

Regular City Commission Meeting

Wednesday, August 29, 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 - Item - 27

1:15 PM - Items - 28 thru 31

1:45 PM - Item - 32

2:00 PM - Item - 34

5:00 PM - Item - 38

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 26)

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-2018-247](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Increasing The Amount Authorized To Be Paid For FY 2018, Pursuant To The Current Agreement With Ogletree, Deakins, Nash, Smoak & Stewart, P.C., From \$80,000.00 To \$120,000.00.

Attachments: [raogletree.doc](#)
[terogletree.doc](#)
[BIS 18-236.docx](#)

6. [R-2018-248](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With Greenberg Traurig, P.A. For Legal Services In Utilities Matters, Increasing The Maximum Amount Of Fees For FY 2018 From \$200,000.00 To \$250,000.00; Authorizing The Appropriate City Officials To Execute An Agreement With Greenberg Traurig P.A. For Legal Services In Utilities Matters In An Amount Not To Exceed \$250,000.00 For FY 2019; And Approving An Amendment To The Fiscal Year 2018 Capital Improvement Program R-2017-289 Adopted September 27, 2017.

Attachments: [Reso for Legal Fees - Greenberg.doc](#)
[lagreenbergtraurigppinesfy18.pdf](#)
[lagreenbergtraurigppinesfy19.pdf](#)
[Exhibit A Greenberg.pdf](#)
[tergreenbergtraurigppines.doc](#)
[tergreenbergtraurigppinesfy2019.doc](#)
[BIS 18-239R.doc](#)

7. [R-2018-249](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Regarding Supplemental Distributions Made By The City's Pension Boards; Finding An Immediate Danger Or The Compromise Of Significant Legal Rights If A Court Proceeding Does Not Take Place Before The Florida Governmental Conflict Resolution Act Is Complied With.

Attachments: [rsuit13thcheck3boardssupermajority.doc](#)
Requires A 6/7th Vote

OFFICE OF THE CITY CLERK

8. [R-2018-250](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of April 4, 2018.

Attachments: [Resolution - min - 04-04-18.doc](#)
[April 4 2018 minutes.pdf](#)

9. [R-2018-251](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of April 18, 2018.

Attachments: [Resolution - min - 04-18-18.doc](#)
[April 18 2018 minutes.pdf](#)

OFFICE OF HUMAN RESOURCES

10. [R-2018-252](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Host Agency Agreement With The AARP Foundation For Joint Engagement In The Senior Community Service Employment Program.

Attachments: [Reso AARP Agmt 2018](#)
[AARP Agreement 2018](#)
[AARP COI 2018](#)
[teraarpscsep.doc](#)

11. [R-2018-253](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Negotiate A Global Settlement And Release With Claudio Loveras For A Workers' Compensation Claim In An Amount Not To Exceed \$12,000.00.

Attachments: [Resolution Claudio Loveras' Workers Compensation Settlement.doc](#)
[Loveras, Claudio Settlement Request.docx](#)
[BIS 18-252.docx](#)

12. [R-2018-254](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Negotiate A Settlement For Attorney's Fees For Mark McCann For A Workers' Compensation Claim In An Amount Not To Exceed \$26,000.00.

Attachments: [Resolution Mark McCann's Workers' Compensation Attorneys Fees Settlement.](#)
[BIS 18-253.docx](#)

13. [R-2018-255](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Approve A Settlement Of A Workers' Compensation Lien With Andreas Pantaloukas In The Amount Of \$6,951.41.

Attachments: [Resolution Andreas Pantaloukas' Workers' Compensation Lien Settlement.doc](#)
[Pantaloukas, Andreas DOI 083017 Lien Settlement Request.pdf](#)
[BIS 18-254R.docx](#)

DEPARTMENT OF DEVELOPMENT SERVICES

14. [R-2018-256](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Billboard Agreement With Blue Rooster Media, LLC. For The Replacement Of A Billboard To Be Located At 2930 Hollywood Boulevard.

Attachments: [Resolution Jaycees Property .docx](#)
[Exhibit A Billboard Agreement .pdf](#)
[Attachment I Charitable Contribution Agreement.pdf](#)
[TermSheetBlueRoosterJayceeBillboardAg2018.doc](#)
[BIS 18-248.docx](#)

ARCHITECTURE & URBAN DESIGN DIVISION**15. [R-2018-257](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking The Three Short-Listed Firms To Provide Professional Design/Engineering Services For A Citywide Vulnerability Assessment And Adaptation Plan; And Authorizing The Appropriate City Officials To Negotiate An Agreement With The Highest Ranked Firm.

