

## **Regular City Commission Meeting**

**Wednesday, June 21, 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***

***Alan Fallik, Acting 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 - Items - 19 thru 20**

**1:30 PM - Item - 21**

**2:00 PM - Item - 22**

**3:00 PM - Item - 23**

**4:15 PM - Item - 24**

**4:45 PM - Item - 25**

**5:00 PM - Item - 33**

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 CLERK**

5. [R-2017-162](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of September 7, 2016.

**Attachments:** [Resolution - min - 9-7-16.doc](#)  
[September 7, 2016 minutes.pdf](#)  
[Hernandez conflict September 7 2016 meeting.pdf](#)

6. [R-2017-163](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Special City Commission Meeting Minutes Of September 14, 2016.

**Attachments:** [RESO-min-special 09-14-16.doc](#)  
[September 14, 2016 minutes 111.pdf](#)

7. [R-2017-164](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of September 21, 2016.

**Attachments:** [Resolution - min- 09-21-2016.doc](#)  
[September 21, 2016 minutes.pdf](#)

8. [R-2017-165](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Special City Commission Meeting Minutes Of September 28, 2016.

**Attachments:** [RESO-min-special 09-28-2016.doc](#)  
[September 28, 2016 minutes.pdf](#)

#### OFFICE OF THE CITY MANAGER

9. [R-2017-166](#) 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, Between Greg Salsburg D/B/A Penn Dutch Food Center (Licensee) And The City Of Hollywood, (Licensor), For Use Of The Public Right-Of-Way For Parking At 3950 North 28th Terrace, Based On A Four Year Term And First Year Annual Fee Of \$6,067.44, Payable Quarterly In Advance, With An Annual Increase Of Three Percent (3%).

**Attachments:** [Renewal Resolution 2017.doc](#)  
[ROW agreement 2017.doc](#)  
[Term Sheet - Salsburg d.b.a Penn Dutch Food Center - ROW LICENSE AGREEMENT 17-179.doc](#)

10. [R-2017-167](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Installation Of Solar Powered Yellow School Zone Indicator Lights To “End School Zone” Signs By The Broward County School District; Providing For Severability, Providing For Conflicts; And Providing For An Effective Date.

**Attachments:** [Resolution re end school zone signs lights 2017 REV.docx](#)

11. [R-2017-168](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, To Reaffirm Commitment To Climate Action And The Climate Goals Set Out In The City’s Sustainability Action Plan, To Support The Principles And Goals Of The Paris Agreement, And To Continue To Implement Actions To Meet Established Climate Mitigation Goals.

**Attachments:** [Resolution to reaffirm climate action commitment.docx](#)

12. [R-2017-169](#) 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 Between Robert L. And Barbara A. Marks And The City Of Hollywood For The Location Of A CBS Decorative Wall Within The Right-of-Way For South North Lake Drive, For A License Fee Of \$200.00 And A Ten (10) Year Term.

**Attachments:** [2017 Resolution.docx](#)  
[2017 Agreement.docx](#)  
[Term Sheet - Right of Way License Agreement - Marks.doc](#)  
[BIS 17-195.doc](#)

#### ARCHITECTURE & URBAN DESIGN DIVISION

13. [R-2017-170](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve A Change Order In The Amount Of \$84,055.00 For Structural Integrity Contractors Inc. For Unforeseen Structural Repairs To The Van Buren Parking Garage And To Amend The Approved Fiscal Year 2017 Capital Improvement Program, As Set Forth In Exhibit A.

**Attachments:** [Resolution 2 - Structural Repairs.doc](#)  
[Exhibit A Van Buren.pdf](#)  
[Change Order #1.pdf](#)  
[Term Sheet - Structural Integrity Contractors, Inc. Change Order No. 1.doc](#)  
[BIS 17-204.doc](#)

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

14. [R-2017-171](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Amended And Restated Agreement For Beach Services On Hollywood Beach Between Margaritaville Hollywood Beach Resort, LLC And The City Of Hollywood.

**Attachments:** [RESOMARGARITAVILLEAMENDEDEDANDRESTATEDBEACHSERVICESJUNE MargaritavilleAMENDEDEDANDRESTATEDBEACHSERVICESAGFINALLEGISTATERMSHEETMARGARITAVILLEAMENDEDEDRESTATEDBEACHSERVICES.AG](#)

#### POLICE DEPARTMENT

15. [R-2017-172](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order Between Kina Group D/B/A All Uniform Wear And The City Of Hollywood For The Purchase Of Police Uniforms In An Estimated Annual Expenditure Of \$99,022.00.

