)

The Resolution was read by title only.

Commissioner Preston asked if there are any concerns or special considerations with the project and if so, has Siemens addressed.

David Santucci, City Manager, replied that the City does not have any concerns with the easement itself, as it is a linear easement to bring the power distribution to the CNG station. For FP&L to provide electricity to the station, a line is needed; which this easement will allow. Item 20 is the agreement for FP&L to execute the work.

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

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 19, adopted Resolution 2020/185. Roll Call:

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

Nays: 0

20. Resolution 2020/186 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Underground Distribution Facilities Installation Agreement with Florida Power & Light for the installation of underground facilities at the Central City Campus; authorizing the City Manager to execute the Agreement; and providing for an effective date. (Funds from Account #453-4558-534-60-43 - Equipment)

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 spoke in support of underground electricity as a benefit to protecting the residents from power outages. He recommended every new project include this type installation.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 20, adopted Resolution 2020/186. Roll Call:

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

Nays: 0

21. Resolution 2020/187 - A Resolution of the City Commission of the City of Deerfield, Florida, accepting the Investment Policy and Internal Controls Certification from the City's Chief Financial Officer for the fiscal year ending September 30, 2020; providing for an effective date.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

22. Resolution 2020/188 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals #21-06-IG for Financial Advisory Services; authorizing execution of an Agreement with the number one ranked firm Dunlap & Associates, Inc., for a term of three years with two additional two-year renewal terms; providing for implementation and an effective date. *(Funds from Account #001-0600-513-32-99 - Other Contractual Services)*
23. Resolution 2020/189 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Agreement with GTECHNA USA Corporation for Parking and Traffic Enforcement Software for a three-year term with two one-year renewals; authorizing execution of the Agreement with GTECHNA USA Corporation in an annual amount not to exceed \$21,000; providing for implementation and an effective date. *(Funds from Account #001-3008-545-30-01 - Software Maintenance and Account #001-3008-545-34-12 - Web Hosting)*

COMMENTS BY ADMINISTRATION & LEGAL**CITY ATTORNEY**

Opioid Crisis - Anthony Soroka, City Attorney, advised that many cities and states throughout the Country joined litigation against a number of pharmaceutical distributors and manufacturers of opioids. As part of litigation, it is now publicly known that a proposed \$26 billion national settlement from three (3) main distributors and a main manufacturer is close to completion. There are still discussions on negotiations as everything has not been finalized since 90% of the governmental entities must agree. Unfortunately, he said he cannot share much more publicly due to ongoing negotiations. Furthermore, funds will not be paid directly to municipalities, but are proposed to pay for treatment and prevention programs for the cities most affected.

Surtax Ballot Lawsuit - Mr. Soroka advised that the County placed a measure on the November ballot dealing with preempting the cities' right to zone and regulate transportation surtax funded transportation projects on County land. The city of Weston filed a lawsuit challenging the ballot question based on it being misleading and other defects. Deerfield Beach and five (5) other cities joined the lawsuit with Weston. The matter was heard shortly before the election but no ruling. The question remained on the ballot and was approved by 64% of voters. Right before Thanksgiving, a decision was passed down from the lower court judge who ruled in favor of Broward County. Weston is considering an appeal along with several other cities, the same who previously joined will be acting on it in a week or so. He asked for direction on whether the City Commission wished to join the appeal.

Commissioner Drosky spoke in favor of joining the appeal. He advised that the measure tramples municipalities' home rule and opined that the \$2500 fee is not an obstacle to protecting the City and residents.

Both Vice Mayor Parness and Mayor Ganz agreed to move forward with the appeal.