Attachments: [Resolution.doc](#)
[Hazen and Sawyer.pdf](#)
[Atkins.pdf](#)
[Cummins.pdf](#)
[TermSheetProfDesignServicesRankingshortlist2018.doc](#)
[BIS 18-243.doc](#)

COMMUNITY DEVELOPMENT DIVISION**16. [R-2018-258](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Third Amendment To The HOME Agreement With HOPE South Florida, Inc. To Extend The Term Of The Agreement And Increase The Total Funding For Program Years 2017-2018 And 2018-2019 From \$439,000.00 To \$596,065.00; Amending The Fiscal Year 2018 Adopted Operating Budget (R-2017-288) For The Special Programs Fund (Fund 11); And Providing For An Effective Date.

Attachments: [reso - HOME agree third amend.doc](#)
[HOPE South Florida THIRD AMENDMENT rev \(2018\).doc](#)
[Exhibit 1 HOME agree HOPE SF.pdf](#)
[termhopesouth3rdamend.doc](#)
[BIS 18-237.doc](#)

17. [R-2018-259](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With HOPE South Florida, Inc. To Provide Tenant-Based Rental Assistance In An Amount Not To Exceed \$20,000.00 Using State Housing Initiatives Partnership Funds.

Attachments: [ResoHOPE South Florida TBRA.doc](#)
[HOPE Agreement.doc](#)
[TermSheetHopeSouthTenantBaased RentalProjectSHIPFUNDING2018.doc](#)
[BIS 18255.doc](#)

Requires A 5/7th Vote

18. [R-2018-260](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Sale Of City-Owned Property Located At 7508 Grant Court To Haydar Life Corporation In The Amount Of \$240,000.00; Authorizing The Appropriate City Officials To Execute A Residential Contract For Sale And Purchase Along With A Warranty Deed.

Attachments: [Reso 7508 Grant Ct Property Sale.docx](#)
[AS Sales Contract - Haydar Life Corp Contract_REV.pdf](#)
[7508 Grant Ct Appraisal_7 28 17.pdf](#)
[Second Appraisal_7508 Grant Ct.pdf](#)
[TERMSHEETCOSAC7508GRANTCOURTSALEPURCHASE#22018.doc](#)
[BIS 18-244.docx](#)

Requires A 5/7th Vote

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

19. [R-2018-261](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Apply For The 2018/19 Florida Recreation Development Assistance Program Grant To Renovate The Playground At Driftwood Community Center In The Approximate Amount Of \$158,200.00, And If Awarded, Accept the Award; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreement(s).

Attachments: [Reso FRDAP grant2018.docx](#)
[BIS 18-249.doc](#)

POLICE DEPARTMENT

20. [R-2018-262](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Apply For And If Awarded Accept The 2019/2020 Broward Boating Improvement Program Grant In The Amount Of \$50,000.00 From The Broward County Marine Advisory Committee To Assist With The Removal Of Derelict Vessels From The Waterways Within The City Limits, And If Awarded, Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreement(s).

Attachments: [Resolution.doc](#)
[Application.pdf](#)
[BIS 18-250.doc](#)

DEPARTMENT OF PUBLIC UTILITIES

21. [R-2018-263](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue The Attached Purchase Order To Thompson Pump & Manufacturing Co., Inc. For The Purchase Of Three Thompson Pumps In The Total Amount Of \$174,572.00.
- Attachments:** [01 Resolution - PO for Three Thompson Pumps \(Alleviate Excess Flooding\) re PO P235972.pdf](#)
[Piggyback - PO for Three Thompson Pumps \(Alleviate Excess Flooding\).pdf](#)
[TermSheetTHOMPSONPUMPPURCHASEPIGGYBACK2018REV.doc](#)
[BIS 18-242R.doc](#)
22. [R-2018-264](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve A Blanket Purchase Order With Cathedral Corporation For Bill Print And Mailing Services In An Estimated Annual Amount Of \$263,658.58.
- Attachments:** [01 Resolution - BPO to Cathedral for Bill Print & Mailing 2018 FINAL.doc](#)
[02 B003181 - BPO to Cathedral for Bill Print & Mailing 2018.pdf](#)
[03 Contract - BPO to Cathedral for Bill Print & Mailing 2018.pdf](#)
[04 COI - BPO for Cathedral for Bill Print & Mailing 2018.pdf](#)
[05 Piggyback - BPO for Cathedral for Bill Print & Mailing 2018.pdf](#)
[TERMSHEETCATHERALPIGGYBACKUTILITYBILLMAILINGSERV2018.doc](#)
[BIS 18-241.doc](#)
23. [R-2018-265](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue A Purchase Order To Solutionwerks Inc. For The Supply And Delivery Of A Reboiler-Condenser Heat Exchanger For The Cryogenic Plant At The Southern Regional Wastewater Treatment Plant In The Amount Of \$113,677.50; And Approving An Amendment To The Fiscal Year 2018 Capital Improvement Program.
- Attachments:** [01 Resolution - Solutionwerks Supply of Cryogenic Reboiler-Condenser.docx](#)
[02 Exhibit A - Solutionwerks Supply of Cryogenic Reboiler-Condenser \(9415\).pc](#)
[03 Proposal - Solutionwerks Supply of Cryogenic Reboiler-Condenser \(9415\).pc](#)
[TERMSHEETSSOLUTIONWERKSREBOILERCRYOGENIC2018.DOC](#)
[BIS 18-247.doc](#)
24. [R-2018-266](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Eagle Painting For The Painting Of Buildings And Structures At The Southern Regional Wastewater Treatment Plant In The Amount Of \$151,782.69; And Approving And Authorizing An Amendment To The Fiscal Year 2018 Capital Improvement Program. (Project No. 18-9096C).
- Attachments:** [01 Resolution - Eagle Painting of WWTP Buildings \(9096C\).docx](#)
[02 Exhibit A - Eagle Painting of WWTP Buildings \(9096C\) .pdf](#)
[03 Contract - Eagle Painting of WWTP Buildings \(9096C\).doc](#)
[04 Bid Tabulation - Eagle Painting of WWTP Buildings \(9096C\).pdf](#)
[TermSheetEAGLEPAINTINGWWTC2018BID.doc](#)
[BIS 18-240.doc](#)

25. [R-2018-267](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A License and Maintenance Agreement With Azteca Systems, LLC For The Acquisition Of Cityworks Server Asset Management Solution Premium Software And Maintenance And Technical Support Services For An Annual Amount Of \$60,000.00.

Attachments: [01 Resolution - Acquisition and License Agreement - Cityworks \(Azteca System\)](#)
[02 Agreement - Acquisition & License Agreement - Cityworks \(Azteca Systems\)](#)
[03 Quotation - Acquisition and License Agreement - Cityworks \(Aztec Systems\). TermSheetAZTECACITWORKSLICENSEMAINTENANCEAG2018.doc](#)
[BIS 18-245.doc](#)

26. [R-2018-268](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue An Authorization To Proceed With Work Order No. B&V 18-02 With Black & Veatch Corporation For The Phase I Implementation Of Cityworks Server Asset Management Solution Premium Software Within The Department Of Public Utilities In An Amount Not To Exceed \$388,852.00; And Approving And Authorizing An Amendment To The Fiscal Year 2018 Capital Improvement Program.

Attachments: [01 Resolution - ATP B&V 18-02 Phase I Implementation of Cityworks \(DPU\).doc](#)
[Exhibit A - ATP B&V 18-02 Phase I Implementation of Cityworks \(DPU\).pdf](#)
[02 ATP - ATP B&V 18-02 Phase I Implementation of Cityworks \(DPU\).doc](#)
[03 SOW - ATP B&V 18-02 Phase I Implementation of Cityworks \(DPU\).pdf](#)
[R-2017-283 ECSD Consulting Companies.pdf](#)
[TERMSHEETBLACKVEATCHCITYWORKSSOFTWAREPROJ.DOC](#)
[BIS 18-246.doc](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

27. [P-2018-044](#) Proclamation In Recognition Of Father Thomas O'Dwyer Day And Presentation Of Key To The City Of Hollywood, August 29, 2018.

Attachments: [Father Tom of Little Flower Day - 2018.doc](#)

1:15 PM TIME CERTAIN ITEM(S)

28. [PO-2018-13](#) An Ordinance Of The City Of Hollywood, Florida, Repealing Chapter 109a Of The Code Of Ordinances Entitled "Medical Marijuana Businesses". (18-T-29)

Attachments: [ORDINANCE.doc](#)
[ATTACHMENT I.pdf](#)
[ATTACHMENT II.pdf](#)

*Planning Division
First Reading
Advertised Public Hearing*

29. [PO-2018-14](#) An Ordinance Of The City Of Hollywood, Florida, Amending Article 2 Of The Zoning And Land Development Regulations, Entitled "Definitions", By Amending Section 2.2 "Terms Defined" By Revising The Definition Of Pharmacy To Include A Medical Marijuana Treatment Center Dispensing Facility; Defining A Medical Marijuana Treatment Center Dispensing Facility; Amending Article 3 Section 3.23 "Distance Separation Requirements" To Provide For The Separation Of Treatment Center Dispensing Facilities From Schools; And Providing For An Effective Date. (18-T-30)

Attachments: [ORDINANCE.doc](#)
[ATTACHMENT I.pdf](#)

*Planning Division
First Reading
Advertised Public Hearing*

30. [PO-2018-15](#) An Ordinance Of The City Of Hollywood, Florida, Amending The City's Adopted Comprehensive Plan By Amending The Land Use Element To Establish The Diplomat Activity Center Land Use Category; Amending The Future Land Use Element Map To Reflect Said Changes; And Providing For An Effective Date. (18-L-08)

Attachments: [1808_CC_Ordinance_LU_Element_2018_0829](#)
[Exhibit A](#)
[Attachment I](#)

*Planning Division
First Reading
Advertised Public Hearing*

1:15 PM QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

31. [PO-2018-16](#) An Ordinance Of The City Of Hollywood, Florida, Amending The City's Comprehensive Plan By Changing The Land Use Designation For Property Located At 3555 S. Ocean Drive From The Land Use Designation Of Medium/High Residential And General Business To Activity Center (Diplomat Activity Center); Amending The City's Land Use Map To Reflect Said Changes. (18-L-08)

Attachments: [1808_CC_Ordinance_Diplomat_LU_to_DAC_2018_0829](#)
[Exhibit A](#)
[Attachment I](#)

*Planning Division
First Reading
Advertised Public Hearing*

1:45 PM TIME CERTAIN ITEM

32. [P-2018-045](#) Presentation By Michael D. Futterman, Partner In Charge, Marcum LLP, To The City Of Hollywood, Fiscal Year 2017 Comprehensive Annual Financial Report And Fiscal Year Audit Results.

QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

33. [R-2018-269](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The “Hollywood Storage King” Plat, Being In The City Of Hollywood, Broward County, Florida, And Generally Located On The North East Corner Of Pembroke Road And South 22nd Avenue. (P-18-04)

Attachments: [1 Reso-Hollywood Storage King Plat.doc](#)
[2 Exhibit A-Hollywood Storage King Plat.pdf](#)
[3 Attachment A-Hollywood Storage King - County Comments DRR.pdf](#)
[4 Hollywood Storage King Proposed Site Plan.pdf](#)
[5 Hollywood Storage King Dedication Plan.pdf](#)

Engineering Division

2:00 PM QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

34. [R-2018-270](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering A Request For A Special Exception To Establish An Elementary School (Guidepost Montessori At Hollywood Beach) Located At 2402 Hollywood Boulevard And 118 S. 24th Avenue, Pursuant To The Provisions Of Article 5 Of The Zoning And Land Development Regulations. (18-CRR-44)

Attachments: [1844 Resolution 2018 0829.doc](#)
[Exhibit A](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)

Planning Division

REGULAR AGENDA

35. [P-2018-046](#) Presentation By Raelin Storey, Director, Communications, Marketing And Economic Development, Providing An Update On The Pilot Commercial Property Improvement Program (CPIP).
36. [P-2018-047](#) Presentation By Raheem Seecharan, Director, Information Technology, Regarding Update On Enterprise Resource Planning (ERP).

37. [R-2018-271](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The State Housing Initiatives Partnership Program Final Annual Report For Florida Fiscal Year 2015/2016, And Interim Annual Reports For Florida Fiscal Years 2016/2017 And 2017/2018 Pursuant To The State Housing Initiatives Partnership Program Act; Authorizing The Appropriate City Officials To Submit The State Housing Initiatives Partnership Program Final Annual Report For Florida Fiscal Year 2015/2016, And Interim Annual Reports For Florida Fiscal Years 2016/2017 And 2017/2018 To The Florida Housing Finance Corporation; Authorizing Appropriate City Officials To Execute All Required Documents; And Providing For An Effective Date.

Attachments: [RESOSHIPFINALREPORTANDAR2018.doc](#)
[SHIP AR.pdf](#)
[BIS 18-238.doc](#)

*Community Development Division
Advertised Public Hearing*

38. **5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**

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

39. Commissioner Callari, District 3
40. Commissioner Blattner, District 4
41. Commissioner Biederman, District 5
42. Commissioner Sherwood, District 6
43. Vice Mayor Case, District 1
44. Commissioner Hernandez, District 2
45. Mayor Levy
46. City Attorney
47. City Manager
48. 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