**Attachments:** [Res Police Department Uniforms 2017.doc](#)  
[Police Department Uniforms - BPO.pdf](#)  
[Police Department Uniforms - Backup.pdf](#)  
[TermSheetKINAGROUPPOLICEUNIFORMBID2017.DOC](#)  
[BIS 17194.doc](#)

16. [R-2017-173](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Expenditure Of Federal (Justice) Law Enforcement Forfeiture Funds Pursuant To The Federal Comprehensive Crime Control Act Of 1984 For The Purchase Of Two (2) Ford T350 Transport Vans, Emergency Light Packages, And Interior Vehicle Equipment In An Amount Not To Exceed \$112,000.00 To Be Utilized By The Police Department's Swat Team; Approving And Authorizing The Issuance Of A Purchase Order Between The City And Garber Ford For The Purchase Of The Two 2017 Transit Cargo Vans In The Amount Of \$65,994.00; Approving And Authorizing The Issuance Of A Purchase Order Between The City And Emergency Vehicle, Inc. For The Purchase Of Interior Vehicle Equipment In An Amount Not To Exceed \$38,005.00; And Amending The Fiscal Year 2017 Operating Budget (R-2016-284) As Outlined In Exhibit 1.

**Attachments:** [Res SWAT van-Interior-Lighting-LETF Funds.doc](#)  
[SWAT Vans Exhibit 1.pdf](#)  
[SWAT Vans - Interior Lighting - Backup.pdf](#)  
[TermSheetGarberFordSwatVans2017piggyback.doc](#)  
[TermSheetEmergencyVehicleIncinterioreqswatpiggyback.doc](#)  
[BIS 17193.doc](#)

17. [R-2017-174](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending Resolution No. R-2017-066 To Increase The Expenditure Of State Law Enforcement Forfeiture Funds To Defray Expenses/Costs Associated With The Seizure And Processing Of Forfeiture Cases From \$20,181.18 to \$70,181.18; And Amending The Fiscal Year 2017 Operating Budget (R-2016-284) As Outlined In Exhibit 1.

**Attachments:** [Amended Resolution.doc](#)  
[LETF Court Costs Exhibit 1.pdf](#)  
[Executed Resolution.pdf](#)  
[BIS 17191.doc](#)

#### DEPARTMENT OF PUBLIC UTILITIES

18. [R-2017-175](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Purchase Order Between Schwing Bioset And The City Of Hollywood For The Purchase Of Reactor Feed Pump Number 2 Parts For An Estimated Annual Amount Of \$73,428.27.

**Attachments:** [Reso - Schwing Bioset 2017.doc](#)  
[PO Number P226239 - Schwing Bioset.pdf](#)  
[NTSS-010-17 - Schwing Bioset.pdf](#)  
[Term Sheet - Schwing Bioset.doc](#)  
[BIS 17-188.doc](#)

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

19. [P-2017-038](#) Presentation By Christopher Pratt, Fire Chief, On The Citizens Lifesaving Award To Jose Cabrera, Samuel Rivera and Ryan Seilkop.
20. [P-2017-039](#) Presentation Of The "Charles F. Vollman Certificate Of Appreciation" Award By The Hollywood Council Of Civic Associations To Patricia Antrican.

**1:30 PM TIME CERTAIN ITEM**

21. [P-2017-040](#) Presentation By Raelin Storey, Director Of Public Affairs & Marketing, On The Visual Branding Concept And Theme For All Public Relations, Marketing And Collateral Materials Produced By And For The City Of Hollywood, Florida.

**2:00 PM TIME CERTAIN ITEM**

22. [R-2017-176](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Revocation Of The Live Music Extended Hours License Previously Issued To Amsterdam Bar And Restaurant, Pursuant To Section 113.26(D) Of The City Of Hollywood Code Of Ordinances.

**Attachments:** [Resolution.docx](#)  
[Notice to Appear.pdf](#)  
[Notice of Revocation.pdf](#)

*Advertised Public Hearing*

**3:00 PM QUASI-JUDICIAL ITEM**

*(Rules of Procedure Attached to Agenda)*

23. [PO-2017-12](#) An Ordinance Of The City Of Hollywood, Florida, Amending Ordinance No. O-76-25, The Hillcrest PUD Ordinance, As Amended By Resolution R-81-56, Ordinances O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11 And O-2016-10 By Amending Exhibit "A" Of O-2016-10 To Modify The Conditions To The Hillcrest PUD-R Modified Site Plan For Phase 2 Of The Previously Approved 645 Residential Units And Amenities, Including But Not Limited To The Golf Course. (15-JPZ-44a)

**Attachments:** [1544a JPZ CC Ordinance 2017 0621.doc](#)  
[1544a JPZ CC\\_HOLD HARMLESS.doc](#)  
[Attachment I](#)  
[Attachment II](#)  
[Attachment III Hillcrest Phasing Plan.pdf](#)

*First Reading*

*Advertised Public Hearing*

**4:15 PM TIME CERTAIN ITEM**

24. [P-2017-041](#) Presentation By Jorge Camejo, Executive Director Of The Hollywood, Florida, Community Redevelopment Agency, Regarding Findings Of The Young Circle Roadway Feasibility Study.

**4:45 PM TIME CERTAIN ITEM**

25. [P-2017-027](#) Presentation Of The Purple Heart Flag By George Caffrey, Master Sgt., The Elks Club In West Hollywood.

**ORDINANCE(S)**

26. [PO-2017-11](#) An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 119 Of The Code Of Ordinances Entitled "Vacation Rental License Program" To Revise The Definition Of A Vacation Rental, And To Require Compliance Inspections For Vacation Rentals; Providing For Severability; Providing For Conflicts; Providing For An Effective Date.

**Attachments:** [ORDINANCE - CHAPTER 119 - VACATION RENTALS - rev 5.doc](#)

*First Reading*

27. [R-2017-177](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending R-2015-328 To Increase The Application Fee For Vacation Rental Licenses Within The City Of Hollywood To \$500.00 And The Renewal Fee To \$350.00, And Establishing An Inspection Fee.

**Attachments:** [Reso - VRL fees rev 4.docx](#)  
[BIS 17-199.doc](#)

**REGULAR AGENDA**

28. [P-2017-042](#) Presentation By Michael D. Futterman, Partner In Charge, Marcum LLP, To The City Of Hollywood, Fiscal Year 2016 Comprehensive Annual Financial Report And Fiscal Year 2016 Audit Results.

29. [R-2017-178](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Contract Between Southeastern Engineering Contractors, Inc. And The City Of Hollywood, For 2017 Alley Resurfacing And Reconstruction Program Bid Number En-17-013 At Various Locations In The City Of Hollywood In The Amount Of \$1,159,138.40.

**Attachments:** [1 Resolution 2017 Alley Resurfacing and Reconstruction Program Final\(2\).doc](#)  
[3 Contract.pdf](#)  
[4 Bid Tabulation EN-17-013.pdf](#)  
[5 List of Alleys.pdf](#)  
[6 Map of Alleys.pdf](#)  
[7 Southeastern Engineering Contractors, Inc Proposal.pdf](#)  
[Term Sheet - Southern Engineering Contractors, Inc. - Alley resurfacing.doc](#)  
[BIS 17-197.doc](#)

30. [R-2017-179](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Expenditure Of Federal (Justice) Law Enforcement Forfeiture Funds Pursuant To The Federal Comprehensive Crime Control Act Of 1984 For The Purchase Of Six (6) Stalker Lidar RLR-C Radars And Five (5) Stalker SAM-R Speed Trailers In The Total Aggregate Amount Of \$49,990.00; And Amending The Fiscal Year 2017 Operating Budget (R-2016-284) As Outlined In Exhibit 1.

**Attachments:** [Resolution.doc](#)  
[Stalker radars and trailers Exhibit 1.pdf](#)  
[BIS 17196.doc](#)  
[terstalkerradar.doc](#)

31. [R-2017-180](#) 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 Between Ralph Hawkins D/B/A Sea Legs Marina, Inc. (Licensee) And The City Of Hollywood (Licensor), For Use Of The Public Right-Of-Way For Parking And Boat Dock Slips At 5398 N. Ocean Drive, Based On A Ten Year Term And First Year Annual Fee Of \$2,871.26, Payable Quarterly In Advance, And Subject To A Yearly Annual Escalation Of 3% And Includes A Onetime Additional Cost of \$1,300.00 For A Survey, Payable Fully Or Quarterly Within A Year.

**Attachments:** [Sea Legs Resolution-Final.doc](#)  
[SeaLegs\\_ROW\\_agreement\\_2017-Final \(2\).doc](#)  
[Franklin Street-Survey.pdf](#)  
[Term Sheet - Ralph Hawkins - Sea Legs Marina ROW License Agreement.doc](#)  
[BIS 17-198.doc](#)

32. [R-2017-181](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Five Year Consolidated Plan For Fiscal Years 2014-2015 Through 2018-2019 And Adopting A One Year Action Plan And Projected Use Of Funds For Federal Program Year 2017-2018.

**Attachments:** [Reso for action plan and amendment Rev.docx](#)  
[Exhibit A IDIS Download.pdf](#)  
[BIS 17201.doc](#)

*Advertised Public Hearing*

33. **5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**



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

- 34. Commissioner Case, District 1
- 35. Commissioner Hernandez, District 2
- 36. Vice Mayor Callari, District 3
- 37. Commissioner Blattner, District 4
- 38. Commissioner Biederman, District 5
- 39. Commissioner Sherwood, District 6
- 40. Mayor Levy
- 41. City Attorney
- 42. City Manager
- 43. 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