MOTION was made by Commissioner Drosky, seconded by Vice Mayor Parness to expend \$2500 to join the appeal against the County's surtax ballot measure. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL - CONTINUED**CITY MANAGER**

CSLIP Process - David Santucci, City Manager, provided an update on a previous discussion regarding changes to the CSLIP project process. When there are CSLIP projects on City owned roads, the municipalities will be responsible for design, CIE services, as well as contingency. The change was originally scheduled to occur after the current funding cycle of five (5) years; unfortunately, the construction of the 5-foot sidewalk, pedestrian lighting, roundabouts at Crystal Lake Drive and NW 45th Street and road resurfacing is affected. Total construction costs that would have been funded was about \$2 million, but now will fall under the new LAP program requirements which is an arduous grant process to follow. He advised that he is now required to submit a letter or e-mail by January 1st to show intention of supporting and administering the Crystal Lake project and committing to funding the required phases. He said since there is a funding component, he does not feel comfortable proceeding on his autonomy.

Additionally, Mr. Santucci said by February 15, 2021, a formal resolution of support is needed. The alternative is that the project is not funded. The resolution of opposition has been submitted to various governmental entities to bring awareness to the issue and has gained ground with some of the municipalities. Furthermore, there are communities in Broward County looking for legislative support on reversing the change. If the letter is not submitted by January 1st, the funding will definitely be lost. Mr. Santucci recommended sending a letter to the MPO as a soft commitment and see what transpires. The resolution is needed by February 15th.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, authorizing the City Manager to draft a letter of intent to the Broward Metropolitan Planning Organization. Roll Call:

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

Nays: 0

24. Fiscal and Economic Impact Update.

David Santucci, City Manager, said although fiscal year 2020 has closed, the auditing and close out process are ongoing; notwithstanding, preliminary figures will be provided on the General Fund.

Stephanie Tinsley, Chief Financial Officer, provided a brief PowerPoint regarding the City's financials; whereby, the City is in good shape.

Presentation Overview - Ms. Tinsley outlined the agenda: regulatory environment, preliminary financial results in comparison to the budget for the General Fund for FY 20, review preliminary fund balance results and how it compares to the City's policy.

Regulatory Environment - Ms. Tinsley pointed out the regulations regarding budget appropriations which must be completed within 60 days after the close of the fiscal year. Additionally, the City was compliant with its local ordinance. She explained that although revenues would not be sufficient to cover expenses due to the pandemic, as reconciliations continued, the City turned out to be in a better position than originally projected.

Ms. Tinsley provided the General Fund budget summary which focused on a balanced budget; thereafter, she outlined the columns and explained their importance. She advised that the projected year end results for total revenue, transfers and balances was \$103.8 million which did not meet the FY 20 amended budget. Additionally, the total expenditures were well under budget at \$95.6 million which was achieved by various changes within the organization such as furloughs, freezing positions, postponing capital outlays and others. The resulting deficit was a little over \$400,000. Reimbursement submissions are being done for the CARES Act, but receipt of any CARES funds will be recorded in FY 2021.

Vice Mayor Parness left the dais temporarily at 9:11 p.m. and returned at 9:12 p.m.

COMMENTS BY ADMINISTRATION & LEGAL - CONTINUED

Projected Fund Balances - Ms. Tinsley said this is similar to the previous chart, but provides additional information, located in the CAFR. The expenditures are still the same as outlined previously, \$95.6 million, total revenues before transfer \$102.2 million resulting in a deficiency of revenues over expenditures at \$6.5 million. Ms. Tinsley continued to comment on the fund balances whereby, the resulting deficit remains slightly above \$400,000.

Commissioner Drosky left the dais temporarily at 9:14 p.m. and returned at 9:15 p.m.

Fund Balance Policy Compliance - Preliminary - Ms. Tinsley outlined how the fund balances for the General Fund are broken down. The information is also contained in the CAFR and depicted in the last column. No changes were projected for the remaining categories; however, she does not believe there will be any. The change in the fund balance is under the unassigned general fund operation. Last year's audited FY 19 had an unassigned fund balance of \$17.6 million and this year, the projected FY20 unaudited balance is \$17.2 million.

Moreover, Ms. Tinsley advised that on the financial side of the General Fund CAFR, other funds are incorporated, like Senior Services; whereby, there is the potential for an increase to the fund balance of approximately \$800,000. Even with the possible increase, the City still meets the budget appropriation for FY20. The minimum balance for the unassigned fund balance is \$10,400,000 and as projected, it is \$17.2 million with the possibility of being \$16.8 million, still above the minimum allowed. The unassigned fund balance does not include the assigned emergency reserve fund. Lastly, the City is in good shape and no major swings are projected.

Mayor Ganz clarified that the deficit of approximately \$400,000 would come from the General Fund and is based on the sacrifices made.

Mr. Santucci replied yes, that is the estimation although other funds linked to the General Fund must be reconciled; notwithstanding, other funds could offset that with a net increase. Additionally, the CARES Act funds will not apply to FY 20 in terms of the presentation to the audited financial statements to the CAFR.

Mayor Ganz clarified that any funds reimbursed from CARES Act funding in FY 21 could result in a wash for FY 20.

Mr. Santucci said that is correct.

Commissioner Hudak thanked staff for their sacrifices and for getting the City through the pandemic.

Mayor Ganz applauded staff and management for good financial stewardship.

Your City Your Voice Survey - Mr. Santucci said the City has launched a survey which will be available at the end of the week; he asked that all residents assist as the City will be undergoing the strategic plan for the next five (5) years.

COMMENTS BY MAYOR & CITY COMMISSION**COMMISSIONER HUDAK****DISTRICT 1**

United States Flags - Commissioner Hudak said as a veteran, he made an oath was made to protect the flag and asked that the flags needing replacement be handled. He also asked that a flag be placed at Pioneer Park. Furthermore, he recommended assigning a staff person to oversee the flags and make sure they are in good condition.

Light Repairs - Commissioner Hudak said staff is aware of the lights that are out on Hillsboro to Federal Highway to Ocean Drive; however, a contractor who severed the line has been requested to repair, but it has not happened. A stop order has been placed on all their construction projects until repaired.

Happy Holidays - Commissioner Hudak wished everyone happy holidays.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

Saturday Office Hours - Commissioner Hudak said he will hold office hours on Saturday, December 12th from 10 a.m. - noon; 30-minute appointments are available.

District 1 Meeting & Cove Bridges Survey - Commissioner Hudak said the survey for 13th and 15th Avenue bridges ended Monday, November 30th; over 700 responses were received. He said he will try to meet with staff to review the results which will be shared with the public at an upcoming District 1 meeting in January.

Flooding - Commissioner Hudak said he has been assured that staff is working diligently to develop short-term solutions to the flooding on SE 8th Avenue and other areas. Long-term solutions are also being identified with the creation of the storm water master plan. He hopes to provide more information on the short-term solutions at the District 1 meeting.

Upcoming Events - Commissioner Hudak outlined upcoming events: Night of Lights at Sullivan Park on December 5th, there will be four (4) separate events with limited space due to social distancing; everyone must be registered. The event will be open for residents first, followed by non-residents if space allows. Additionally, Operation Santa will be held on December 13th starting at 9:30 a.m. and will ride through various neighborhoods without stopping due to the pandemic. A food distribution will be held at Quiet Waters Park; the last two (2) events are December 4th and December 18th from 9 a.m. till noon.

VICE MAYOR PARNESS**DISTRICT 3**

Camaraderie - Vice Mayor Parness expressed satisfaction for working with the Commission as it has been a professional and amicable relationship.

District 3 Meeting - Vice Mayor Parness announced his district meeting will be conducted via Zoom on December 16th at 6:30 p.m. There will be a celebration of the holidays and important information for District 3 residents. Additional information can be received by contacting the City Manager's Office.

United States Flag - Vice Mayor Parness said he seriously wants the flags attended to immediately.

Hanukkah Parade - Vice Mayor Parness said a Hanukkah parade will be held in Century Village, by car. Afterward, candles will be lit in the parking lot of the main clubhouse.

Happy Holidays - Vice Mayor Parness wished everyone happy holidays.

COMMISSIONER PRESTON**DISTRICT 2**

COVID-19 Pandemic – Commissioner Preston said the virus has affected many lives, young and old, as well as the Country. Disproportionately, people of color have been hurt by this. He said he has heard cities naming those dying but does not hear Deerfield Beach which means the leadership was aware of the problem and took it seriously. He said he is happy to sit with people who care about the City and its constituency and whatever can be done to alleviate the strain, he is sure it will be done.

District 2 Meeting - Commissioner Preston said a district meeting will be held on Thursday, December 3rd; masks are required with social distancing in effect. Staff will provide masks for those without.

Praxis Residents - Commissioner Preston said he has received numerous calls from Praxis residents, and it appears the new management is not cooperative in what should be done for the residents. Those that are suffering the most are getting attention from others who are not in the same situation. County Commissioner Lamar Fisher has been instrumental in getting information and helping as much as possible, but the situation must be monitored.

Happy Holidays - Commissioner Preston wished everyone happy holidays. He also thanked the Commission for protecting the residents and being aware of what happens in the City.

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

Villages of Hillsboro Park - Commissioner Drosky said the movie Elf will be playing on December 4th at 7:00 p.m. and will be broadcast from participants' car radios.

FAU Project Planning - Commissioner Drosky said on December 14th, Florida Atlantic University, along with the City's planning department, will hold its final webinar and present recommendations on what can be done to spur redevelopment in the northwest corridor of Powerline Road and Hillsboro Boulevard. There have been two (2) webinars thus far and the first was an introduction on geographic information, as well as gathering information from residents. The second webinar reported the compilation of data and the final webinar will be their recommendations to the City on what type of planning the City can engage to encourage redevelopment in that corridor. He said these are graduate students from FAU and the recommendations provided will be reviewed and considered by the City Commission.

2021 Source Book - Commissioner Drosky said Deerfield Beach is a member of the Greater Fort Lauderdale Alliance and they recently compiled the source book. It is a market profile of Broward County, Deerfield Beach, and sister cities; it outlines what can be expected in 2021 as well as the business climate. Despite 2020, there is good news for 2021; thereafter, he outlined some of the highlights regarding Deerfield Beach.

Happy Holidays - Commissioner Drosky wished everyone a Merry Christmas, Happy Hanukkah and Happy New Year.

MAYOR BILL GANZ

Praxis - Mayor Ganz said he also received phone calls regarding Praxis and commented on the continued deceit by the new owners and unfair treatment of the residents. Although Commissioner Preston has worked to resolve the issues, as well as staff, there are things that the City can monitor like keeping a lock on their pool should be addressed.

United States Flags - Mayor Ganz suggested rotating the flags in and out every 6, 8 or 12 months so they do not become unacceptable or donating the flags to organizations like the American Legion as a momentum once it has been flown.

Nativity Scene - Mayor Ganz asked that the nativity scene be setup.

MPO Meeting - Mayor Ganz announced that the Broward Metropolitan Planning Organization has cancelled its December 10th meeting.

SW 10th Street - Mayor Ganz requested clear direction from the MPO on SW 10th Street and the possibility of considering a no-build option so everyone is on the same page, especially the residents. He said he does not believe it is a viable option and it gives a false sense of hope to residents. Then, options can be determined.

Budget Deficits & Staff Sacrifices - Mayor Ganz thanked staff for their sacrifices this year and said the sacrifices will not go unnoticed as the \$400,000 deficit is a huge testament to staff actions. He also thanked the first responders for their service during the pandemic. He said active and former employees have passed from COVID-19 and many have been impacted.

City Commission - Mayor Ganz thanked the commission for working together. Having served for almost 12 years, this is most collegial body he has worked with.

Happy Holidays - Mayor Ganz wished everyone happy and safe holidays as COVID is ongoing.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED**COMMISSIONER PRESTON - CONTINUED**

Urban Land Institute - Commissioner Preston said a public meeting will be held on Monday and Tuesday, December 7 & 8 from 6 p.m. till 8 p.m. regarding the central portion of the City.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to adjourn the meeting at 9:53 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