

# **Regular City Commission Meeting**

**Wednesday, June 7, 2017**

**1:00 PM**

## **City of Hollywood**



Hollywood City Hall  
2600 Hollywood Blvd  
Hollywood, FL 33020  
<http://www.hollywoodfl.org>

**Commission Chambers Room 219**

### ***CITY COMMISSION***

***Josh Levy, Mayor***

***Traci Callari, Vice Mayor - District 3***

***Debra Case, Commissioner - District 1***

***Peter Hernandez, Commissioner - District 2***

***Richard Blattner, Commissioner - District 4***

***Kevin Biederman, Commissioner - District 5***

***Linda Sherwood, Commissioner - District 6***

***Dr. Wazir Ishmael, City Manager***

***Jeffrey P. Sheffel, City Attorney***

***Patricia A. Cerny, City Clerk***

### **NOTES**

The City Manager places before the Commission for consideration the consent agenda items prepared by various offices and departments in the City.

The consent agenda consists of items that are routine and/or non-controversial, the items are voted upon by the City Commission in one motion.

The regular agenda consists of items that must be discussed or could be considered controversial, the items are voted upon by the City Commission individually.

Agenda items not scheduled for a specific time may be considered at any time during the meeting at the discretion of the Commission.

All time certain agenda items will not be considered by the Commission earlier than the time listed for the item, however, the item may be taken up at the same time listed or later in the meeting.

The following items on this agenda are time certain items.

**1:00 PM - Item - 16**

**1:15 PM - Item - 17**

1. **Moment of Silence**
2. **Pledge of Allegiance**
3. **Recognition of Veterans, Active Service Personnel & Their Families**
4. **Roll Call**

### **CONSENT AGENDA**

If a citizen wishes to comment on a specific item, he/she should submit a comment card to the City Clerk before the Commission approves the consent agenda.

#### **OFFICE OF THE CITY ATTORNEY**

5. [R-2017-147](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida Approving And Authorizing The Appropriate City Officials To Implement A Settlement Between The City Of Hollywood And Donald Lheureux In The Amount Of \$100,000.00.

**Attachments:** [rsettlelheureux.doc](#)  
[BIS 17-180.doc](#)

6. [R-2017-148](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement Between The City Of Hollywood And Cheri Stabile In The Amount Of \$155,000.00.

**Attachments:** [rsettlestable.doc](#)  
[BIS 17-185.doc](#)

7. [R-2017-149](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Payment Of Fees To GrayRobinson, P.A., For Legal Services In The ICON Office Building Property Matter, In Additional Amounts Not To Exceed \$60,000.00 For FY 2016 And \$100,000.00 For FY 2017; Amending The Fiscal Year 2017 Adopted Operating Budget (R-2016-284), As Detailed In The Attached Exhibit 1.

**Attachments:** [ragrayrobinsoniconfy2016and2017.doc](#)  
[Exhibit 1 Legal Services 06 07 17.pdf](#)  
[BIS 17-190.doc](#)

#### OFFICE OF HUMAN RESOURCES

8. [R-2017-150](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind Flood Insurance Policy With Hartford Insurance Company Of The Midwest For Flood Insurance For The City-Owned Sue Gunzburger-Washington Park Childcare Center Facility Located At 5731 Pembroke Road, For A Not To Exceed Amount Of \$907.00.

**Attachments:** [Resolution For Flood Ins. For Sue Gunzburger-Washington Park.docx](#)  
[Backup - Sue Gunzburger-Washington Park Flood Ins..pdf](#)  
[terinsfloodgunzburgerwashparkchildcare.doc](#)  
[BIS 17-182.doc](#)

#### COMMUNITY DEVELOPMENT DIVISION

9. [R-2017-151](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached First Amendment To The License Agreement Between The City Of Hollywood And Washington Park Child Care Center, Inc. To Revise The Term Of The License Agreement And Address Maintenance And Repair Matters At The Premises Being Operated As The Sue Gunzburger - Washington Park Child Care Center At 5731 Pembroke Road And The Adjacent Parcel.

**Attachments:** [RESOWASHPARKCHILDCAREFIRSTAMENDTOLICENSEAGR2017\\_REV DO FirstAmendmentLicenseAgreementWashParkChildCareCenter2017 d0c.doc](#)  
[Existing License Agreement.pdf](#)  
[Aerial.Photos.pptx](#)  
[TermSheetWashingtonParkChildCareFirstAmendtoLicenseAg2017.doc](#)

10. [R-2017-152](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Agreement Between Washington Park Child Care Center, Inc. And The City Of Hollywood To Provide Community Development Block Grant Funding For The Repairs And Renovation (Capital Improvements) Of The Sue Gunzburger-Washington Park Child Care Center In An Amount Not To Exceed \$145,000.00; Authorizing The Appropriate City Official To Execute And Record The Attached Notice Of Limitation Of Use/Site Dedication Form, To Restrict The Use Of The Premises As A Day Care Facility For A Five (5) Year Period.

**Attachments:** [RESOWASHPARKCHILDCARECDBGAGREEMENT2017.docx](#)  
[16-17 AGREEMENT and Exhibits REV\(2\).docx](#)  
[NOTICE OF LIMITATION OF USEWashPkChildCareCtr2017\(untracked\).doc](#)  
[TERMSHEETWASHPARKCHILDCARECDBGLOANAGREPAIRS2017.DOC](#)  
[BIS 17-186.doc](#)

#### ENGINEERING DIVISION

11. [R-2017-153](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Consulting Firms And Authorizing The Appropriate City Officials To Negotiate And Execute An Agreement On A Rotating Basis With The Four (4) Highest Ranked Firms To Provide Professional Services For Surveying And Mapping Services Projects.

**Attachments:** [17Draft - resolution.0401.DOC](#)  
[17Final Ranking.0401.pdf](#)  
[Term Sheet - CCNA for Surveying and Mapping Consulting Services.doc](#)  
[BIS 17183.doc](#)

12. [R-2017-154](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authoring The Execution Of A Pole Attachment Agreement Between The City Of Hollywood And T-Mobile South LLC For The Placement And Maintenance Of Antennas, Equipment And Wires On City Owned Light Poles On City Right-Of-Way.

**Attachments:** [EN 17-130.doc](#)  
[EN17-130 Exhibit 1 Pole Attachement Agreement Rev1.pdf](#)  
[tertmobilesouth.doc](#)  
[BIS 17189.doc](#)

13. [R-2017-155](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving An Amendment Of Plat Notation On The "Isgette's Runway" Plat, Being In The City Of Dania Beach, Broward County, Florida, As Recorded In Plat Book 158, Page 18, And Amended As Per Agreements Filed In Book 45688, Page 623 And Book 45823, Page 309 Of Broward County, Modifying The Non-Vehicular Access Line Associated With SW 30th Avenue To Create A 55-Foot Wide Access Driveway, And Approving The Attached Second Amended And Restated Declaration Of Restrictive Covenants, Conditions And Restrictions.

**Attachments:** [EN17-123 reso rev1.doc](#)  
[EN17-123 Exhibit A.pdf](#)  
[EN17-123 Exhibit B Rev2.pdf](#)  
[EN17-123 Location MAP.ppt](#)  
[termsgi595.doc](#)

#### DEPARTMENT OF FINANCIAL SERVICES

14. [R-2017-156](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing A Line Of Credit Agreement Between The City Of Hollywood, Florida And City National Bank, For A Term Of One (1) Year To Provide A Line Of Credit Facility To Assist The City In Meeting The Costs Of Recovery In The Event Of A Disaster.

**Attachments:** [01 - Resolution ELOC 2017.docx](#)  
[02 - EX A Line of Credit Agreement.pdf](#)  
[03 - EX B ELOC Term Sheet.pdf](#)  
[teremergencylineofcredit.doc](#)  
[BIS 17-187.doc](#)

#### DEPARTMENT OF PUBLIC UTILITIES

15. [R-2017-157](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Amendment No. 1 To The Authorization To Proceed For Work Order No. AEC 14-02 Between AECOM And The City Of Hollywood To Provide Professional Engineering Services For Design And Construction Services Related To Four Flowmeters Servicing State Road 7 Lift Stations W-12, W-13, W-23, And W-24 Project, In A Lump Sum Amount Of \$19,872.00 (Project No. 14-7042B).

**Attachments:** [Resolution - AECOM AEC 14-02 for SR7 LS Flowmeters.docx](#)  
[ATP Amend 1 - AECOM AEC 14-02 for SR7 LS Flowmeters 7042B.pdf](#)  
[ATP - AECOM AEC 14-02 for SR7 LS Flowmeters 7042B.pdf](#)  
[R-2003-003.pdf](#)  
[R-2012-152.pdf](#)  
[R-2013-110.pdf](#)  
[R-2015-068.pdf](#)  
[Term Sheet - AEC 14-02 Amendment NO. 1.doc](#)  
[BIS 17-184.doc](#)

**1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS**

16. [P-2017-037](#) Presentation By Manuel Marino, Police Major, And The Hollywood Police Department To Introduce The 2017/2018 Hollywood Youth Ambassadors, And Scholarship Presentation To Youth Ambassador High School Seniors.

**1:15 PM QUASI-JUDICIAL ITEM**

*(Rules of Procedure Attached to Agenda)*

17. [PO-2017-10](#) An Ordinance Of The City Of Hollywood, Florida, Approving The Application Of The 20% Flexibility Rule (Industrial To Commercial) To Approximately 0.75 Acres Generally Located At The Northwest Corner Of Sheridan Street And North 29th Avenue, Pursuant To The City Of Hollywood's Comprehensive Plan And Policy 13.01.10 Of The Broward County Land Use Plan; And Amending The City's Land Use Map To Reflect The Change In Land Use Designation. (17-F-10)

**Attachments:** [Ordinance Cali Coffee.doc](#)  
[Exhibit A.pdf](#)  
[Attachment I.pdf](#)

*Second Reading*

*No Changes Since First Reading*

*Advertised Public Hearing*

**REGULAR AGENDA**

18. [R-2017-158](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Authorization To Proceed For Work Order No. B&C 17-01 Between Brown And Caldwell And The City Of Hollywood To Provide Professional Engineering Services For The Water Main Replacement Program From Taft Street To Sheridan Street From N. 26th Avenue To N. 28th Avenue, As Identified In The 2007 Water System Master Plan, In The Not To Exceed Amount Of \$213,459.00 (Project No. 16-5133).

**Attachments:** [Resolution - Brown & Caldwell ATP B&C 17-01 WMPR Taft-Sheridan-N26-N28. ATP B&C 17-01 - Brown & Caldwell WMRP Taft-Sheridan-N26-N28.pdf](#)  
[Proposal - Brown & Caldwell ATP B&C 17-01 WMPR Taft-Sheridan-N26-N28.p R-2009-214.pdf](#)  
[R-2013-110.pdf](#)  
[R-2015-068.pdf](#)  
[Term Sheet - Brown and Caldwell Work Order 17-01.doc](#)  
[BIS 17-172.doc](#)

**19. [R-2017-159](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Contract Between GPE Engineering And General Contractor Corp. And The City Of Hollywood For Construction Services Related To The Water Main Replacement Program (Davie Road Extension), As Identified In The 2007 Water System Master Plan And As Part Of The City-Wide Water Main Replacement Program, In The Amount Of \$1,364,129.67 (Project No. 15-5129).

**Attachments:** [Resolution - GPE Engineering WMRP Davie Rd Ext \(5129\).doc](#)  
[Contract - GPE Engineering WMRP Davie Rd Ext \(5129\).pdf](#)  
[Bid Evaluation - GPE Engineering WMRP Davie Rd Ext \(5129\).pdf](#)  
[Bid 5129 - 1 GPE Engineering and General Construction.pdf](#)  
[Term Sheet - GPE Engineering and General Contractor Corp..doc](#)  
[BIS 17-177.doc](#)

**20. [R-2017-160](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Highway Maintenance Memorandum Of Agreement Between The City Of Hollywood And The Florida Department Of Transportation, For The Construction Of Sidewalks And Bike Lanes In Hollywood Gardens West (Johnson Street To The North, Hollywood Boulevard To The South, 56th Avenue To The East And SR7 To The West), By The Florida Department Of Transportation Through Broward County MPO Complete Streets Funding (State FM No. 434679-1-52-01).

**Attachments:** [Reso EN17-127 rev1.doc](#)  
[EN17-127 Final HMMOA 4 26 17.pdf](#)  
[Term Sheet - Florida Department of Transportation - Highway Maintenance Agr](#)  
[BIS 17-178.doc](#)

**COMMENTS BY THE CITY COMMISSION, CITY ATTORNEY & CITY  
MANAGER**

21. Commissioner Sherwood, District 6

22. Commissioner Case, District 1

23. Commissioner Hernandez, District 2

24. Vice Mayor Callari, District 3

25. Commissioner Blattner, District 4

26. Commissioner Biederman, District 5

27. Mayor Levy

28. City Attorney

29. City Manager

**30. ADJOURNMENT**

Any person who wishes to speak must first complete a comment card from the City Clerk. Comment cards must be returned to the City Clerk within the first five minutes after the start of the agenda item. After being recognized, approach the podium, give your name and address, identify your client or clients (if applicable). A citizen's time is not transferable to any other person.

Citizens' Comments shall be held on the Third Wednesday of each month at the Regular City Commission Meeting in the City Commission Chambers, Room 219, at 5:00 PM.

Lobbyist registration is required if any person, firm or corporation is lobbying the City Commission on any petition or issue, pursuant to the Section 30.15 of the Code of Ordinances.

Any person wishing to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

Two or more members of the same city board, commission, or committee, who are not of this Commission, may attend this meeting and may, at that time, discuss matters on which foreseeable action may later be taken by their board, commission or committee.

Persons with disabilities who require reasonable accommodations to participate in City programs and/or services may call the Office of the City Manager five business days in advance at (954) 921-3201 (voice). If an individual is hearing or speech impaired, please call 1-800-955-8771 (V-TDD).



Disclosure Of Real Estate Interests And Business Relationships - When an agenda item involves the use or development of land, each member of the City Commission, the City Manager, the Assistant City Manager, the City Attorney, the Deputy City Attorney, and the director and assistant director(s) of each City department and City office shall disclose orally, at the time the City Commission begins to discuss the item, or in writing to the City Clerk prior to the publication of the agenda, any significant interest (as defined below) that such City official or employee or any relative of such City official or employee has in land located within 300 feet of the land that is the subject of the item. When an agenda item involves an invitation for bids, request for proposals, request for qualifications, request for letters of interest, or other competitive solicitation, each member of the City Commission, the City Manager, the Assistant City Manager, the City Attorney, the Deputy City Attorney, and the director and assistant director(s) of each City department and City office shall disclose orally, at the time the City Commission begins to discuss the item, or in writing to the City Clerk prior to the publication of the agenda, any client or business relationship that such City official or employee or any relative of such City official or employee has with any business entity that has submitted a response to the competitive solicitation. "Significant interest" means ownership of more than 5 percent of the value of the land.

Persons attending meetings shall remain seated at all times unless called upon to speak, will not call out comments during the meeting or make inappropriate hand or facial gestures.

Please silence all cell phones prior to entering the meeting.

QUASI-JUDICIAL HEARING PROCEDURES  
AND RULES FOR EX-PARTE COMMUNICATIONS

I. Scope and Applicability. These procedures shall apply to all quasi-judicial hearings held by the City Commission or by any Board or Committee (hereinafter referred to as "Boards") which holds quasi-judicial hearings. The City Attorney shall determine which matters are quasi-judicial in nature and shall direct the City Clerk or Board liaison to designate specially such matters on the agenda.

II. Proceedings. Mayor, Vice Mayor or other presiding officer (hereafter, the "Presiding Officer") shall conduct the proceedings and maintain order. The City Attorney or legal advisor shall represent the City Commission or Board, rule on all evidentiary and procedural issues and objections, and advise the City Commission or Board as to the applicable law and necessary factual findings. Hearings shall be conducted informally, but with decorum. Formal rules of procedure shall not apply except as set forth herein; however, fundamental due process shall be accorded.

III. Unauthorized Communications. In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1), Florida Statutes, ex parte communications with City Commissioners or Board members in quasi-judicial matters is permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Commissioners or Board members:

1. The substance of any ex parte communication with a City Commissioner or Board member which relates to a quasi-judicial action pending before the Commission or Board is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

2. A City Commissioner or Board member may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Commission or Board shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. City Commissioners or Board members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1, 2 and 3 must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are give a reasonable opportunity to refute or respond to the communication.

IV. Witnesses and Supporting Materials. At least eight City business days before a quasi-judicial hearing.

A. Staff shall prepare a report, recommendation and supporting materials, a copy of which shall be available to the applicant, appellant and to the public at the City Clerk's Office. Included in the supporting materials will be copies of all exhibits and documents upon which staff's recommendation is based.

B. The Applicant and the Appellant, if applicable, shall submit a detailed outline of the argument in support of their application, copies of all exhibits which will be presented at hearing and the names and addresses of all witnesses who will be called to testify in support of the application (including resumes for any witness the party intends to qualify as an expert).

C. The eight City business day deadline is necessary to ensure the Commission or Board members are given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Should the eight-day City business day deadline be missed by either staff or the Applicant, the item may be continued at the discretion of the City Commission or Board to the next available agenda.

#### V. Party Intervenors.

The City Attorney may allow a person to intervene as a Party Intervenor if they meet the following requirements:

A. The person must have an interest in the application, which is different than the public at large.

B. At least eight three days prior to the hearing, the person shall submit a written request to intervene including: a detailed outline of their interest in the application and argument in favor or against it, copies of all exhibits which will be presented at the hearing and the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert).

#### VI. Conduct of Hearing.

A. The Presiding Officer shall call the proceeding to order and announce that the hearing has begun.

B. The Presiding Officer, City Attorney or legal advisor shall inquire whether all parties, members of the public and Commission or Board members agree to waiving the quasi-judicial hearing.

C. When the quasi-judicial hearing is not waived, the City Attorney, legal advisor or Presiding Officer shall explain the rules concerning procedure, testimony, and admission of evidence.

D. When the quasi-judicial hearing is not waived, the City Clerk or staff liaison shall swear in all witnesses who are to testify at the hearing.

E. The order of proof shall be as follows:

1. A representative of the City's staff (or outside counsel) shall briefly describe the Applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 30 minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board member.

2. The Appellant, if applicable, (or his/her representative or counsel) shall present evidence and testimony in support of the application. Appellant shall have a maximum of 30 minutes to make its full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board member.

3. Any Party Intervenor (or his/her representative or counsel) shall present evidence and testimony in support of or opposed to the application. A Party Intervenor shall have a maximum of 30 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board Member.

4. The Applicant (or his/her representative or counsel) shall present evidence and testimony in support of the application. Applicant shall have a maximum of 30 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board member.

5. Any other persons present who wish to submit relevant information to the City Commission or Board shall speak next for a maximum of three minutes each (excluding any cross-examination or questions from the Commission or a Board member). Members of the public will be permitted to present their non-expert opinions, but the Commission or board will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent and substantial evidence.

6. The Appellant will be permitted to make final comments, if any (maximum of five minutes).

7. The Applicant will be permitted to make final comments, if any (maximum of five minutes).

8. The Party Intervenor will be permitted to make final comments, if any (maximum of five minutes).

9. The City's staff will make final comments, if any (maximum of five minutes).

10. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to

the final Party Intervenor and staff comments and recommendations (maximum of three minutes).

G. The City Attorney or legal advisor will advise the City Commission or Board as to the applicable law and the factual findings that must be made to approve or deny the application.

H. The City Commission or Board will conduct open deliberation of the application. The Presiding Officer shall have the discretion to reopen the proceeding for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a vote shall be taken to approve, approve with conditions or deny the application.

VII. Examination by Commissioners and City Attorney or Legal Advisor. Commissioners, Board members and the City Attorney or Legal Advisor may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

VIII. Cross-Examination of Witnesses. After each witness testifies, the City staff representative, the Applicant's representative, Appellant's representative, and/or the Party Intervenor's representative shall be permitted to question the witness, but such cross-examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

IX. Rules of Evidence.

A. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

B. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.

C. Documentary evidence may be presented in the form of a copy or the original. Upon request, parties shall be given an opportunity to compare the copy with the original.

X. Statements of Counsel. Statements of counsel, or any non-attorney representative, shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

XI. Continuances and Deferrals. The City Commission or Board shall consider requests for continuances made by City staff, the Applicant, the Appellant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission or Board,

any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the City Commission or Board may continue the matter to a time certain to allow for such research or review.

XII. Transcription of hearing.

A. The City Clerk or staff liaison shall preserve the official transcript of the hearing through tape recording and/or video recording.

B. The Applicant, Appellant or Party Intervenor may arrange, at its own expense, for a court reporter to transcribe the hearing.

C. The Applicant, Appellant or Party Intervenor may request that all or a part of the transcript of a hearing be transcribed into verbatim, written form. In such case, the Applicant, Appellant or Party Intervenor requesting the transcript shall be responsible for the cost of production of the transcription and the transcription shall become the official transcript.

XIII. Maintenance of Evidence and Other Documents. The Office of the City Clerk or staff liaison shall retain all of the evidence and documents presented at the hearing unless any such evidence is too large to be stored by the City Clerk or staff liaison. In that event, such evidence will be stored in the Community Planning and Development Department.

XIV. False Testimony. Any willful false swearing on the part of any witness or person giving evidence before the Commission or Board as to any material fact in the proceedings shall be deemed to be perjury and shall be punished in the manner prescribed by law for such offense.

XV. Failure of Applicant to Appear. If the Applicant, the Appellant or Party Intervenor or their representative fails to appear at the time fixed for the hearing, and such absence is not excused by the Commission or Board, the Commission or Board may proceed to hear the evidence and render a decision thereon in absentia.

XVI. Subpoena Power. The Applicant, the Appellant or Party Intervenor or City's staff shall be entitled to compel the attendance of witnesses through the use of subpoenas. All such subpoenas shall be issued by the City Clerk at the request of the Applicant, Appellant or City's staff.

R-2016-334, 11/2/2016