



Meeting Minutes City Commission

Tuesday, August 3, 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 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

Present: 5 – Commissioner Todd Drosky
Commissioner Michael Hudak
Commissioner Bernie Parness – via Zoom
Vice Mayor Ben Preston – via Zoom
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

Mayor Ganz announced that Deputy Harold Morrison, Broward Sheriff's Office, passed over the weekend. He started the backpack giveaway at Oveta McKeithen Recreational Complex and was a hero and true champion for the children. Mayor Ganz said he will be greatly missed. Thereafter was a moment of silence, followed by the Pledge of Allegiance.

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Non-Uniform Retirement Committee Meeting Minutes - March 8, 2021

Community Appearance Board Meeting Minutes - May 26, 2021

African American Heritage Board Meeting Minutes - April 29, May 11, May 19, May 27, & June 2, 2021

Hillsboro Inlet District Meeting Minutes - June 21, 2021

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

August 3, 2021

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

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

Nays: 0

AWARDS & RECOGNITION

1. Presentation of the American Rescue Plan Act (ARPA), funding received by the City, allowable uses of the ARPA Funds, and potential projects for commission consideration.

David Santucci, City Manager, advised that the City has received \$16.2 million of ARPA funds and has engaged the Government Services Group (GSG) to provide guidance by recommending projects and expending funds as it is a complicated process. The collaboration with GSG will ensure that dollars are spent appropriately, so there are not claw backs 5 to 10 years from now; whereby, FEMA has done this in the past. The final guidance will come from the Treasury later this month; then there will be a clear picture as to the projects with staff recommendation presented to the Commission.

Agenda - David Jahosky, Vice President Government Services Group, said GSG has assisted 10 counties during the administration of the CARES Act services, administered over \$70 million in funds and has learned much during the process. Thereafter, he outlined the topics being covered this evening: lessons learned from the CARES Act, ARPA overview, period of performance, use of the funds and wrap up.

Lessons Learned from the CARES ACT - Mr. Jahosky said during the time period from application to deadline, the US Treasury frequently released guidance and updates for the CARES Act. A lot of coordination was needed and it is important to prioritize needs and maintain flexibility. Also, they have learned that if the amount of coordination and cooperation can be increased internally, and understand the other programs, it can be used as a basis to stretch the City's dollars.

Mitigate Common Audit Findings - Mr. Jahosky outlined his experiences with federal funding and outlined those factors that should be recognized: eligibility determination, duplication of benefits, consistent treatment of how things are categorized and classified, and most important is having adequate documentation. He reiterated the importance of having adequate documentation as it could be at least 10 years before this program is over.

American Rescue Plan Act Overview - Background - Mr. Jahosky said this is the first time in US history that a federal presidential declaration has touched everyone. He said the one they are focused on is local fiscal relief which they were hired for. Additionally, more funding is flowing from rental assistance in excess of \$30 billion to different sources.

ARPA Overview - Eligible Uses - Mr. Jahosky outlined six areas of eligible uses under state and local government funding. First, supporting the public health response which includes: improvements in contact tracing, medical expenses for staff and personnel, public health and safety staff. He explained that there are other eligible uses, such as personal protective equipment, social distancing and making improvements to certain venues, like parks and recreational facilities used to keep people safe.

Premium Pay for Essential Workers - Mr. Jahosky said this allows local governments to provide premium pay to employees or third-party employers that provide additional compensation or benefits. He advised that other clients have expressed concerns and are hesitant to implement this type program in their city or county for fear of establishing disparities between employees. Also, there is a financial impact when paying a premium pay; whereas, there is a possibility to pay above market price for the services being provided.

AWARDS & RECOGNITION - CONTINUED

Moreover, he commented on what happens when the funding ends and whether the added pay will be taken from the individual, returning them to their original pay. For those reasons, the clients are not considering this option for their ARP.

Replace Public Sector Revenue Loss - Mr. Jahosky said they have encouraged all clients to consider this, as other entities are looking into it as well. Additional flexibilities can be garnered by the City if they go through the calculation of determining growth rates and the amount of revenues generated starting back in fiscal year 2019 and can be calculated at four different points in time; whereby, during the duration of the eligibility period, up to the \$16 million can be claimed. Right now, they are waiting on the final guidance and then will tweak the numbers as to ensure program requirements are fully understood.

Water and Sewer Infrastructure - Mr. Jahosky said many clients are considering water and sewer infrastructure as there are a couple of added benefits; proposed projects being proposed that meet the State's Revolving Funds Project classification and designations are deemed allowable under the ARPA. He also mentioned changes to the guidelines to increase flexibility; i.e. waiving the Davis Bacon requirements as it is very time consuming.

Broadband Infrastructure - Mr. Jahosky said this is another area for rural counties, and cities are looking to enhance capabilities and access to reliable services. This is not a major issue in urban areas or cities; however, there are other types of projects related to broadband infrastructure, but are not needed for the City.

ARPA Overview - Ineligible Uses - Mr. Jahosky outlined guidelines for things not covered under the program: deposits to financial reserves and deposits into defined pension plans. He said if the City is paying salaries as a normal part of their compensation, retirement and benefits, it can be used for that. He explained that if the City had an unfunded pension liability, funds cannot be used to justify payments to the pension fund. Other exclusions include: debt service payments; legal settlements or judgments; general infrastructure spending; and non-federal match for federal programs. There is, however, a loophole for general infrastructure spending; whereby, the revenue loss calculation must be performed.

What ARPA Means to Local Governments - Mr. Jahosky said it is important to be patient as some federal programs have not been finalized. The program final rule should be out this month with the possible passage of the infrastructure bill and the final guidance related to the plan should be released. He said these funds, from an investment standpoint, must last the next 3 to 5 years.

Period of Performance - Mr. Jahosky said under the program guidelines, expenses after March 3, 2021 are eligible and projects must be approved, incurred and obligated and must be done before December 31, 2021. Furthermore, the funds can be expended through December 31, 2026 such as capital projects.

ARP Progress to Date - Mr. Jahosky provided an overview of the plan's progress; the plan was approved, March 11, 2021; Treasury provided guidance in early April 2021 of the rules and the City opened a new bank account to segregate expenses and track expenses separately, set up corresponding accounts and the City's chart of accounts. At the end of May 2021, after the application period was opened by the US Treasury, the City submitted its application for the first 50% of the funds; the notice was received in June and on June 7, 2021, the funds were received and deposited. Mr. Jahosky explained that the City would not be eligible to submit a request for the second reimbursement until May 24, 2022, as there must be a 12 month break between the first reimbursement and the request for the second reimbursement.

City's Use of ARPA Funds - Mr. Jahosky outlined the categories that GSG and staff are focused: strengthening the local community, investing in key infrastructure and supporting public health. Strengthening the local community ties to addressing the negative economic impact and pertains to hiring and retaining local employees, assisting non-profits, business incubator, Hire Deerfield Beach, resources, services and interventions for youth and families. Invest in key infrastructure included identifying projects consisting of water, wastewater and stormwater, which are allowable expenses and provide for a variety of improvements. The final area, supporting public health, ties into social distancing, providing ease of interaction and reducing the physical touch between people by implementing bill pay kiosks, and others. Mr. Jahosky said two (2) projects that pertain to public health are the aquatic center

AWARDS & RECOGNITION - CONTINUED

upgrade and beach facility improvements, as these facilities received numerous users and visitors during the pandemic.

Stretching the City's ARP Allocation - Mr. Jahosky outline ways the City can stretch its allocation: emergency rental assistance, utility assistance and mortgage assistance. The emergency rental assistance program came out between the CARES Act and American Rescue Plan under the final days of the Trump Administration in December 2020. This program provided emergency rental relief for up to 12 months of arrears and forward rents for individuals that qualify as well as utility assistance. This program is being managed by Broward County who received an allocation of approximately \$53 million from the US Treasury; however, the City can provide rental assistance, but would have to opt out of the County's program. This increases the City's administrative burden in terms of recognizing duplication of efforts, requirements to determine eligibility and approval, which is very time consuming. Moreover, \$10 billion has been set aside for mortgage assistance; whereby, GSG does not recommend the City offering either program as it will help the City stretch its allocation further.

Existing City Programs - Mr. Jahosky said the Deerfield Beach Housing Authority is already managing individual and small business assistance under the Community Development Block Grant funding. This is similar to rental and mortgage assistance programs, but the challenge is having good mechanisms in place, which is why they do not suggest implementing either. Also, staff noted that while resources are adequate, there has been a reduction in demand in Deerfield Beach.

Additional Federal & State Programs - Mr. Jahosky outlined various programs available for individuals, households, businesses, and non-profits and entities offering these programs.

Next Steps - Mr. Jahosky advised that the goal of the presentation was to show the Commission progress made to date, outline priorities, key infrastructure projects, strengthening the local community, and supporting public health initiatives. Once the proposed projects have been vetted internally; a recommended list will be presented to the Commission for final approval. Lastly, Mr. Jahosky said if there are questions or something that may have been missed, they are available. Thereafter, he provided references of where documentation was obtained.

Mr. Santucci said his direction is to invest in infrastructure to improve the community and supporting the businesses. The list of projects submitted by staff were extensive and very creative. After collaborating with GSG, some projects were viable and others were not; nevertheless, those projects have been prioritized based on need. GSG reviewed the priorities, but also assessed the risk as there is the potential for auditing thus, it is important to be prudent. Mr. Santucci asked that the Commission consider Deer Run and SW 8th Avenue in District 1 for stormwater improvements. Staff is moving forward with design as workshops are forthcoming in September to show the 30% conceptual design standards and what the projects will accomplish. The final design in construction dollars will be needed to complete the projects; ARP seems to be the best mechanism for funding as the projects are imminent.

Continuing, Mr. Santucci said the beach nourishment project carries a contractual obligation and is being considered for eligibility and the aquatics center upgrades have been discussed. He said parks and recreation facilities are being prioritized for ARP as parks and recreation was a tremendous resource for the community during the pandemic. Thereafter, he entertained questions by the Commission.

Mayor Ganz commented on events that have risen from the government with claw backs; whereby, rules are changed erratically. Mayor Ganz agreed with Mr. Santucci on the choice of infrastructure projects as SW 8th Avenue and Deer Run are the highest priorities; however, there are other areas that should be considered. He explained that with the City's stormwater fund, some projects can be tackled, but with ARP funds, a majority of the issues can be addressed. He expressed concern with the exclusions listed and using ARP funds for stormwater projects.

Mr. Santucci replied that within the ARP local government spending includes a category for water, waste water, and infrastructure; Treasury guidance expanded it to include stormwater projects which was accomplished through lobbying efforts. He commented on the revenue loss category which is a much broader category for spending.

AWARDS & RECOGNITION - CONTINUED

Mayor Ganz said he would like to be as shovel ready as possible, so when the funding comes forth, it is being done quickly. Also, rental assistance has been done outside the funding the City received, but this week, there was a story on CNBC regarding the eviction moratorium expiring. A resident from Deerfield Beach said they were already \$20,000 in arrears on rent; however, the article did not mention the person has already received the maximum of \$10,000 from the City. Mayor Ganz asked if the City can go beyond the \$10,000 max or is that still the limit.

Mr. Santucci replied that is still the limit; however, President Biden is pushing for a two-month extension of the eviction moratorium. There are other sources available to families, but as it relates to rental assistance, it is six months and a maximum of \$10,000.

Mayor Ganz commented on property owners who have not been able to collect rents which puts them in a bad financial position and then families that could possibly be evicted.

Commissioner Hudak clarified that SE 8th Avenue is the road needing stormwater improvements which has been discussed in great detail and thanked Mr. Santucci for making sure the project can be funded.

Vice Mayor Preston asked if any other stormwater projects have been considered for other areas; whereas, there are issues in District 2.

Mr. Santucci replied that the grant for 30% conceptual drawing for 4 projects, one project in each district was chosen. The area around MLK is in design; nevertheless, SE 8th Avenue and Deer Run are flood prone areas and FEMA flood designation fully supports that statement.

Vice Mayor Preston asked if there will be any relaxation in the approval process for rental assistance since there is a resurgence of COVID cases.

Mr. Santucci replied that he is unsure whether that will happen; nevertheless, he explained that if funds are not being spent at the local or County level, then the Federal Government will decide on what changes need to be made to ensure relief to families. Staff has been working closely with federal lobbyists to communicate the City's concerns and needs.

Commissioner Drosky said he looks forward to debating the project priorities and agreed with the generic categories provided.

QUASI-JUDICIAL PUBLIC HEARINGS

2. P.H. 2021-095: Applicant: **APPLICATION NO. 20-I2-07 (Project Name: A Alligator Septic & Drain) A Broward County LLC, represented by Gustavo Carbonell.**

Proposal: Major site plan application seeking approval to construct an 11,865 square foot industrial warehouse with a mezzanine and ancillary administrative offices.

Location: The property is generally described as a parcel of land on YORK CHASE RONT INDUSTRIAL PLAT 123-5 B PORTION PARCEL A DESC AS: COMM SW COR PAR A, N ALG W/L PAR A FOR 472.76 TO POB, CONT N 163.59, E 332.99, S 163.59, W 332.70 TO POB more particularly described in the file, and located at **1811 SW 42nd Way.**

Anthony Soroka, City Attorney, outlined the application and the quasi-judicial process.

Gus Carbonell, Architect, waived the quasi-judicial proceedings. This project has been in progress for the last few months and consists of a single tenant, industrial warehouse building for a business. The land was purchased many years ago for the purpose of building their headquarters; it is a family owned septic tank company that started with 1 truck and has great pride in their business. The building will be state of the art, housing their administrative offices with space for storing a max of 12 pump trucks; they currently have eight. Mr. Carbonell explained that the trucks do not come to the site full and are emptied at the Broward County facility. There is also a truck wash at the rear of the facility; thereafter, he explained the site plan. The office in the front has glazing facing the street with a double height lobby and open stairs; 3 parking

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

spaces at the front, two handicap and one regular. Most of the frontage is landscaping, all overhead doors face the side and has met all criteria for DRC, Planning & Zoning Board and Community Appearance Board. The property is directly north of the incinerator on a street mainly occupied by heavy industrial uses such as construction, demolition and recycling. There are 30 parking spaces; however, very few are needed because the public does not visit. Truck drivers will leave their personal vehicles on site and pick up the commercial vehicle; presently, there are 3 to 4 office staff. Thereafter, Mr. Carbonell provided a PowerPoint presentation.

Proposed Site Plan - Mr. Carbonell outlined the proposed site plan; whereby, the property has two entrances, one from the cul-de-sac and the other allows for double traffic circulation throughout. The fire truck turnaround is provided at the rear and in front of the overhead doors there is about 60 feet of area for the trucks to enter the building and maneuver.

Elevations - Mr. Carbonell displayed renderings of the east, west, south and north elevation. There will be porcelain tiles that protrude away from the façade, wraparound design on the north elevation and three (3) double overhead doors where the trucks will be stored. At the right of the north elevation will be a truck washing station.

Thereafter, Mr. Carbonell provided renderings of the building; however, the parking spaces shown will be replaced by landscaping. There is a wing that extends five feet to screen some of the overhead doors from the street view.

Commissioner Hudak asked where the owner's headquarters is currently located.

Mr. Carbonell replied that the owner currently works from home in Plantation, but leases more than one facility to park their trucks, which are not covered. They currently have 10 to 12 employees. Additionally, he replied that the trucks will only be washed on the exterior as needed and no repairs will be made at the facility.

Commissioner Drosky asked if all staff comments have been complied.

Eric Power, Director of Planning & Development Services, replied that is correct. Additionally, there are no variances sought with the application.

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

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 2, adopted Resolution 2021/116. Voice Vote:

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

Nays: 0

PUBLIC HEARING - SECOND READING

- 3. P.H. 2021-096: ORDINANCE 2021/016 - 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.**

PUBLIC HEARING - SECOND READING - CONTINUED

The Ordinance was read by title only.

David Santucci, City Manager, advised that this change is necessitated by changes in state law which requires the City to have regulations if chosen, for mobile food dispensers or food trucks.

Commissioner Parness asked if certain districts in the City would be prohibited and not others.

Anthony Soroka, City Attorney, replied that the proposed ordinance references allowances for zoning districts and is limited to commercial and industrial districts.

Commissioner Parness asked why the food trucks would not be allowed in areas like Century Village.

Eric Power, Director of Planning & Development Services, replied that a special event permit could be utilized for residential areas for specific reasons, i.e. block party. This ordinance allows for a food truck to be in a district by right; thus, it cannot just park onto a residential party. It is being left to the commercial and industrial areas. If a car dealership wanted a food truck, this would be an opportunity for them to do so.

Mayor Ganz clarified that food trucks in a residential district could create an issue because they could park indefinitely and run a business from their front yard.

Mr. Power agreed.

Mayor Ganz opened the public hearing.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, said in Center City, Philadelphia, food trucks littered the streets; he commented on the trucks being dirty as there are no restrooms and leave garbage on the street. There may be issues with food trucks taking restaurants business who pay taxes and rent. Although it cannot be prohibited, it needs to be restricted as much as possible.

Wayne Adams, 1431 SW 5th Terrace, Deerfield Beach, spoke in opposition to the proposed ordinance; whereas, the City is trying to strong arm food trucks and should be focused on developing Dixie Highway and getting rid of the junkyards next to homes in District 2. He advised that the Department of Planning & Development Services is trying to destroy hardworking business owners seeking the American dream. *(The e-mail was read in its entirety by Samantha Gillyard, City Clerk).*

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said there are food trucks operating on street corners on private property, not public property. The ability for people to enjoy the food trucks during the pandemic has been incredible; whereas, a business has become a brick and mortar restaurant. She said the food trucks do not leave trash lying around and has not seen such an issue. Ms. Freitag spoke in support of allowing the food trucks in the City.

Mayor Ganz closed the public hearing.

Commissioner Drosky said the City is not allowed to prohibit food trucks, per state law, nor can an additional tax or license be imposed. While he sympathizes with the comments, certain things cannot be done. Furthermore, Commissioner Drosky said this is better than nothing and believes it will be necessary to tweak the ordinance along the way.

Commissioner Parness said he believes in free enterprise and the food is different when you sit down at a restaurant or eat from a food truck. Thereafter, he commented on some of his experiences with food trucks. There is room for everyone and if a restaurant is not successful, it will go out of business. He said he supports the proposed ordinance as he sees a need for it; whereby, it provides food to those unable to leave their place of employment. Lastly, Commissioner Parness said the food trucks cannot be prohibited and should be given an opportunity to prove themselves as an asset to the City.

PUBLIC HEARING - SECOND READING - CONTINUED

Vice Mayor Preston said the comments made by Ms. Freitag were spot on and experiences in other places does not mean it will be the same in Deerfield Beach. Secondly, valid points were made by Mr. Adams as regulations are necessary; whereby, trucks would not be allowed to set up anywhere desired, and there are time restrictions. Vice Mayor Preston said he is concerned with overregulation and will make sure he is vigilant, as people who are trying to make a living should be supported.

Mayor Ganz said there is a difference between a lunch wagon and food truck; a lunch wagon provides pre-prepared foods, and the description provided distinguishes the difference. Mayor Ganz read the excerpt regarding the food truck having self-contained utilities, including, but not limited to gas, water, electricity or liquid waste disposal. This ordinance does not pertain to lunch wagons, but food trucks. He asked his colleagues what is overregulation. Thereafter, Mayor Ganz provided an example of how food trucks within the neighborhood can be troublesome and should be regulated. He also agreed with restroom usage for those operating food trucks. Lastly, this is a good start and he suggested bringing issues to the table to either amend the ordinance now or later.

Vice Mayor Preston said he does not deem the ordinance as overregulated, and agreed with the proposed ordinance.

Mayor Ganz reiterated that the ordinance is not overregulating, but believes that it will be changed later to adapt to areas where the food trucks could be allowed.

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to approve Item 3, adopted Ordinance 2021/016. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Thomas Noland, 406 SE 8th Avenue, Deerfield Beach, advised that there is severe flooding on 8th Avenue and has provided commentary in the past at the stormwater workshop when plans were being compiled. Mr. Noland said on November 8, 2020, the street flooded and about 8 residents had approximately \$80,000 to \$100,000 worth of property damage. He explained the loss he and his neighbors have experienced during the flood event. Although the City has been working in the area, flooding continues; whereby, on July 24th, after a 30-minute storm, the street was again flooded. He provided photographs and the tide chart to show it was low tide on July 24th. Mr. Noland said he is asking the Commission to help as not enough is being done. He then outlined the steps staff has taken to remedy the situation; i.e. drain sweeping, sleeve the pipes from behind the home, which is not enough. In closing, Mr. Noland said the drains are not clogged as evidenced by the City dispatching staff to his residence before a storm.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked when the public will be allowed to comment on the American Rescue Plan.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, also asked when the public would be allowed to comment on the plan and whether any funds could be allocated to the fire and police stations needing repairs. Also, she asked if there is an update on the brewery in the Cove Shopping Center as the conditions are horrible. Furthermore, since the sidewalks and parking spaces have been removed, she would like to know whether the project is moving forward and if not, can they clean up the building to make it safe again by reinstalling the sidewalks.

Peggy Noland, 325 SE 3rd Terrace, Deerfield Beach, said the pandemic is striking again and asked that the businesses be allowed to have tents outside as they have been removed. She said having the tents have saved them and asked that it be considered in the near future. Lastly, she asked for an update on the Pioneer Park docks.

PUBLIC COMMENT - CONTINUED

Mayor Ganz replied that he has requested an update on all the issues.

Jillian Lerner, 500 SE 8th Avenue, Deerfield Beach, thanked the City for working on the flooding issue as it has been very traumatic. She said after an hour of rain, the block is like a river and cars run through it, pushing the rain through the houses.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, said he spoke on the powers granted to the City government during the July 20th commission meeting; wherein, the City should be operated as a municipality and the conditions with Surfside Condominiums. Mr. Cheleden commented on the introduction of a Public Safety Department discussed during the budget workshops and outlined who he believes is at fault for the lack of communication as stated as a reason to start the department. Mr. Cheleden continued to express reasons why the department should not be implemented, department head and two assistant city manager salaries, and suggested that each department cut their budgets by 15%-20%. Lastly, Mr. Cheleden commented on conditions at the fishing pier, the visitor's center and beach parking tags.

Mayor Ganz commented on the flooding conditions on 8th Avenue. He said the flooding will continually reoccur and should be addressed immediately. If the pump station is not working well enough to handle the problem, it must be prioritized. Mayor Ganz asked the City Manager to respond on when the public will be allowed to speak on ARP projects.

David Santucci, City Manager, said once the final treasury guidance is received, staff will review the recommended projects and the public comment can be done at that time. If it doesn't happen this month, it may be late September or October.

Mayor Ganz asked that when there is any type of rain on 8th Avenue, that a pump truck be stationed on the block to relieve flooding. Additionally, the brewery is in for permitting and he has requested the sidewalk be opened at least on one side.

Eric Power, Director of Planning & Development Services, said that is correct, staff has spoken with the property owner about opening the sidewalk on the west side and since receiving the building permit on July 20th, they intend to start construction in September.

Continuing, Mayor Ganz said it is important to consider outdoor seating, but the problem with doing it now without an emergency order is outdoor seating will only add to capacity instead of socially distancing. The issue the City has is that it becomes a private/public property situation. Mayor Ganz advised that the City only has one assistant city manager and explained what happened during the housing market crash and severe reduction of budgets as well as layoff of staff. Recently, the City had to make cuts when the pandemic hit and the loss of revenue from the State; therefore, making cuts across the board do not work.

Vice Mayor Preston said when people are employed, their salary is considered and no one is throwing away money; however, it is important to analyze what the market pays. The City tries to recruit the best and for whatever they are paid, there is a good return as staff does a good job in making sure the City is progressive and residents come first. Thereafter, he commented on the lack of beach parking as the residents should be able to enjoy the amenities.

Commissioner Hudak applauded city staff as they have the best intentions; he also advised that only Deerfield Beach residents can purchase a beach parking pass; whereby, spaces are allocated for those pass holders. Furthermore, Commissioner Hudak said vehicles who ride through flooded areas cause the wakes to go into the homes; thus, he recommended barriers that stop people from going down the street. Regarding fire and police stations, he said using ARP funds is a good idea as these employees should be protected just as they protect the residents.

Commissioner Parness commented on his tax bill and explained that whatever his taxes are, he pays it. Thereafter, he commented on rewarding first responders; whereas, a free pass on the pier is not enough. He also said there is only one assistant city manager, Tom Good, who works hard without an increase in salary; thus, the City is watching over the taxpayer dollars and handling them responsibly.

PUBLIC COMMENT - CONTINUED

Mayor Ganz said beach parking has been a problem; however, there is a liberal parking system. He also spoke about comments made regarding staff living in the City, salaries and property taxes paid by an elected official. He advised that whether the City Manager lives in the City or not, he wants the best for the City. Therefore, when a person cares about their work, they will work diligently regardless of where they live and the salary should not be predicated on whether they live in the City or not.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

4. **Resolution 2021/117 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Amendment to the Water Tower Site License Agreement between the City and T-Mobile South, LLC, to extend the License Agreement for five additional five-year renewal terms; authorizing execution of the Amendment; providing for an effective date.**
5. **Resolution 2021/118 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the settlement of all claims against the City in the litigation styled *Thomas D. Lacy and Alice Lacy vs. City of Deerfield Beach*; authorizing execution of documents necessary to effectuate the settlement; providing for an effective date.**
6. **Resolution 2021/119 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Piggyback Agreement with Advanced Roofing, Inc. for roof repairs at the Middle School Athletic Complex in an amount not to exceed \$194,609, utilizing the City of Sunrise Contract #2019000166; providing for execution and an effective date. (*Funds from Account #001-7025-572-60-21 - Improvements Other than Building*)**

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to approve Items 4 – 6 in concert. Roll Call:

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

Nays: 0

ADDENDUM

7. **Resolution 2021/120 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the submission of an Integrated Water Resource Plan Grant Application to Broward County for the installation of a 12 inch reclaimed water main in connection with the SW 10th Street Connector Project; and providing for an effective date.**

The Resolution was read by title only.

David Santucci, City Manager, outlined the proposed resolution. The grant would be a 50% matching grant with a total estimated construction cost of \$5.8 million, to run a reclaimed water main down SW 10th Street. He advised that the timing is optimal with the construction of SW 10th Street. Mr. Santucci said reclaimed water is non-potable water that is typically used in irrigation; expanding on it will be important from a water conservation perspective. Furthermore, he recommended working with state legislators and FDOT on the

ADDENDUM - CONTINUED

matching portion as it would help with the Broward County grant. Currently, there is no obligation on the City, this allows staff to pursue the grant and will be presented if the grant is awarded.

In response to Mayor Ganz's question, Mr. Santucci replied that he believes this is the first non-potable water opportunity.

Commissioner Drosky spoke in support of the grant application. He said he does not want the 10th Street project and the water main to be confused as he still has concerns with the 10th Street project.

Commissioner Parness asked if the pipe would go under 10th Street.

Mr. Santucci replied no, it would be the installation of a pipe during the construction of the 10th Street connector project.

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

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 7, adopted Resolution 2021/120. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

8. P.H. 2021-097: 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. (Tabled from July 20, 2021)

The Ordinance was read by title only.

Eric Power, Director of Planning & Development Services, said this item is intended to meet the requirements of county and state laws. Changes have been made related to mileage and the distance you can bring your vehicle to an impound lot, whereby, the recommended change is to expand from 5 miles to 10 miles. Mr. Power displayed a map outlining the number of towing companies located within the 5- and 10-mile radii. The circles represent actual impound lots that have received a business tax receipt within the area. Staff has realized that there is not a lot of opportunity for property owners who want to go under contract with a towing company to meet Code requirements. He explained that the tow radius, as provided by the ordinance, is from the point of towing, not from the boundary of the City. Lastly, going 10 miles from the place of towing meets the State Statute.

Mayor Ganz said based on the radius shown, it appears there will be an increase from 11 to 19 companies within the 10-mile radius, which expands to Oakland Park.

Mr. Power said Oakland Park is the radius from the southern boundary. There are currently two impound lots in the City; 14 properties within the 5-mile boundary and 8 additional within the 10-mile boundary.

Commissioner Hudak said someone parked at another resident's home, but the violator's vehicle could not be towed; he asked if this ordinance addresses that.

DEPARTMENTAL BUSINESS - CONTINUED

Captain Brimlow replied that it would be the property owner's responsibility to get rid of the property, not a law enforcement function. The City would need a separate contract to have that type of provision.

There was a brief discussion regarding private property towing and abandoned vehicles.

Mayor Ganz opened the public hearing.

Brian Meo, 1235 SW 46th Terrace, Deerfield Beach, spoke in opposition to changing the mileage from 5 to 10 as it causes a delay in people being able to retrieve their vehicle if towed to Oakland Park.

Mayor Ganz closed the public hearing. Thereafter, he said towing is meant to serve as a deterrent as some people make mistakes, but some abuse the system. The 10-mile radius, in his opinion, is cruel and unusual punishment and believes it should be kept to 5 miles. Additionally, 5 other businesses are gained.

Commissioner Drosky spoke in support of the 10-mile radius as it gives businesses more options as to whom they choose to use for towing.

Mayor Ganz said he understands being able to allow competition, but when dealing with tow companies, it is not a pleasant experience. Adding more to the City has pros and cons, but is comfortable with 5 miles.

MOTION was made by Commissioner Drosky, seconded by Commissioner Parness, to approve Item 8 on first reading with a 10-mile radius. Roll Call:

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

Nays: 1 - Mayor Ganz

ADDENDUM - CONTINUED

9. Discussion and potential action regarding the use of Oveta McKeithen Multipurpose field by KeyKlub Foundation Inc. for the purposes of hosting an event titled Elevation Fest.

Vice Mayor Preston said this item is a benefit to the community which he supports.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked whether the KeyKlub was attached to Kiwanis. Also, the application advises that BSO will be security and asked who would be paying BSO.

Mayor Ganz closed the public hearing.

David Santucci, City Manager, replied that he can only speak to the fee waivers that would apply to the City and is unsure whether Captain Brimlow can advise on any associated fees as they are not born on the City.

Mayor Ganz asked if the KeyKlub fails to obtain BSO for security, would the event be nullified.

Mr. Santucci said he would have to speak with Captain Brimlow to waive the requirement for security at the event based on the type of event; however, law enforcement has attended events like this, but he cannot say whether they attended for support or security.

In response to Commissioner Drosky's question, Mayor Ganz replied that the event is scheduled for August 15th.

There was a brief discussion regarding the date the item was presented to staff.

ADDENDUM - CONTINUED

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 9. 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 Report.

CITY MANAGER

Park Improvements - David Santucci, City Manager, said there are two sections to the Pioneer Park improvements, the boat dock and boat ramp. He said the boat dock repairs will commence either later this week or next week and should be completed within 3 days of the start date. The Pioneer Park boat ramp requires a permit by the Army Corp of Engineers which is a long process. He advised that staff has sought a grant through Florida Inland Navigation District and expects approval sometime in September; this will hopefully align with the approval from the Army Corp of Engineers to move forward with construction.

Continuing, Mr. Santucci said one of the tiki huts on the beach has been completed; however, the other two are delayed due to construction material and labor which are a reoccurring issue due to the pandemic. Notwithstanding, labor delays are also occurring, but thankfully, the huts should be completed next week. Additionally, Mr. Santucci said the showers at the Middle School are operational; but two shower stalls have been closed. The permits for the aquatics center portion of the middle school athletic facility is awaiting materials for the metal roof and improvements will follow. Upon completion, the women's restrooms can be reopened. Furthermore, the scoreboards and lights were operational for the Little League Championship event. Bleacher end caps at the middle school are complete and were installed at Oveta McKeithen; they will be installed at Pioneer Park also. The plastic cap actually protects people's clothing against snags.

COVID Cases - Mr. Santucci said there has been an increase in cases due to the delta variant. Broward County now averages more than 9,000 new cases, 17% positivity rate and about 2 months ago, it was below 5%. He advised that an administrative order was implemented for employees to wear masks indoors when they are with other people. Therefore, he advised that a mask mandate will be implemented for the public, starting tomorrow, August 4th, until cases and positivity rates decline. Although commission approval is not required, he wanted the Commission to outline disagreements, if any.

Commissioner Hudak said the State has identified almost 51,000 cases in 3 days; therefore, he recommended social distancing for the dais.

Mr. Santucci said it is at the discretion of the City Commission, but he is happy to accommodate if that is the Commission's decision.

Anthony Soroka, City Attorney, advised that since there is no emergency order, nor a state of emergency at the state level, it would be the traditional approach for telephonic participation; whereby, a physical majority would need to be present to hold a meeting. He recommended that a motion be made since the circumstances warrant holding a hybrid forum.

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to approve hybrid meetings until deemed necessary.

There was a brief discussion before the vote as to how long the hybrid meetings would last; whereby, it was recommended that it be addressed during each meeting to gauge the number of cases.

Commissioner Hudak amended the motion to allow discussion every 30 days to determine whether the Commission will continue to meet in a hybrid setting.

COMMENTS BY ADMINISTRATION & LEGAL - CONTINUED

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to approve hybrid meetings and review every 30 days. Roll Call:

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

Nays: 0

The Commission motioned approval to allow a majority of commissioners to attend in person and two others to attend via Zoom; approved unanimously.

Crime Rates - Captain Brimlow, BSO, District X, advised that the Federal Bureau of Investigations collects crime data as reported by the Broward Sheriff's Office. The information is collected, collated and disseminated from the Florida Department of Law Enforcement (FDLE). He said he took the data and performed comparisons with other cities that have similar characteristics to Deerfield Beach. The crime rates shown were from 2018 and 2019; whereby, the crime rate reduced. Furthermore, from 2018 through 2020, Deerfield Beach has experienced a decrease in crime of 34%. Lastly, he said violent crime has been reduced tremendously over the last couple of years.

Discussion ensued regarding the crime rate among other cities outlined in the chart.

CITY COMMISSION BUSINESS

10. Resolution 2021/121 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and accepting a Quit Claim Deed from the City of Deerfield Beach f/k/a the Town of Deerfield Beach for the Deerfield Beach Memorial Cemetery; providing for implementation and an effective date.

The Resolution was read by title only.

Vice Mayor Preston commented on history of racism and clause in the deed prohibiting Black Americans from being buried at Memorial Cemetery. He said the issue is not that the clause was proposed, but the City accepted it and moved forward. Further, there was a Black police officer, Mayo Howard, who when passed, wanted to be buried in Pineview but because of his race, the request was denied. Due to this stain, many Black residents do not want to be buried there; however, those past policies no longer exist and there are many people in all districts who did not agree with this clause. Both the City Manager and City Attorney reviewed the language and declared it unconstitutional. The quit claim deed has been changed and removes that clause. He thanked the City Manager and City Attorney for working on this as their hard work represents what the City is all about.

Mayor Ganz thanked Vice Mayor Preston for bringing this forward as he was not aware and said it should have been done a long time ago. Thereafter, the public hearing was opened

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, applauded the change and said it is important to note that this does not negate the need to find more land to expand Pineview Cemetery.

Mayor Ganz closed the public hearing.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 10, adopted Resolution 2021/121. Roll Call:

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

Nays: 0

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

Trash Collection - Commissioner Drosky said he received messages from Waterford residents that their garbage was not picked up today. He asked that they be serviced tomorrow.

Florida Trends Magazine - Commissioner Drosky said Chad Grecsek, Director of Sustainable Management, is quoted in the article concerning recycling. He said this is a great resource for the commissioners to share with residents as it gives the entire picture.

Saturday Office Hours - Commissioner Drosky said he will hold his office hours this Saturday, August 7th, but will be attending the backpack giveaway at Oveta McKeithen Recreational Complex and will be available starting at 11 a.m. till noon.

COMMISSIONER PARNES**DISTRICT 3**

COVID Cases - Commissioner Parnes said there are too many people not wearing masks and although vaccines are not 100%, he urged people to get vaccinated during this crisis as vaccinated people are dying. Commissioner Parnes encouraged people to be careful by following CDC guidelines, i.e. hand washing and others. He also spoke in support of children wearing masks at school to protect each other and their families.

VICE MAYOR PRESTON**DISTRICT 2**

District 2 Meeting - Vice Mayor Preston said his district meeting will be held at the Hillsboro Community Center, August 31st at 7:00 p.m. to discuss district concerns as well as receive input on the Tigner Center; the meeting will be available through electronic media communications.

Harold Morrison - Vice Mayor Preston applauded Deputy Morrison's many contributions and how he supported and championed for the children at Oveta McKeithen. He also started the backpack project to help the children and steered them away from a life of crime. Lastly, Vice Mayor Preston recommended renaming SW 2nd Street as Deputy H. Morrison Street.

Access to Pier - Vice Mayor Preston recommended a complimentary pass be extended to firefighters and police officers; he asked that it be presented at a future commission meeting.

Backpack Giveaway - Vice Mayor Preston said the backpack giveaway will be held on Saturday, August 7th at 10 a.m. till 1:00 p.m. at the Oveta McKeithen Recreational Complex.

Flooded Streets - Vice Mayor Preston commented on the photographs provided by Mr. Noland and said it needs to be addressed immediately and determine the problem.

Public Input - Vice Mayor Preston advised that debate is not silenced at the meetings, but there must be structure; nevertheless, all public input/opinions are important and should be heard. Vice Mayor Preston said he's witnessed the elected officials talking with people after the meeting to discuss their concerns which shows they care.

COMMISSIONER HUDAK**DISTRICT 1**

SE 8th Avenue Flooding - Commissioner Hudak thanked Mayor Ganz and Vice Mayor Preston for supporting SE 8th Avenue; he asked that solutions be expedited.

Florida League of Cities Conference - Commissioner Hudak said he will be attending the upcoming conference next week in Orlando and will not be available for Saturday office hours on August 14th.

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

Community Workshop - Commissioner Hudak said a second workshop regarding NE 3rd Avenue improvements will be held on August 26th; whereas, Districts 1 and 2 are affected. There was a walking workshop a couple of months ago which yielded great responses from the residents. Lastly, he encouraged residents to talk to others and increase participation.

COVID Cases - Commissioner Hudak reiterated that there were almost 51,000 cases reported in the State; last week, almost 110,000 cases were reported in Florida. He advocated for the COVID vaccine as 96% of people hospitalized are not vaccinated. He also encouraged wearing masks and getting vaccinated. Lastly, the vaccination site is open at Quiet Waters Park.

MAYOR BILL GANZ

Harold Morrison - Mayor Ganz spoke in support of renaming the street after Deputy Morrison, but also suggested the backpack giveaway. He said this is a huge loss to the City and we were lucky to have him as long as we did.

Eviction Moratorium - Mayor Ganz said tonight, the Centers for Disease Control & Prevention issued a new eviction moratorium that would last until October 3rd, according to the Sun-Sentinel Newspaper. He explained how people have been significantly impacted and a 5-month fix is not enough.

City Residency - Mayor Ganz said there have been questions about his residency; whereby, he recently sold his home, but still resides in the City.

Public Response - Mayor Ganz encouraged a proactive approach by staff to issues presented by the residents and address things much faster. He said although he still sees issues, he has informed the City Manager of his expectations and although there are improvements, it can be better. Additionally, he commented on people who attack others that do not agree with their opinion.

Pier Lease - Mayor Ganz said a decision on the pier lease will be needed in the next year or so; he asked that the City Manager keep this in mind.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to adjourn the meeting at 10:17 p.m. Voice Vote:

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

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk