



Meeting Minutes City Commission

Tuesday, July 20, 2021

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 7:02 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

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

Also Present: 3 – City Manager David Santucci
City Attorney Anthony Soroka
Assistant City Clerk Heather Montemayor

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 - June 1 & June 15, 2021

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

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

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Community Redevelopment Agency Meeting Minutes - April 13, 2021

Marine Advisory Board Meeting Minutes - October 15, 2020

Education Advisory Board Meeting Minutes - May 5, 2021

Code Compliance Meeting Minutes - April 13, 2021

Hillsboro Inlet District Meeting Minutes - May 17, 2021

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

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

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

July 20, 2021

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

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

Nays: 0

AWARDS & RECOGNITION

- 1. Proclamation presented to the City of Fort Lauderdale for its 2021 Resolution to recognize and memorialize Rubin Stacy by bringing awareness and education to the injustice and negative impacts surrounding acts of lynching, racial injustice, and social inequality by designating the segment of Davie Boulevard (State Road 736) between Interstate 95 ("I-95") and U.S. Highway 441 ("US-441"), also known as State Road 7, with the secondary street name of "Rubin Stacy Memorial Boulevard".**

Mayor Ganz read the proclamation which provided details of the lynching of Rubin Stacy. According to records maintained by the National Association for the Advancement of Colored People (NAACP), between 1882 and 1968, approximately 4,743 people, mostly black Americans, were lynched in the United States of America, and of these, 282 were known to have occurred in the State of Florida. The records further reveal that Mr. Stacy, a 29-year-old black American male, a husband, father, laborer, and resident of Broward County, was lynched in Fort Lauderdale, Florida on July 19, 1935. There are various reports with conflicting accounts as to the allegations by a white woman who lived on Old Davie Road, now known as Davie Boulevard, which led to Mr. Stacy's arrest and ultimate lynching. Mr. Stacy was killed near the accuser's home, was left hanging from a tree while nearly 1,000 people went to see his mutilated body, and his death certificate lists "lynching by mob" as a contributing cause of death.

Continuing, Mayor Ganz, according to the proclamation, said it is evident from all accounts Mr. Stacy was denied justice and the record that Mr. Stacy was never given an opportunity to have legal counsel nor was he given a trial. On July 19, 2020, Broward County presented a proclamation designating that day as Rubin Stacy Remembrance Day in Broward County. The City of Deerfield Beach City Commission is grateful to the City of Fort Lauderdale City Commission for its 2021 Resolution to recognize and memorialize Rubin Stacy by bringing awareness and education to the injustice and negative impacts surrounding acts of lynching, racial injustice, and social inequality by renaming a portion of Davie Boulevard (between I-95 and US-441) as the "Rubin Stacy Memorial Boulevard". Thereafter, he introduced Commissioner Robert McKenzie, via Zoom, from the City of Fort Lauderdale.

Commissioner McKenzie thanked the City for joining Fort Lauderdale for this embarrassing state of affairs, which is a smear on the current city. Today is being recognized as Rubin Stacy Day and thanked the Commission for moving the needle forward for equity, equality and keeping the citizens first.

AWARDS & RECOGNITION - CONTINUED**2. Certificate of Recognition presented to Emily Lilly for her years of dedication and service as President of the Deerfield Beach Historical Society.**

Mayor Ganz recognized Ms. Emily Lilly, who has served the Deerfield Beach community as a member of the Deerfield Beach Historical Society for the last six years, the last five as the President of the organization. Thereafter, he outlined her contributions to the Historical Society, increasing public exposure to the Society, online presence, bringing famed restoration architect Richard Heisenbottle of Miami to renovate the Butler House, restoration of the Old Caboose on City Hall property, published the book on Deerfield Beach History, and for helping to expand the organization with the recent addition of the Cultural Center property, across from the Butler House.

Ms. Lilly said there are many others that should have been included on the certificate as her job was simple with the support from the community, sponsors, volunteers and the Board of Directors. Ms. Lilly said the Board made her job wonderful and exciting. Thereafter, she outlined how each member of the board assisted her as well as their contributions. Lastly, Ms. Lilly encouraged people to serve as a member or volunteer.

3. Certificate of Appreciation presented to the Advocates for Clean & Clear Waterways and their volunteers for conducting a community cleanup at Trailhead Park on June 27, 2021.

Mayor Ganz presented a certificate of appreciation for the community cleanup. On June 27, 2021, Caleb Merendino and Ben Swanson of Advocates for Clean and Clear Waterways organized a community cleanup at Trailhead Linear Park. Armed with sustainable bags and grabbers, 20 volunteers collected trash along the water's edge and throughout the park. After a waste characterization study, the group collected 264 pounds of garbage and recyclables, which are then brought to the City's Recycling Drop-off Center located at Central City Campus. Mayor Ganz thanked them for their great example of community service; whereby, this certificate recognizes the great work of Advocates for Clean and Clear Waterways and their volunteers.

4. Certificate of Recognition presented to city staff for their hard work during the Juneteenth event.

Mayor Ganz presented certificates recognizing the hard work of those who contributed to the City of Deerfield Beach Juneteenth City-Wide Holiday. He thanked the Parks & Recreation Department along with the African American Heritage Board, who hosted the Inaugural Juneteenth Celebration event on Friday, June 18th and Saturday, June 19th, to educate our community about this annual holiday that is commemorating the end of slavery in the United States. For many in our community this year was the first time they had heard of Juneteenth. Mayor Ganz also thanked the Broward Sheriff's Office, volunteers and JM Family Enterprises Inc. for their support of this year's Juneteenth Celebration event. Lastly, Mayor Ganz presented certificates to various City staff for their contributions.

5. Certificate of Recognition presented to Carlos Escamilla and Gael Garcia for their life saving efforts.

Mayor Ganz recognized Carlos Escamilla and Gael Garcia who, on June 4, 2021, noticed that a patron was choking and quickly initiated assistance. Carlos and Gael performed abdominal thrust (a maneuver used to dislodge a foreign body from the airway), which successfully dislodged the obstruction. Upon fire rescue's arrival, the patient was awake, alert and breathing without distress. The patient reported that while eating, a piece of food completely obstructed their airway causing them to not be able to speak nor breathe. Lastly, he thanked them for their heroic efforts in saving a life.

AWARDS & RECOGNITION - CONTINUED

6. Presentation regarding the Tigner Center Public Workshop.

David Santucci, City Manager, said a community workshop was recently held regarding the design of the Tigner Center and will outline the design based on the Commission's feedback and residents' input.

Priscilla Cygielnik, City Engineer, said a workshop was held at the end of June at the Oveta McKeithen Recreational Gymnasium and the input from that workshop will be outlined by the design builder. She said it is very early in the design process and in the first few months, two construction documents will be secured, the building permit drawing and the building permit to begin construction.

Project Organizational Chart - Mike Boss, MBR Construction, outlined the team working on the project, Abbas Zackria, lead architect design, MBR Construction as general contractor, Calvin Giordano for landscape architecture, and others.

Existing Conditions Site Plan - Mr. Abbas outlined the current community center, 6,000 square feet, and gymnasium, 11,000 square feet. There are currently 165 parking spaces with 10 being ADA.

Proposed Design Site Plan - Mr. Abbas provided the proposed site plan that was presented with the RFP and the new community center will be two-stories, 20,275 square feet; the gymnasium will be renovated. There will be a plaza on the front and back; covered entries and connections that bring the buildings together. For parking 112 regular and 5 ADA spaces are required; whereby, 168 spaces will be provided.

Proposed Design Original RFP Program List - Mr. Abbas said the list entails some of the elements that the design was based.

Proposed Design Potential City Programs in the new Building - Mr. Abbas outlined some of the recreational programs that will be covered within the building; afterschool programs, summer programs, Winter Tea and others.

Proposed Design First Floor Plan - Mr. Abbas provided the proposed floor plan presented with the RFP; however, after public input, an updated plan was provided for consideration. Within the plan, there is a drop-off area with a covered arcade and other features. Mr. Abbas outlined other features for the first floor: security point; banquet facility currently allows up to 250 individuals; meeting space and other areas.

Proposed Design Second Floor Plan - Mr. Abbas outlined the location of staff offices on the second floor, TV lounge, classrooms, multipurpose room, restrooms, etc.

Proposed Design - Design Inspirations - Mr. Abbas explained how the design was determined, existing center design like Hillsboro Community Center (HCC) and adding Pioneer Grove design elements which have been done. He explained that the site is not intended to serve as a hurricane shelter, but can be used post hurricane as a distribution site due to the materials being easy to maintain and use of an emergency generator. Also, there are large overhangs for rain and sun protection or a drop-off area.

Design Inspirations - Original Design - Mr. Abbas provided photos of the HCC and Highlands Community Center which were used to design the building. The buildings on the left are original, on the right, are the proposed designs as in the original RFP.

Design Inspirations - Pioneer Grove Design - Mr. Abbas said staff suggested incorporating more Pioneer Grove standards which are shown on the left; on the right, is the updated design incorporating those standards. The interior has not changed; however, the façade treatment incorporates more brick, metal, glass, and wood canopies.

Proposed Design - Exterior Views - Mr. Abbas provided photos of the original design and the new Pioneer Grove design.

Proposed Design - Interior Views - Same for both Designs - Mr. Abbas said the main focal point will include a lobby and information desk where staff will be located. On the right, is a rendering of a banquet room.

AWARDS & RECOGNITION - CONTINUED

Proposed Design - Service & Delivery Considerations - Mr. Abbas said the site plan shows the separation between the public and service area. On the left of the site, the generator, dumpster and kitchen will be housed and away from the public.

Proposed Design - Design features allowing multiple activity use and occupant comfort - Mr. Abbas highlighted some of the features on the first and second floor. Additionally, a bonus space was proposed and includes an exterior space behind the banquet hall to allow events to flow to the outside. All functions are off the main lobby; the second floor also has seating at the lobby, interior windows throughout or daylighting and activity monitoring, as well as others.

Proposed Design - Summary - June 29th Public Forum Q&As - Mr. Abbas said the design was presented to the public and include varying comments. One major comment was the request for a larger banquet facility; the addition of an amphitheater which is not part of the existing program. Mr. Abbas continued to outline various comments received by the public. Additionally, he said although the building is not a hurricane shelter, but it is hurricane rated and will meet all building code requirements. The consensus was in favor of the Pioneer Grove design; thereafter, he asked the Commission for feedback on keeping the original design or using the Pioneer Grove design.

Proposed Design - Expanded Banquet Hall Plan (12 feet added to building) - Mr. Abbas said if a larger facility were provided, it would be 12 feet past the existing edge at a cost of \$450,000 with a capacity of 350.

Proposed Design - Expanded 2nd Floor Plan (12 feet added to building) - Mr. Abbas said the outside wall is a bearing wall; therefore, if the first floor is expanded, the second floor must as well or columns would have to be brought into the space which would be a detriment as it would block the views. Thus, both floors would expand approximately 1,000 square feet each and the budget on the second floor is \$450,000.

Proposed Design - Expanded Warming Kitchen Plan - Mr. Abbas recommended an expansion of the kitchen and storage, only if the banquet room/multipurpose room were expanded. This would provide additional storage space for rental items, catering equipment, etc. at a cost of \$163,000. All three options would total \$1,063,000.

Proposed Design - Proposed Project Schedule - Mr. Abbas asked for input by the Commission on the exterior building design and banquet expansion. Thereafter, they will proceed with the design and secure construction documents/permitting.

Vice Mayor Preston said the input provided by the community is a great benefit because once the center is done, the demand will increase. As such, he would like the Commission to strongly consider the expansion to prepare for the future.

Commissioner Parness asked if sliding panels would be incorporated into the design to minimize the space when the entire area is not being used.

Mr. Abbas replied yes, there is a partition as designed and will remain.

Commissioner Hudak thanked the presenter for incorporating public comments. Also, he said the gymnasium could be considered for overflow, especially considering the added cost. He spoke in support of the one-point entry/exit design for safety precautions and the Pioneer Grove façade.

Commissioner Drosky spoke in support of the Pioneer Grove standard design. He commented on the participation at the June workshop; whereas, it was not largely attended, but input was provided. He therefore asked that the need for more space be justified especially considering the added expense; as he is hesitant.

Mayor Ganz asked how many events are held that meet or exceed 250 people.

Mr. Santucci replied that there are none at that particular location, but commented on the African-American Heritage Banquet being held in the gymnasium at capacity.

AWARDS & RECOGNITION - CONTINUED

Mayor Ganz asked that figures be provided based on the cost and increase in size; whereas, it would be more than 3 times larger than the current structure. Furthermore, Mayor Ganz said there are not a lot of community centers in the City and cannot look at it from a narrow viewpoint, but must consider 5 to 10 years into the future. Additionally, the Tigner Center has been operational for more than 15 years which is why it is important to consider more than what is being done now. As the City grows, the City has limited space to build community centers and since it is centrally located, there might be a need for expansion, but he does not see the need right now. Lastly, he asked for additional statistics to justify an additional \$1 million, since the budget is already \$10 million.

Ms. Cygielnik said \$10.4 million was appropriated and \$950,000 has been expended.

Mr. Santucci said from a financial perspective, adding \$1 million to this project may impact another project. He mentioned the City Hall renovation which is still undergoing the design phase. Further, this renovation may have the most uncertainty because it is a redesign of an existing facility and some sacrifices maybe warranted.

Commissioner Parness said the City is still growing and questioned the cost of adding space 10 years from now. He said there are not any places, besides private hotels, in the City that can accommodate 350 people and asked that the expansion be considered due to a growing population.

Vice Mayor Preston commented on other cities and their ability to accommodate a large event and although \$1 million sounds like a lot, it maybe more cost effective to add it now rather than later as it could become cost prohibitive. If it could be considered in the design phase, it would be cost effective for the cost as well as the public.

Mayor Ganz said the property is already being increased and does not agree with spending money for events that do not exist and not get the use. Mayor Ganz again asked for additional information as he does not want to be shortsighted. Lastly, he reiterated the increase in size and applauded some of the events held in the gym; notwithstanding, he is not confident that the added expense is warranted.

Commissioner Hudak said it seems the Commission is still open minded to possibly expanding; nevertheless, during the workshop, residents said they no longer wish to go to Pompano Beach for their events of more than 250 people. He reiterated the use of the gym to accommodate a larger event. He explained that he is not aware of a function for over 250, but the City has other needs. Since the facility will triple in size, and he is not inclined to spend an additional \$1 million especially with its impact to the City Hall renovation. Thereafter, he commented on other projects and infrastructure that also need repairs.

Mayor Ganz said another public workshop would be helpful since costs have been provided.

7. Resolution 2021/092 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting and adopting the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2020; providing for implementation and an effective date. (Tabled from June 1, 2021)

The Resolution was read by title only.

Stephanie Tinsley, Chief Financial Officer, advised that the presentation will outline the audit details for the report (ACFR).

Agenda - Ms. Tinsley outlined the agenda: completion process for ACFR and financial audit; status of net position and fund balance; fund balance compliance and others.

Completion Process - Requirements - Ms. Tinsley said the City must comply with Florida Statutes and the audit must be completed and sent to the Florida Department of Financial Services no later than 9 months after the end of the fiscal year. There is a new requirement to produce an annual report of the Community Redevelopment Agency (CRA), referenced in F.S. 163. Additionally, the Florida Government did not

AWARDS & RECOGNITION - CONTINUED

provide any extensions; however, at the federal level for bonds, various extensions were provided due to the impact of COVID.

Summary of Net Position to Governmental Activities (page 17) - Ms. Tinsley outlined the total net position which is in a positive state. In comparison from FY 2019 to FY 2020, the net position has grown by approximately \$3 million. That trend is primarily due to improvements to the overall pension and OPEB (other post-employment benefits) position and other cost containment measures taken during FY 2020 and reduction of expenditures at the onset of COVID.

Summary of General Fund - Fund Balances (FY19 & FY20 - page 41) (FY18 - page 40) - Ms. Tinsley advised that the emergency reserve remains steady at approximately \$3.5 million. She advised that the remaining fund balances, are strong. Moreover, the fund balance policy compliance requirement was met as it relates to the fund balance.

General Fund - Summary of Financial Results (page 82) - Ms. Tinsley outlined the financial results for various funds: total revenues – recognized \$1.3 million funding from CARES Act and the remaining will be recognized in FY 21; total expenditures – under budget; excess/(deficiency) – excess of \$5.92 million; overall, the net change in fund balance was expected to be a deficit, but was able to contribute \$1.92 million to the fund.

General Fund - Summary of Financial Results (page 82) - Ms. Tinsley explained and outlined total inflows and expenditure outflows which demonstrates a balanced budget.

Subsequent Budget Reserve - Encumbrances (page 55) - Ms. Tinsley said the total of \$5.74 million is for encumbered purchase orders as of FY20 and the end of the year. Those purchase orders need to continue into the next fiscal year for goods and services obligated, but not received by September 30th. Out of the \$5.74 million, \$3.35 million goes to the General Fund. The other line items are covered by bond postings but is recognized as a reservation against fund balance into the general fund. The actual budget amendment request results in \$1.92 million and will be presented to the Commission soon.

Summary of Building Permits Fund Financial Results - Ms. Tinsley said the transfer from the building services fund for \$2.3 million will also be considered by the Commission. She explained that there was an amendment mid-year FY 2020 for \$2.34 million, which was used to pay expenses from FY 2019. She explained the steps taken when the building services fund was non-existent and how the General Fund bore the expense; therefore, the transfer had to go back to the General Fund.

Summary of Solid Waste Financial Results (FY19 & FY20 Page 27) - Ms. Tinsley outlined the results of the solid waste fund; whereas, work for the Siemens energy performance contract started in 2020 and was fully expensed against the fund resulting in a deficit. She said she will be working with Sustainable Management to determine the proper allocation that benefited from the improvements and debt service.

Net Pension & Total OPEB Liabilities (Pages 17 & 93) – Ms. Tinsley said the net pension and OPEB liabilities show an improvement in the net position of governmental funds. She explained that from FY 2018 thru FY 2020, the deferred outflow of resources, an asset, is very stable between \$19 and \$20 million. The deferred inflow, a liability, more than doubled from FY18 to FY19, but dropped in FY20. The total OPEB liability has vastly improved and the covered payroll percentage is lower and more stable.

Net Pension Liability - Fire Pension Fund (Page 85 - 86) - Ms. Tinsley said the actual contributions have been fully funded every year. The net position has a percent of the total pension liability of 75.55%.

Net Pension Liability Police Pension Fund (Page 87 - 88) - Ms. Tinsley said the actuarially determined contribution has always been to maintain the fund and keep the net position at 65.43%, with continuous improvement.

Net Pension Liability Non-Uniformed Pension Board (Page 90) – Ms. Tinsley said the net position for total pension liability is 92.64%.

AWARDS & RECOGNITION - CONTINUED

Audit Finding & Observations - Ms. Tinsley said the City has received a clean audit opinion; thereafter, she outlined new findings, report findings and observations. The preparation of the SEFA (schedule of expenditure federal awards), which is a new finding and is not likely to reoccur. Additionally, the City has a receivable for Hurricane Irma which was recognized in FY19, along with its expenditures; notwithstanding, it was also recognized in FY20. Therefore, the SEFA had to be redone. Segregation of payroll related duties has been fully addressed; partially in 2019 and fully in 2020. Ms. Tinsley outlined the observations made during the audit, utility billing which is being addressed as well as the solid waste deficit.

Summary - Ms. Tinsley advised that the audit has met all regulatory compliance and other changes she is undergoing to assure future compliance; i.e. development of the ACFR and CRA audited financial report; increased direct training on the ACFR.

Mayor Ganz asked that findings and observations be explained.

Moises Ariza, Marcum LLP, replied that a finding should be corrected and an observation pertains to a best practice in the industry. This information is given to staff to make decisions and update processes. Thereafter, Mr. Ariza commented on observations and their role in the audit. Continuing, Mr. Ariza referenced the ACFR, page 1, independent auditor's report which outlines the responsibilities of both staff and Marcum. Staff is responsible for compiling the document and the external auditor is responsible for forming an opinion on the financial statements. The opinions paragraph is the most important; thereafter, he read an excerpt from the ACFR which indicates a clean opinion. A clean opinion is the only opinion anyone wants to be associated. At the end of the report, the findings and recommendations for improvement are referenced. Mr. Ariza also commented on some of the audit findings; i.e. SEFA; whereby, FEMA does not follow the accounting standards for reporting under uniform guidance but other requirements for their grants.

Commissioner Drosky said on page 104, the findings sound menacing and asked if the findings have been addressed or will be addressed in the future. He said he wants to make sure the findings aren't being repeated.

Mr. Ariza replied that there was a repeated finding with the timeliness of the financial statement; which is due by June 30th, and although the City met the requirement, it should not be at the last minute. Currently, the City is using a third-party provider to prepare and assist with the preparation of the document and different tools are being used to assure the finding is not repeated. Furthermore, the auditor is required to report what they found and the manager has an opportunity to respond to the finding. Given the circumstances and consideration of management response, if the process and protocol is implemented, he does not foresee a repeat finding. Nevertheless, the Finance Department is responsible for implementing those protocols and processes.

Ms. Tinsley said she does not anticipate a repeat finding; thereafter, she outlined different changes that impacted the finding. Continuing, Ms. Tinsley commented on the monthly financials; whereby, the current system does not have certain capabilities in the reporting process for revenues and expenditures. There is not a system that recognizes a percentage of revenue in a specific month; moving forward, she wants projections to show the revenue collected for a specific line item. Ms. Tinsley said she also wants to project the expenses or other revenue streams that come in. Lastly, she said her team is working on a better model for the monthly financial report.

Commissioner Hudak referenced the PowerPoint, slide 15, and said financial closing and reporting has been a repeat offense since 2018 and asked what is being implemented to resolve this issue. Additionally, he commented on technology being a challenge and asked how it is being addressed.

Ms. Tinsley replied that the current process entails working with an automated system to develop the ACFR, including the CRA financial report, which has not worked out. The current system does not comply with creating the report as there were various errors, but working with the auditors, they are aware of what needs to comply. The next step is acquiring an ERP system which is a massive undertaking; nevertheless, the GFOA is working with staff on mapping the business processes and drafting the RFP, going out at the end of the fiscal year. She advised that it may take a year or more.

AWARDS & RECOGNITION - CONTINUED

In response to Commissioner Hudak's question, Ms. Tinsley replied that a position will be filled soon and with that position and partnering with the auditor, she has what she needs to do better this year.

Vice Mayor Preston asked if there were any major discrepancies found after each audit was performed.

Mr. Ariza replied that a clean opinion was given because they had a reasonable assurance that the numbers and financial statements, with supplementary information, are accurate and complete. If the findings are dissected, it is due to process. He continued to explain why certain findings are brought to the City's attention and even though the statements are accurate, internal controls should be considered for corrections.

Mayor Ganz commented on the software being used; whereby, the information is not accurate and has to be fixed. Thus, he clarified that the new software will correct the issue.

Ms. Tinsley replied yes, and working with the auditors since they will assist with creating it for the City.

Mayor Ganz also asked whether there was a solution for the SEFA finding.

Mr. Ariza replied yes, correct. He advised that other municipalities have received the SEFA recommendation and once trained, staff should not repeat the finding. Mr. Ariza advised that the management discussion is from page 4 – 14 and compares current year and prior year activity. Although it is a lengthy document, it outlines changes from fiscal year to fiscal year and management explains the changes.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, commented on findings that staff may not be able to correct. Also, she asked if the processes within the department are causing the findings reported.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, replied to Ms. Clarke-Reed's question; whereby, there have been inefficiencies in the process and a learning curve for new staff due to turnover in the last 18 months, but the department will be fully staffed soon. He also mentioned the third-party software was inefficient and unreliable.

MOTION was made by Commissioner Parness, seconded by Commissioner Drosky, to approve Item 7, adopted Resolution 2021/092. Roll Call:

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

Nays: 0

QUASI-JUDICIAL PUBLIC HEARING**8. P.H. 2021-089: Applicant: APPLICATION NO. 12-I2-02 Rev. 2 (Waste Connections of Florida, Inc.) Waste Connections of Florida, Inc. represented by Carlos Gonzalez of Crain Atlantis Engineering, Inc.**

Proposal: Major Site Plan modification seeking approval for an addition of a new 19,500 square foot transfer station, 3,910 square foot maintenance building, and 5,998 square foot ancillary scale house and office building.

Location: The property is generally described as several parcels of land on LEDDS ENTERPRISES II 144-20 B PORTION PARCEL A DESC AS COMM AT NW COR PARCEL A,S 484.87 ALG W/L TO POB,E 317.45,SE 94.50,S 168.35,W 399.12,N 218 TO POB AND PORTION OF PARCEL A DESC AS COMM AT SE COR PAR A,N 1285.11 ALG E/L PAR A,W 461.31 TO POB,CONT W 398.10,S 286.90 ALG W/L PAR A,E 317.45,SE 94.50,N 336.22 TO POB, more particularly described in the file, and located at **1751 SW 43rd Terrace**.

Anthony Soroka, City Attorney, explained that the applicant has a right to a full quasi hearing or may waive.

Robert Lochrie, applicant representative, waived the quasi-judicial process. This request is for an amendment to a major site plan for current Waste Management facility. The facility has been operating in this location since 2007; whereby, the proposed application seeks the addition of a new facility as well as an upgrade to surrounding facilities. Thereafter, Mr. Lochrie referenced a PowerPoint presentation.

Location Map - Mr. Lochrie said the location is outlined in red and is north of Wiles Road, east of the Florida Turnpike and west of Powerline Road.

Aerial Location Map with Existing Conditions - Mr. Lochrie said the existing and proposed facility are highlighted on the map. The area in green, proposed facility, is currently unpaved and the application will bring everything up to code including landscaping, paving, etc.

Aerial Location Map with Proposed Conditions - Mr. Lochrie said this shows the facility superimposed on the property.

Colored Site Plan - Mr. Lochrie said the landscaping will be around the entire perimeter but upgraded and approximately 133 new trees will be installed on the site and upgrades to the wall on the north side. The building to the north is the existing building and will continue to operate; on the southern portion, the new facility will be constructed which is furthest away from the residents. On the left is the new waste transfer station, approximately 19,500 square feet, designated as Building 1; Building 2 is a truck maintenance building; Building 3 is a new administration building, approximately 6,000 square feet. The entire site will be paved, parking included and onsite landscaping.

Truck Circulation Route - Mr. Lochrie explained the improvements to the circulation and efficiency of the site. He explained how trucks currently come onto the site and have to exit through the same entrance. Truck entrance/exit will be improved by allowing trucks to come in by two lanes, on the southern portion; moreover, the trucks will utilize different routes depending on their needs. There will be a more efficient distribution of the waste as the construction debris will be separated to the north and other trash further to the south.

Continuing, Mr. Lochrie advised that there were five conditions of approval and his client agreed to all the conditions. The changes to the site will increase employment once all the new buildings are operational; whereas, there are currently 11 and an additional 19 to 20 employees are expected.

Commissioner Drosky thanked Mr. Lochrie for agreeing to the conditions as similar requirements were asked of Waste Management, who agreed. He asked about noise and does not believe it will be a problem since the trucks will not be backing up since they enter from one direction and exit from another. Additionally, he said he is concerned about a buffer between the facility and Independence Bay and Waterways community; however, they have agreed to install a wall on the north side of their property as

QUASI-JUDICIAL PUBLIC HEARING - CONTINUED

well as landscaping. Another condition pertained to the watering of roadways to reduce dust. Therefore, Commissioner Drosky spoke in favor.

Mayor Ganz opened the public hearing.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, asked how much more trash will be brought to the location, what is the capacity and will any come from outside of the City. He said if any of those things are a concern, then it should be denied.

Mayor Ganz closed the public hearing.

Mr. Lochrie replied that the facility will provide for Deerfield Beach, but also for other cities to bring garbage to the location since it is a transfer station.

MOTION was made by Commissioner Parness, seconded by Commissioner Drosky, to approve Item 8, adopted Resolution 2021/095. Roll Call:

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

Nays: 0

PUBLIC HEARING - FIRST READING

9. P.H. 2021-090: ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE CITY OF DEERFIELD BEACH LAND USE PLAN MAP DESIGNATION ON THREE PARCELS TOTALING APPROXIMATELY 16.5 ACRES LOCATED AT 600 & 700 W. HILLSBORO BLVD. FROM COMMERCIAL TO MEDIUM-HIGH (25) MIXED USE-RESIDENTIAL (21.82 DWELLING UNITS/ACRE) (LUPA #65A); PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN ACCORDINGLY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Dennis Mele, 200 E. Broward Boulevard, Fort Lauderdale, applicant's representative, provided a PowerPoint presentation.

Location Map - Mr. Mele advised that the site is located at the southeast corner of Hillsboro Boulevard and I-95.

Existing Future Land Use Plan Designation - Mr. Mele said the current land use designation is commercial, red.

Proposed Future Land Use Plan Designation - Mr. Mele said the future designation would be mixed use, 25/du per acre maximum; the proposed project is at 21.82.

Concept Master Plan - Mr. Mele said the area in pink depicts the new residential building. There is an office building on the site, but will be demolished and replaced with residential building. In yellow are existing office buildings which will remain. Orange depicts the two new office buildings that will be added.

Pool Amenity - Mr. Mele said this shows the pool area.

Courtyard Amenity - Mr. Mele said this shows the courtyard/open space areas.

PUBLIC HEARING - FIRST READING - CONTINUED

Residential - Mr. Mele said upon approval of the land use map amendment, will be a rezoning, and site plan. This slide shows renderings of other buildings the architect has created. The architect will work with staff to ensure Deerfield Beach architectural vernacular is used.

Office Buildings - Mr. Mele displayed renderings of office buildings the architect has created. It will be assured that the style meets City criteria.

In closing, Mr. Mele said there is a recommendation from staff, unanimous recommendation from Planning & Zoning Board, and if successful, the item will be presented to the Broward Planning Council. He said this is the very beginning of the process and will come before the Commission again for other measures.

Heather Montemayor, Assistant City Clerk, advised that campaign contributions were made by both the applicant and Mr. Mele and are outlined in the agenda backup.

In response to Vice Mayor Preston's question, Mr. Mele replied that a community meeting was held and everyone within the same perimeter, as the City, were advised. No suggestions were given and there was only 1 attendee. Additionally, he advised that there is cross access between the property and hotel and also going to the driveways at Natura. He said he plans to have another public meeting and will set it up before returning to the Commission.

Commissioner Drosky said all traffic coming from I-95 will see this parcel first which is why he asked that this be a signature project for the City. He said he received a campaign contribution from Mr. Mele for the 2021 campaign; however, the disclosure affidavit from Mr. Corlew outlined \$1,000 was received on September 11, 2020 but he was not a candidate until later in the year. As such, he does not remember receiving a contribution from Mr. Corlew, but if he did, it was returned and it was not sent back when he became an official candidate. He asked Mr. Mele when the project would return to the Commission.

Mr. Mele replied that after City consideration, it will go before the Broward Planning Council and County Commission once. He explained that since the laws have changed, the project is small scale as it is less than 50 acres and should move relatively quicker, but should be back within a few months.

Mayor Ganz said it was also indicated that he received a donation, but he did not. Thereafter, he opened the public hearing.

Terry Scott, 180 SW 3rd Avenue, Deerfield Beach, commented on the lack of outreach and said there needs to be community input. Mr. Scott commented on the buildings in the location and their age; whereby, some are 20 and 40 years old. He reiterated the need for the community to provide input.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, expressed concern with rezoning commercial property to residential and asked why it is being changed. She said this looks like a massive project and the landscape of the area would change which she does not agree. Lastly, Ms. Clarke-Reed said she'd like more information on what is about to happen.

Mae Francis Feagin, 3500 SW Natura Boulevard, Deerfield Beach, said she just heard about this project today. She asked how the change can be made, without speaking to the residents as everyone will be affected.

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, asked how high are the proposed buildings, whether a traffic study will be done because there will be a lot of cars coming in and out. She said she would like to be included in the public outreach as she has many questions.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, commented on his experiences with real estate development. He said there should have been a posting at the property advertising the application and give people a chance to speak.

Mayor Ganz closed the public hearing.

PUBLIC HEARING - FIRST READING - CONTINUED

Mr. Mele said he has spoken with other people and there will be another meeting. Everyone within the same notice distance was notified, but some people may live beyond that distance; therefore, he will make sure they meet with everyone. Also, he advised that although residential is being added, the number of offices will not be reduced; one office building is being removed, but two more will be built. A traffic analysis was complete and another will be done for the site plan.

Eric Power, Director of Planning & Development Services, advised that everyone within 500 feet of the property is notified and the sign was placed onsite.

Mayor Ganz commented on the comments regarding public input as Vice Mayor Preston is a strong advocator for such and there seems to be a gap in communication; thereafter, he suggested the community and commissioners reach out to each other about upcoming projects.

Commissioner Parness commented on the positive aspects of the proposed application, i.e. jobs, and said it is not the applicant's fault when people do not attend the meetings even though they were notified. Thereafter, he commented on having traffic studies.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 9 on first reading. Roll Call:

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

Nays: 0

PUBLIC HEARINGS - SECOND READING

10. P.H. 2021-087: ORDINANCE 2021/014 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; APPROVING SUPPLEMENTAL APPROPRIATIONS AND BUDGET TRANSFERS IN THE AMOUNT OF \$2,341,275 FROM THE BUILDING FUND TO THE GENERAL FUND TO REIMBURSE THE GENERAL FUND FOR THE PRIOR YEARS BUILDING FUND EXPENDITURES, AND \$1,920,226 FROM THE FUND BALANCE OF THE GENERAL FUND TO THE GENERAL FUND APPROPRIATIONS IN ORDER TO COVER THE FY 2020 ENCUMBERED PURCHASE ORDERS THAT WERE CARRIED FORWARD TO FY 2021; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 10, adopted Ordinance 2021/014. Roll Call:

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

Nays: 0

PUBLIC HEARINGS - SECOND READING - CONTINUED

11. P.H. 2021-088: ORDINANCE 2021/015 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE VIII "LOCAL HOUSING ASSISTANCE PROGRAM" OF THE CITY CODE OF ORDINANCES TO PROVIDE FOR CONSISTENCY WITH STATE LAW; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

David Santucci, City Manager, advised that Item 11 is a companion item to create the Affordable Housing Advisory Committee. The proposed ordinance will establish the structure and consent item will establish the Board.

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 Preston, seconded by Commissioner Parness, to approve Item 11, adopted Ordinance 2021/015. Voice Vote:

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

Nays: 0

Commissioner Drosky left the dais temporarily at 9:50 p.m. and returned at 9:52 p.m.

PUBLIC COMMENT

Peggy Noland, 325 SE 3rd Terrace, Deerfield Beach, said she presented issues to the Commission at the first meeting in June. She said the scoreboards at the middle school have been fixed; however, the gutters at the middle school have not been addressed and asked what is happening as pieces are missing from the roof. Also, she asked why the tiki huts at the beach are delayed. Ms. Noland outlined additional issues that need to be addressed; cross light, boat ramp at Pioneer Park, and showers at the pool.

Mayor Ganz said he requested an update from the City Manager on all the outstanding issues. The boat ramps were discussed during the budget hearing.

Terry Scott, 180 SW 3rd Avenue, Deerfield Beach, commented on Item 9; as the City's posting was present, but did not see a notice for the community meeting. Mr. Scott said the residents only want their opinions to be heard, not to be judged or rebuked.

Tyrone Philpart, 5808 Australian Pine Drive, Tamarac, said the Packer Rattlers are getting ready for the new season and asked that the Commission reinstate the appeals board. Mr. Philpart said the coaches are unpaid volunteers and some have made mistakes in the past but wants to create an atmosphere that is less exclusive and more inclusive. The appeals process is more efficient and does not bombard the City; community members would be involved in making decisions on things that affect the children. Moreover, it is more cost effective as the current process requires a magistrate at a minimum cost of \$600. Lastly, Mr. Philpart said some of the coaches are outstanding citizens and bring a lot to the program; wherein, he wants to make sure they have an opportunity.

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, said the 4th of July event was very confusing this year due to the possible storm and change of location. Ms. Tanner commented on how fireworks were limited when she was younger; now, the fireworks offered by the professionals are similar to what people buy. Furthermore, she commented on the negative effect of fireworks to her personally. Ms. Tanner also

PUBLIC COMMENT - CONTINUED

commented on people driving golf carts around and how they can be dangerous when used as a road vehicle and asked if there are any limitations. Lastly, Ms. Tanner commented on the boat ramp and the cost as many people come to Deerfield Beach to use it since it is less expensive.

John Slattery, 1455 SE 5th Place, Deerfield Beach, spoke in support of Mr. Philpart's statement regarding the appeals board for the Packer Rattlers. He said there are people who really want to make a difference and impact the community.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, advised that many restaurants and bars used outdoor seating for social distancing and has worked out well during the pandemic; however, they were recently told to remove them at the Cove Shopping Center. Additionally, she commented on the deplorable conditions of the brewery that is stalled and asked that the City intervene. Continuing, there is a parking issue on SE 3rd Court west of the Cove between 12th and 15th Avenue; rentals are becoming regular rentals and renters are parking all over the place and blocking access to other resident driveways. Ms. Freitag asked that the LED street lights be checked out on SE 2nd Street and 6th Avenue, because they are coming on and off throughout the day. Finally, she said there is a Kiwanis event, Christmas in July, whereby, 6400 homeless students in Broward County will receive a backpack to go to school.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said when District 2 residents are aware of applications coming before the Commission, it is not enough to talk to the District 2 Commissioner, but the other commissioners need to know how they feel about an item on the agenda. It requires three votes to make something happen which is why she comes before the Commission. Ms. Clarke-Reed asked that the District 2 residents be dealt with respectfully when voicing their opinions.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, commented on the City's Charter regarding the Commission's authority on governing Deerfield Beach. He said the Commission is not the county or state government and encouraged them to stick to their municipal functions and responsibilities. Thereafter, he commented on the City's mission statement which he believes is lip service. Mr. Cheleden commented on his interactions with the City and his disappointment. Additionally, he advised that the LED street lighting project is a failure to complete basic due diligence as the public was not informed and the lack of oversight from management. He said it needs to be addressed as well as the crime in the City and there is a lot of support on social media. Mr. Cheleden outlined his findings on crime from FBI crime statistics at 24.29% above the national average on the occurrence of crime, as well as other statistics. He then asked about a BSO event that the City Manager attended, but not the Commissioners.

David Santucci, City Manager, replied to various comments from the public. The contractor will be starting early next week on the Tiki Huts, which should be completed within two weeks. Thereafter, Mr. Santucci outlined the current status of other projects: Oveta McKeithen Recreational Complex field conditions are improving; showers at pool are not closed, but two restrooms are closed due to roof repairs; roof replacements at Aquatics Center and athletic area; scoreboards and lights at the Little League field have been replaced; clay added to Pioneer Park ball fields; seeking grant funding for Pioneer Park boat ramp but the ramp is operational.

In response to Mayor Ganz's question, Mr. Santucci explained the setback with the Tiki Hut was due to finding a new vendor. Additionally, the bleacher end caps have been received and will be installed this week. There have been delays with receiving supplies based on material, but mostly due to COVID delays. The light post at Flanigans has had issues for a while and the light post undergrounding will be changed with the S-Curve project. Mr. Santucci continued to provide responses to Mayor Ganz regarding infrastructure improvements.

Mayor Ganz responded to Mr. Scott regarding communication and said he is always receptive; nevertheless, residents can also reach out to their district representative. He then said he does not agree to reinstating an appeals board, but is willing to look into other solutions if the magistrate is cost prohibitive. Mayor Ganz said the appeals board will only water down current requirements and feels it is more important to protect the children. Moreover, if someone has a minor issue, after a certain amount of time, it is removed; however, more serious offenses, such as drug offenses, should not be watered down. He reiterated working with Mr. Philpart on reducing the expense for an appeal's review.

PUBLIC COMMENT - CONTINUED

Continuing, Mayor Ganz said things have changed with fireworks and while he does not have a solution as it is outside of the City's control because people can purchase them in other cities. Regarding golf carts, they have regulations, whereby, there must be a license plate and a call to safety; thus, he recommended calling the police if something is out of line. Also, when the boat ramp was shut down due to COVID, there were many complaints from people who were not City residents. Mayor Ganz said he is open to speaking with Mr. Philpart and Mr. Slattery after the meeting regarding the appeals board. Furthermore, outdoor seating is not the problem, but it adds capacity to a restaurant that didn't have it before and adds seating to private property, making it a legal issue. Mayor Ganz said outdoor seating was a temporary solution, which the businesses were aware; notwithstanding, he said he is open to finding a solution.

CONSENT - BOARD APPOINTMENTS

- 12. Resolution 2021/099 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing the 11 individuals, listed in Exhibit "A" as members, to the Affordable Housing Advisory Committee; and providing for an effective date.**
- 13. Resolution 2021/100 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Amie Kay Tanner to the Historic Preservation Board; and providing for an effective date.**
- 14. Resolution 2021/101 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Ashley Gombs as a regular member and Nicholas Kerns as an alternate member of the Cultural Committee; and providing for an effective date.**
- 15. Resolution 2021/102 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Chauncey Chapman as a regular member to the Deerfield Beach Marine Advisory Board; and providing for an effective date.**
- 16. Resolution 2021/103 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Katherine Brighton as a regular member to the Deerfield Beach Education Advisory Board; and providing for an effective date.**
- 17. Resolution 2021/104 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Michael Marion to the African American Heritage Board; and providing for an effective date.**

Mayor Ganz opened the public hearing.

Cheri Zettle, 3901 NE 4th Avenue, Deerfield Beach, thanked Commissioner Hudak for supporting her appointment to the Board. She expressed how she looks forward to serving the Affordable Housing Advisory Committee. (*The e-mail was read by Heather Montemayor, Assistant City Clerk.*)

Mayor Ganz closed the public hearing.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Items 12 - 17 in concert. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

After a brief discussion, Item 19 was pulled for discussion.

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Items 18, 20 - 24 in concert. Roll Call:

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

Nays: 0

18. Resolution 2021/105 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Contract #JP021-06-2023 with the Areawide Council on Aging of Broward County, Inc., for the Center of Active Aging Emergency Home Energy Assistance Program; authorizing execution of the Contract in an amount not to exceed \$26,081.37; and providing an effective date. (Fiscal Impact: Increase in funding)

19. Resolution 2021/106 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement for Public Affairs and Marketing Services with RJP Creations, Inc., for a one-year term in an amount not to exceed \$67,496.00; authorizing execution of the Agreement; providing for an effective date. (Funds from Account #001-1800-513-32-99 - Other Contractual Services)

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, expressed concern with the consulting contract; whereby, there are enough people in the marketing department to handle these duties.

Mayor Ganz closed the public hearing. He then explained the need for the contractual service; whereby, the department is short staffed and the responsibilities require someone with a specific skillset. The services include managing the City's website, app redesign, project management and others. He said the request is not unreasonable considering the department's other responsibilities. Thereafter, he reopened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked what services will be provided.

Mayor Ganz reiterated the services included in the proposed contract. He advised that the former employee relocated to north Florida and will be completing these projects. It is important to know that the marketing coordinator's skillset is very unique and no one within the department can effectively take over those projects.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked whether the IT Department can handle the website and does not understand why the contract is outside of the City.

David Santucci, City Manager, said an employee recently ended her employment with the City and moved to north Florida. He said the department is over worked and losing the one person who has institutional knowledge and credentials to continue moving the projects forward has relocated; therefore, the proposed contract will allow the employee to continue work, but without the benefits of being a regular employee. Additionally, the position will not be filled for the remainder of the fiscal year, but next year, the recruitment process will begin. Mr. Santucci said for continuity of operations, staff recommends the consultant

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

agreement.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, said this was part of the budget meeting schedule and asked why the funds are being spent now and agreed that it should not be paid out under the current budget.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 19, adopted Resolution 2021/106. Roll Call:

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

Nays: 0

- 20. Resolution 2021/107 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Award of Invitation to Bid #21-39-JW for Anthracite for Water Treatment Plant Operations; authorizing execution of a purchase order with Carbonfilt, LLC, the lowest priced responsive and responsible bidder; providing for an effective date. (*Funds not to exceed \$31,500 from Account #401-5020-533-35-11 - Chemicals*)**
- 21. Resolution 2021/108 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals #21-03-JW for debt collection services; authorizing execution of Agreements with the top three ranked firms, Life Line Billing Systems, LLC dba LifeQuest Services, R.T.R. Financial Services, Inc., and Valley Collection Service, LLC for three year terms with two additional one year renewal terms; providing for implementation and an effective date. (*Fiscal Impact: No direct cost to the City*)**
- 22. Resolution 2021/109 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Amendment to the Agreement with the State of Florida, Division of Emergency Management, for the implementation and administration of the Hurricane Loss Mitigation Program Grant for fiscal year 2020-2021; authorizing execution of the Amendment, extending the term through December 31, 2021; providing for an effective date.**
- 23. Resolution 2021/110 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of a Homeowner Rehabilitation Grant in an amount not to exceed \$50,848.80 to Nancy Krakowski; ratifying the purchase of replacement electrical panels in the amount of \$2,850.00; providing for an effective date.**
- 24. Resolution 2021/111 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an amendment to the Grant Agreement with the Deerfield Beach Historical Society for the Community Participation Grant; authorizing execution of the Amendment; providing for an effective date.**

DEPARTMENTAL BUSINESS

25. Resolution 2021/112 - A Resolution of the City of Deerfield Beach, Florida, relating to the provision of fire rescue services, facilities and programs in the City of Deerfield Beach, Florida; establishing the estimated rates for fire rescue assessments for the fiscal year beginning October 1, 2021; directing the preparation of an assessment roll; providing for a vacancy adjustment procedure; authorizing a public hearing and directing the provision of notice thereof; and providing 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 Parness, seconded by Vice Mayor Preston, to approve Item 25, adopted Resolution 2021/112. Roll Call:

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

Nays: 0

26. Resolution 2021/113 - A Resolution of the City of Deerfield Beach, Florida, relating to the collection of Nuisance Abatement Services Assessments; adopting findings of fact; directing the preparation of an assessment roll; providing for notice; and providing 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. Thereafter, he commented on the amount to be collected, \$49,931, and the history of the program.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 26, adopted Resolution 2021/113. Roll Call:

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

Nays: 0

27. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "SUPPLEMENTARY REGULATIONS" OF THE CITY OF DEERFIELD BEACH LAND DEVELOPMENT CODE TO CREATE SECTION 98-107 "MOBILE FOOD DISPENSING VEHICLES" TO AUTHORIZE THE USE OF MOBILE FOOD DISPENSING VEHICLES AS A TEMPORARY ACCESSORY USE IN CERTAIN ZONING DISTRICTS AND PROVIDE GENERAL STANDARDS FOR OPERATING MOBILE FOOD DISPENSING VEHICLES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Anthony Soroka, City Attorney, said the legislature recently added to the Florida Statutes which provides a definition for mobile food dispensing, commonly referred to as food trucks. The Statutes provides for limited state preemption; thus, the City cannot require a separate license or permit, other than what is required by

DEPARTMENTAL BUSINESS - CONTINUED

the State. Further, the City cannot ask for a fee other than the fee required by the State for their license, solely for operation within the City. Before this law, food trucks were banned within the city unless operating pursuant to a special event permit. Mr. Soroka outlined exclusions and allowances for food trucks pursuant to the proposed ordinance: not permitted in residential districts, but are allowed in commercial and industrial districts only, cannot be open 7 days a week, and operating times are 7 a.m. to 10 p.m. The City's ordinance limits to max of 4 days a week, but not more than 3 consecutive days and an operational plan must be on hand to address various situations, i.e. cleanup. The trucks are subject to Code Enforcement for noncompliance and are not allowed to operate on a vacant or unimproved site.

Commissioner Drosky said he sees the need to regulate as there is nothing on the books right now, but is concerned about how enforcement will work. Nevertheless, he agreed with moving forward and possibly tweaking later if necessary.

Vice Mayor Preston said he does not want the proposed ordinance to cause overregulation as the State can be liberal in their regulations. His concern is that those trying to make a living is not overregulated.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said due to COVID, Chik-Fil-A would bring a food truck to her neighborhood which was much appreciated. She also commented on a charitable organization trying to put together a food truck round up to provide financial assistance to high school students. Ms. Freitag spoke in support of having food trucks in the residential communities as well; whereas, food trucks are set up on SW 10th Street every weekend. She said she is in favor of having food trucks in the City to support different organizations and bring additional tax revenue from the license.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said she is concerned about how the trucks are regulated and will require education from what was previously allowed to what will be allowed.

Wayne Adams, 1431 SW 5th Terrace, Deerfield Beach, provided an e-mail outlining his support of food trucks and the survivability it provides to food truck owners, especially those in District 2. Additionally, it is important that food trucks and lunch trucks not be confused. In closing, Mr. Adams advised that the enacting ordinance is likely an attempt to protect existing restaurants from competing with food trucks. *(The e-mail was read by Heather Montemayor, Assistant City Clerk.)*

Mayor Ganz closed the public hearing.

Vice Mayor Preston said the comments made regarding food trucks on SW 10th Street are likely on private property, even though some think they are on public property.

Commissioner Parness commented on how mobile food trucks serve various businesses as some do not leave the office for lunch. He said the food trucks are there to make a living and provide a service to the public; moreover, the food trucks are clean and maintain safety regulations. Lastly, the food trucks create jobs and as long as done right, he is in support.

Mayor Ganz asked if a food truck can be operated in someone's front yard without regulations.

Mr. Soroka replied that without regulations in place, the City could be challenged as the state law now says we cannot prohibit throughout the entire city but must limit it to specific zoning. It is important that the City not be in a spot where someone challenges where a food truck is placed.

Mayor Ganz said there is a possibility of that happening. Certain laws are in place to protect consumers; whereby, it is necessary to implement regulations. Mayor Ganz said he supports food trucks and although there may be changes along the way, regulating now is important.

DEPARTMENTAL BUSINESS - CONTINUED

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 27 on first reading. Voice Vote:

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

Nays: 0

28. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 66 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES AT ARTICLE II "STOPPING, STANDING, PARKING" AND ARTICLE III "TOWING OF UNAUTHORIZED VEHICLES FROM PRIVATE PROPERTY" TO PROVIDE CONSISTENCY WITH STATE LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Anthony Soroka, City Attorney, provided an overview of the proposed ordinance. A lot of the ordinance amendment is driven by state law changes; in 2020, the Florida legislature passed a bill creating a new statute that would prohibit municipalities from imposing fees or charges on authorized towing businesses within the City. The current code charges an administrative fee for those operators who tow within the city which is no longer allowed; however, the new statute allows municipalities to impose and collect a reasonable administrative fee not to exceed 25% of the towing rate, against the person/owner who is towed. The towing operator working on behalf of the city is allowed to collect the 25% fee and distribute to the City. Furthermore, he advised that there were certain requirements the City had that were more stringent than the State which were changed; for example, distance requirements for storage facilities from the city limits and other provisions were updated for consistency with state law. Mr. Soroka said the towing company is now required to accept more payment methods, i.e. credit cards, that they did not before.

Mayor Ganz opened the public hearing.

Jennifer Klein, 1235 SW 46th Terrace, Deerfield Beach, said the proposed changes are supposedly being changed to align with State law; however, public records indicate otherwise. The Waterways HOA has been illegally towing within the community for years and blanketed towing for over 300 vehicles between October 2019 - February 2021 and continued to do so during the pandemic, in violation of local and state laws. Ms. Klein said she is asking the Commission to hold the HOA accountable for violating the law, instead of adopting the ordinance, thereby, removing the existing violations against the HOA.

Brian Meo, 1235 SW 45th Terrace, Deerfield Beach, said in January 2021, it was discovered that the Waterways HOA was towing in violation of their own rules, as well as Deerfield Beach's rules. He communicated with Mr. Pita and advised of the ordinance and agreed that the HOA was in violation of numerous rules; thereafter, he outlined discussions between him and Mr. Pita's decision to cite the HOA. Furthermore, he advised that Mr. Pita said the HOA has asked for assistance in the past to waive the code cases. Mr. Meo said this seems to be the case with the proposed ordinance; thereafter, he asked that the City Commission not side with the HOA as it appears they have been authorized to violate the law. Mr. Meo continued to express concerns about the proposed ordinance and why specific towers were selected as the optics show favoritism for political influence. In closing, Mr. Meo spoke in favor of keeping the towers within 5 miles.

Mayor Ganz closed the public hearing. Thereafter, he said he is not aware of what is happening with the Waterways HOA and is not aware of the influence outlined by Mr. Meo. The proposed ordinance is based on staff recommendation and asked if the proposed ordinance, when passed, would wipe away previous violations.

Mr. Soroka replied no, it would not wipe anything out, once approved, it would go into effect for future violations; whereby, the Waterways HOA would be subject to the special magistrate.

DEPARTMENTAL BUSINESS - CONTINUED

David Santucci, City Manager, said there seems to be two different situations, the Waterways HOA and the City's ordinance not complying with the State Statute and provide a more efficient process; whereby, there was a large administrative bureaucracy built around the City's ordinance.

In response to Mayor Ganz's question, Mr. Soroka replied that he is unaware of the case commented on and would need to speak with the municipal prosecutor. He reiterated that a lot of these changes are driven by state law; therefore, whether approved or not, it will be the law of the land. There are some things the City has policy decisions on, like maximum distance requirement. By approving the proposed ordinance, it does not necessarily negate past violations as the City would need to determine enforcement based on the timeframe of the case and figure out whether it is a good use of resources.

Mayor Ganz said it seems that the City is being dragged into a personal battle and he is not in favor.

In response to Vice Mayor Preston's question, Mr. Soroka said many ordinances are driven by state law, but if he understands the Waterways residents correctly, they are asking that the current boundaries be kept.

A brief discussion ensued regarding the comments made by Waterways residents, political connections with the Economic Development Council and tabling the item.

Mr. Soroka said the ordinance, if approved, would not be enacted since it is on first reading and will come before the Commission again in two weeks, unless it is tabled.

Commissioner Hudak said he would like the research done to assure this ordinance does not adversely affect what is going on with the HOA; therefore, he supported tabling the item.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Hudak, to table Item 28 until August 3, 2021. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - No comments.

CITY MANAGER

Cooper City BSO Meeting - David Santucci, City Manager, said in attending the meeting, it seemed that politics were in play; nevertheless, there were points brought up by him and the City Commission and believes people may be experiencing perceived service level issues that he feels are experienced in the City. What he said most resonates with him from the meeting is that transparency and relationship from downtown must improve.

BSO Retirement - Mr. Santucci said Captain Brimlow will be retiring in August from the Broward Sheriff's Office; he wished him all the best as Captain Brimlow has been a tremendous asset for the City. Mr. Santucci also applauded Captain Brimlow's leadership skills and the work he has done with his deputies.

Parks & Recreation Director - Mr. Santucci introduced Ms. Teresa Rynard, who started only a few weeks ago. He said he will set up individual meetings with the Commissioners to discuss any concerns regarding parks.

American Rescue Plan Projects - Mr. Santucci said on August 3rd, there will be a presentation regarding ARP projects and funding.

CITY COMMISSION BUSINESS**29. Discussion regarding the selection of a voting delegate to the Florida League of Cities 2021 Annual Conference from August 12-14, 2021.**

Commissioner Hudak said he would like to continue as the City's voting delegate at the conference.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to select Commissioner Hudak as the voting delegate. Voice Vote:

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

Nays: 0

30. Resolution 2021/114 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving free admission to the International Fishing Pier for Veterans; authorizing amendment to the appropriate fee schedule to the extent required; providing for conflicts and an effective date.

The Resolution was read by title only.

Mayor Ganz clarified that the resolution pertains to a tour of the pier as opposed to actual fishing.

Anthony Soroka, City Attorney, said that is correct.

Mayor Ganz spoke in favor of allowing the veterans to walk out onto the pier.

Vice Mayor Preston asked that this also be extended to firefighters and police officers as a result of their service in various perilous conditions.

Commissioner Parness said more should be done and suggested building another fire station.

Mayor Ganz recommended keeping the actions separate, i.e. first responders and veterans. Thereafter, the public hearing was opened; however, there was none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 30, adopted Resolution 2021/114. Roll Call:

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

Nays: 0

31. Resolution 2021/115 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, opposing and urging Broward County to deny the proposed amendment to the Broward County Comprehensive Plan, Broward County Municipal Service District Future Land Use Element Map Series, changing the future land use designation of the former Wheelabrator North Resource Recovery Facility from Electrical Generation Facility future land use designation to industrial future land use designation; directing the City Clerk to transmit a certified copy of this Resolution to the Broward County Commission and Broward Municipalities; providing for conflicts and an effective date.

The Resolution was read by title only.

CITY COMMISSION BUSINESS - CONTINUED

Commissioner Drosky said Waste Management is applying to Broward County to tear down the smokestack and use it for more garbage. This is not good for the City or its nearby residents and only adds more refuse.

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

Commissioner Hudak said the facility was in place to convert waste into energy; as opposed to moving forward and making this a top of the line facility, but they only want more land for trash disposal.

Mayor Ganz commented on a project Waste Management presented in the past and how they moved the garbage mound to the northeast corner of the facility to expand and fill in garbage. He said he is in support of the proposed resolution and encouraged residents to contact County Commissioners Fisher and Bogen.

MOTION was made by Commissioner Drosky, seconded by Commissioner Hudak, to approve Item 31, adopted Resolution 2021/115. Voice Vote:

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

Nays: 0

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

None.

VICE MAYOR PRESTON**DISTRICT 2**

Representative - Vice Mayor Preston provided his city cell number for anyone who needs to contact him.

Appeals Board - Vice Mayor Preston acknowledged Mayor Ganz's dedication to the children; nevertheless, the previous board had integrity and would not compromise the kids' safety for any coach. Vice Mayor Preston said he received a call from Bernard Adams today recommending reinstatement of the board.

COMMISSIONER PARNES**DISTRICT 3**

None.

COMMISSIONER DROSKY**DISTRICT 4**

Trailhead Park Clean-up - Commissioner Drosky said over 264 pounds of trash was collected at the park and was done in under 2 hours as that was the only amount that could be reached. He thanked the community partners for their assistance and looks forward to other clean-ups.

Shred A Thon - Commissioner Drosky said people were lined up for the shredding event and thanked BSO for the event as it was needed.

July 4th Event - Commissioner Drosky said a lot of people said they enjoyed having the event at Quiet Waters Park this year. He said fireworks are legal on the 4th and is unsure whether anything can be done for other times. Additionally, over 4,000 vehicles were present and BSO had to turn people away due to the crowd. Commissioner Drosky recommended rotating the event in the future. Thereafter, he explained the logistics of planning the event. Moreover, he said having the event on the beach would have generated about 100,000 residents which is of concern due to the delta variant.

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

Marketing Department - Mayor Ganz asked various questions regarding Item 19.

David Santucci, City Manager, said the person will be hired in FY 2022 and projects would stop without the former employee's assistance.

BSO Meeting - Mayor Ganz explained that the meeting was called by another mayor and though it was not a requirement to attend, the City Manager attended and brought back information.

Department of Public Safety - Mayor Ganz commented on rumors of the department director's salary being \$200,000 which is inaccurate. He said public safety will always be expensive and will not generate money. The position is not only about the BSO contract, but coordinating other public safety measures.

Public Input - Mayor Ganz said he welcomes input, but not when people degrade others. Additionally, he does not like anyone to berate staff and it should not happen. In closing, Mayor Ganz said he does not want his comments tonight to make it seem like he didn't want people to share their opinions, but can be done through simple communication.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to adjourn the meeting at 11:38 p.m. Voice Vote:

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

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk