

## **Regular City Commission Meeting**

Wednesday, October 3, 2018

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***

***Debra Case, Vice Mayor - District 1***

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

***Traci Callari, Commissioner - District 3***

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

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

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

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

***Douglas R. Gonzales, City Attorney***

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

**NOTES**

The Consent Agenda is comprised of items prepared by various offices and departments in the City. These items are routine and/or non-controversial in nature, and may be voted upon by the Commission in one motion as listed below.

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

Agenda items not scheduled for a specific time may be considered at any time during the meeting, at the Commission's discretion. However, time certain items will not be considered by the Commission earlier than the time listed for those items, although those items may be taken up at a later time.

The following items on this agenda are time certain items.

**1:00 PM - Items - 21 thru 24**

**1:15 PM - Items - 25 thru 27**

**1:30 PM - Items - 28 thru 29**

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

**CONSENT AGENDA**

(Items #5 thru 20)

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 CLERK**

5. [R-2018-304](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of May 2, 2018.

**Attachments:** [Resolution - min- 05-02-18.doc](#)  
[May 2 2018 minutes.pdf](#)

6. [R-2018-305](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of May 16, 2018.

**Attachments:** [Reso approving May 16 2018 minutes.doc](#)  
[May 16 2018 minutes.pdf](#)  
[Biederman conflict May 16 2018.pdf](#)

7. [R-2018-306](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Special City Commission Meeting Minutes Of May 22, 2018.

**Attachments:** [RESO-min-special.doc](#)  
[May 22 2018 minutes.pdf](#)

#### OFFICE OF HUMAN RESOURCES

8. [R-2018-307](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Revising The Comprehensive Pay Plan For Non-Represented Employees.

**Attachments:** [FY 19 Resolution Revising the Comprehensive Pay Plan for Non-Represented F](#)  
[FY 19 Compensation Plan](#)  
[FY 19 Compensation Plan strikethrough version](#)  
[BIS 18-288.doc](#)

#### COMMUNITY DEVELOPMENT DIVISION

9. [R-2018-308](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute Two Declarations Of Restrictive Covenants With Broward County To Place Age And Affordable Housing Restrictions On The Adams Street Property Relating To The Pinnacle At Peacefield Affordable Rental Housing For Seniors.

**Attachments:** [Pinnacle Reso Restricted Covenants FINAL.docx](#)  
[Exhibit A.pdf](#)  
[Restrictive Covenants \(Age Restricted\).pdf](#)  
[Restrictive Covenants \(Affordable Housing\).pdf](#)

#### ENGINEERING DIVISION

10. [R-2018-309](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Vacating A Portion Of A 3-Foot Electric Lights And Water Line Easement Located Within "W. B. Symmes Subdivision" Plat, In Connection With The Construction Of A New Residential Development, Subject To Conditions. (VA-18-02).

**Attachments:** [EN18-158 Reso.doc](#)  
[Exhibit A.pdf](#)  
[A Site Survey Page 1 of 2.pdf](#)  
[B Site Survey Page 2 of 2.pdf](#)  
[Location Map.pdf](#)  
[Pinnacle at Peacefield Site Plan 18-DP-01 .pdf](#)

**11. [R-2018-310](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Right-Of-Way License Agreement, With Notbychance, Inc. For Use Of The Public Right-Of-Way For Parking At 1321 South 30th Avenue, Based On A Four Year Term And First Year Annual Fee Of \$6,876.43, Payable Quarterly In Advance, Including An Annual Escalation In The Amount Of The License Plus An Increase Of Three Percent.

**Attachments:** [Notbychance Renewal Resolution 2017.doc](#)  
[Notbychance 2018 Agreement.docx](#)  
[Term Sheet - Notbychance ROW License Agreement.doc](#)  
[BIS 18-269.docx](#)

**DEPARTMENT OF FINANCIAL SERVICES****12. [R-2018-311](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Budgets Of Various Funds Of The Fiscal Year 2019 Operating Budget Adopted And Approved By Resolution R-2018-301; Revising Operating Revenues, Authorizing Budgetary Transfers And Adjustments, Reauthorizing And Re-Appropriating Certain Funding; And Providing An Effective Date.

**Attachments:** [Reso - rollovers.doc](#)  
[Exhibit 1.pdf](#)  
[Exhibit 2 Revised.pdf](#)  
[Exhibit 3.pdf](#)  
[Exhibit 4.pdf](#)  
[Exhibit 5 Revised.pdf](#)  
[Exhibit 6.pdf](#)  
[Exhibit 7.pdf](#)  
[Exhibit 8 Revised.pdf](#)  
[Exhibit 9.pdf](#)  
[Exhibit 10.pdf](#)  
[Exhibit 11 Revised.pdf](#)  
[BIS 18-295.doc](#)

**DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS**

13. [R-2018-312](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending Resolution No. R-2018-146 And Authorizing The Appropriate City Officials To Accept The Areawide Council On Aging Of Broward County, Inc. Grant, In The Amount Of \$228,000.00; Approving And Authorizing The Appropriate City Officials To Execute The Local Service Programs Contract, The Master Contract And Memorandum Of Understanding With The Areawide Council On Aging Of Broward County, Inc. To Provide Enhanced Senior Citizen Recreation Programs; And Further Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements.
- Attachments:** [RESO - Areawide Council on Aging of Broward County Inc Grant Elder Grant Exhibit 1 2018-2019](#)  
[F. Lippman JL118-29-2019](#)  
[F.Lippman JM018-29-2020](#)  
[Elder Grant MOU with Matrix](#)  
[TERM SHEET - ELDER GRANT 2018.doc](#)  
[BIS 18-291.doc](#)
14. [R-2018-313](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving Additional Extension Of The Existing Sublease Agreement Between JCD Golf Of Florida, Inc. And Nikki's On The Green, Inc., For The Operation Of Food And Beverage Services At Orangebrook Golf And Country Club To Coincide With The Existing Management Agreement Between The City And JCD Golf Of Florida, Inc.
- Attachments:** [RESO Nikki's Addl Extension2 OGGC2018.docx](#)  
[JCD renewal of contract 2018 \(2\).pdf](#)  
[Lease Extension Nikki's 2018 \(2\).pdf](#)  
[R-2011-215.pdf](#)  
[R-2014-286 JCD-Nikkis on the Green Expiring 09 15.pdf](#)  
[Term Sheet - JCD.doc](#)  
[BIS 18-294.docx](#)
15. [R-2018-314](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order To CXT, Inc. To Furnish And Install A Precast Restroom Building In The Amount Of \$145,112.87.
- Attachments:** [Reso Montella Park Restroom.docx](#)  
[Montella Park Agenda Package](#)  
[Term Sheet - cxt, inc..doc](#)  
[BIS 18-298R.doc](#)

**DEPARTMENT OF PUBLIC UTILITIES**

16. [R-2018-315](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Contract With TV Diversified, LLC For Construction Services Related To Lift Station W-27 Bypass And Valve Replacement, Located At 3145 Arthur Street, In The Amount Of \$568,852.02. (Project No. 18-8064)
- Attachments:** [01 Resolution - TV Diversified LS W-27 Bypass Valve Replacement.docx](#)  
[3 Contract - 8064 - TV Diversified, LLC.pdf](#)  
[4 Bid Tabulation 8064.pdf](#)  
[Term Sheet - TV Diversified, LLC.doc](#)  
[BIS 18-282.doc](#)
17. [R-2018-316](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Contract With Southeastern Engineering Contractors, Inc. For Construction Services Related To Lift Station E-4 Repair, Located In The S. 10th Avenue Right-Of-Way, North Of S. Southlake Drive, In The Amount Of \$204,247.00. (Project No. 18-8065)
- Attachments:** [01 Resolution - Southeastern Contract for Lift Station E-4 Repair.docx](#)  
[3 Contract 8065 S.E. Engineering Cont. Inc..pdf](#)  
[4 bid evaluation LS -E4 REPAIR.pdf](#)  
[Term Sheet - Southeastern Engineering Contractors, Inc..doc](#)  
[BIS 18-277.doc](#)
18. [R-2018-317](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Terminate The Proposed Contract With BLDM USA, LLC And To Execute A Contract With The Second Lowest Bidder, Intercounty Engineering, Inc., For Construction Services Related To Lift Station A-5 Upgrade Located At 333 Briarwood Circle, As Identified In The 2007/2008 Wastewater System Master Plan, In The Amount Of \$997,356.00. (Project No. 16-8062)
- Attachments:** [01 Resolution - Intercounty Contract for Lift Station A-5 Upgrade.docx](#)  
[02 Contract - Intercounty Engineering, Inc. Lift Station A-5 Upgrade \(8062\).pdf](#)  
[03 ATP - AECOM AEC 17-01 Lift Station A-5 Upgrade \(8062\) Executed.pdf](#)  
[04 Bid Tab - Lift Station A-5 Upgrade \(8062\).pdf](#)  
[05 Bid Relinquish - BLDM USA, LLC Lift Station A-5 Upgrade \(8062\).pdf](#)  
[06 Bid Honor - Intercounty Lift Station A-5 Upgrade \(8062\) REV.pdf](#)  
[Term Sheet - Intercounty Engineering, Inc..doc](#)  
[BIS 18-280.doc](#)

19. [R-2018-318](#) 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. TTH 16-01 With Tetra Tech, Inc. To Provide Additional Professional Engineering Services For The Investigation, Design Modification, Permit And Construction Services Related To Relocation Of The Horizontal Directional Drill Boring In The Amount Of \$16,150.00. (Project No. 15-5130).
- Attachments:** [01 Resolution - Tetra Tech Amendment to ATP TTH 16-01 \(15-5130\).docx](#)  
[3 Authorization to Proceed 5130 Amendment.pdf](#)  
[4 200-16428-16001-Amendment No 1\\_08-06-18 revised.pdf](#)  
[5 R-2016-247.pdf](#)  
[6 R-2015-364.pdf](#)  
[Term Sheet - Tetra Tech Work Order 16-01 - Amdt..doc](#)  
[BIS 18-278.doc](#)
20. [R-2018-319](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order With Sunstate Meter And Supply, Inc. For Cold Water Meters For An Estimated Annual Expenditure Of \$408,344.85.
- Attachments:** [01 Resolution - Sunstate Meter & Supply BPO for Cold Water Meters revised.d](#)  
[B003185 Sunstate Meter Water Meters Initial Term.docx](#)  
[bid F-4595-18-RL - Cold Water Meters Line Item Tab Report.pdf](#)  
[Packet for Bid F-4595-18-RL.pdf](#)  
[TERMSHEET SUNSTATE NEPTUNE METER BID COLD WATER METERS 2018.d](#)  
[BIS 18-290.doc](#)

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

21. [P-2018-056](#) Proclamation In Recognition Of Domestic Violence Awareness Month, October 2018.
- Attachments:** [Domestic Violence Month 2018.doc](#)
22. [P-2018-057](#) Proclamation Of October 2018 As National Breast Cancer Awareness Month In The City Of Hollywood.
- Attachments:** [Breast Cancer Awareness- 2018.doc](#)
23. [P-2018-058](#) Presentation By Joshua Kittinger, Human Resources Officer, Of Employees Hired July 1, 2018 Through September 30, 2018.
24. [P-2018-059](#) Presentation By Christopher Pratt, Fire Chief, On The Certificate Of Personal Recognition To Darien Munoz.

**1:15 PM TIME CERTAIN ITEM**

25. [PO-2018-19](#) An Ordinance Of The City Of Hollywood, Florida, Vacating A Portion Of The Platted Alley Lying Within Block 58 Of The Plat Of "HOLLYWOOD", Plat Book 1, Page 21; Providing A Severability Clause, A Repealer Provision, And An Effective Date. (VA-18-03)

**Attachments:** [EN18-165 Ord.doc](#)  
[Exhibit A Area to Vacate Sketch and Legal.pdf](#)  
[Location Map.pdf](#)  
[Proposed Easement Sketch and Legal.pdf](#)  
[Site Plan.pdf](#)  
[Survey.pdf](#)

*Engineering Division*  
*Second Reading*  
*No Changes Since First Reading*  
*Advertised Public Hearing*

**1:15 PM QUASI-JUDICIAL ITEM(S)**

*(Rules of Procedure Attached to Agenda)*

26. [PO-2018-17](#) An Ordinance Of The City Of Hollywood, Florida, Amending The Revised Artspark Village Master Development Plan As It Relates To Arstpark Village-B (Originally Approved By Ordinance No. O-2008-18, As Amended And Restated By Ordinance No. O-2011-12), Now Known As "Parc Place", Pursuant To The City's Zoning And Land Development Regulations. (17-DJPV-04)

**Attachments:** [1704\\_CC\\_Ordinance\\_2018\\_0905](#)  
[Exhibit A](#)  
[Attachment I Part I](#)  
[Attachment I Part II](#)  
[Attachment I Part III](#)  
[Attachment II](#)  
[Attachment III](#)  
[Attachment IV](#)

*Planning Division*  
*Second Reading*  
*No Changes Since First Reading*  
*Advertised Public Hearing*

27. [R-2018-320](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering Design And Site Plan Approval For The Construction Of A Multi-Phased Mixed-Use Development Project, Village-B Of The Arts Park Master Development Plan, Consisting Of 433 Residential Units, Approximately 21,000 Square Feet Of Retail Space And Associated Parking Including 786 Parking Spaces, Now Known As "Parc Place"; And Providing An Effective Date.

**Attachments:** [1704\\_CC\\_Resolution\\_2018\\_1003](#)  
[Exhibit A](#)  
[Exhibit B](#)

*Planning Division*



**1:30 PM TIME CERTAIN ITEM(S)**

28. [P-2018-051](#) Presentation By Greg Stuart And Paul Calvaresi, Broward Metropolitan Planning Organization, On The Status Of The Quiet Zone Designation In Broward County.  
*Continued From The September 5, 2018 Meeting*

29. [P-2018-060](#) Presentation By Barbara Markley, Chair, Gun Safety Committee, On The Broward League Of Women Voters Initiative "Lock It Up".

**ORDINANCE(S)**

30. [PO-2018-20](#) An Ordinance Of The City Of Hollywood, Florida, Amending Section 33.025 Of The Code Of Ordinances Relating To The Employees' Retirement Fund; Allowing Certain Members Of The Fund To Purchase Credited Service For Prior City Service.

**Attachments:** [openempbuyservice.doc](#)  
[BIS 18-297.docx](#)

*Office of the City Attorney*

*First Reading*

*Requires A 5/7ths Vote*

**REGULAR AGENDA**

31. [P-2018-061](#) Presentation By The Hollywood Police Department Regarding The Hollywood Homeless Task Force.

32. [P-2018-062](#) Presentation By The Hollywood Police Department Regarding Broadwalk Security Enhancements.

33. [R-2018-321](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Select Among Three Options For The 2019 Enhanced Services Agreement With The Hollywood Community Redevelopment Agency For Professional Services And Administrative Support In Various Matters.

**Attachments:** [CRA Enhanced Services Reso for City.doc](#)  
[Exhibit A Option 1 - 2019 AMENDED ENHANCED SERVICES AGREEMENT.d](#)  
[Exhibit B Option 2 - 2019 AMENDED ENHANCED SERVICES AGREEMENT.d](#)  
[Exhibit C Option 3 - 2019 AMENDED ENHANCED SERVICES AGREEMENT.d](#)  
[terenhancedservicescitycra.doc](#)  
[BIS 18-296.doc](#)

*Office of the City Attorney*

**34. [R-2018-322](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Sagaris Corp. For The "Colbert Elementary Safe Routes To School" Sidewalk Project In The Amount Of \$1,199,507.60; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

**Attachments:** [TMP -2018-467 REV Colbert SRTS Resolution \(002\).doc](#)  
[Exhibit A Sidewalk Grant .pdf](#)  
[Colbert Elementary SRTS CONTRACT ONLY .pdf](#)  
[Sagaris Corp Bid form.pdf](#)  
[Sagaris Corp 0300.pdf](#)  
[EN-16-030 Colbert Elementary SRTS LAP Div 1 Specs 00900.pdf](#)  
[Bid Tabulation 436921-1 Colbert SRTS EN 16-030.pdf](#)  
[G0V31 436921-1 Notice to Proceed 05152018.pdf](#)  
[G0V31 436921-1 Bid Concurrence Letter signed 08162018.pdf](#)  
[TermSheetSagarisColbertSidewalkProject2018.doc](#)  
[BIS 18-284.doc](#)

*Engineering Division*

**35. [R-2018-323](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing Two Members To The Marine Advisory Board.

**Attachments:** [Resolution MAB2018-19.docx](#)  
[Richard KniffinMAB App.pdf](#)  
[Chuck Smith MAB App.pdf](#)

*Department of Parks, Recreation and Cultural Arts*

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

**36. Commissioner Sherwood, District 6**

**37. Vice Mayor Case, District 1**

**38. Commissioner Hernandez, District 2**

**39. Commissioner Callari, District 3**

**40. Commissioner Blattner, District 4**

**41. Commissioner Biederman, District 5**

**42. Mayor Levy**

**43. City Attorney**

**44. City Manager**

**45. 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 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 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