

## **Regular City Commission Meeting**

**Wednesday, May 1, 2019**

**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***

***Caryl Shuham, 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***

***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 - 18 thru 22**

**5:00 PM - Items - 23 thru 24**

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 17)

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 MANAGER

5. [R-2019-097](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Terminate The Interlocal Agreement With Broward County For Community Bus Service Financial Assistance Only.

**Attachments:** [RESO - CITY - COUNTY TERMINATION BCT GRANT ILA.docx](#)  
[ILA w Hollywood and County re Community Bus Service Financial Assistance.p](#)  
[BCT 1st Amendment and other amendments.pdf](#)  
[Hollywood October 2018 - September 2019 Extension.pdf](#)  
[letter to BCT re termination of grant ila.pdf](#)

*Requires A 5/7th Vote*

6. [R-2019-098](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Terminate The Interlocal Agreement With The Hollywood Community Redevelopment Agency For Community Bus Service And Transit Services.

**Attachments:** [RESO CITY-CRA ILA TERMINATION.docx](#)  
[Executed Agreement between COH and CRA for Trolley Services.pdf](#)  
[R-2016-103 COH and CRA for Trolley Services.pdf](#)

*Requires A 5/7th Vote*

#### OFFICE OF THE CITY ATTORNEY

7. [R-2019-099](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Condemning Airbnb, Inc.'s Decision To Remove From Its Platform Listings Of Rental Properties Located Within Israeli Settlements Established In Disputed Territory Within The West Bank; Encouraging State And Federal Governments To Penalize Airbnb For This Action; Prohibiting Reimbursement For Lodging Expenses Incurred By City Employees Who Book Their Lodging For Public Business Travel Through The Airbnb Platform; Directing The City Manager To Furnish A Copy Of This Resolution To The President Of The United States, To Governor Desantis, And To All Members Of Broward County's Congressional Delegation And State Legislative Delegation.

**Attachments:** [anti bds reso.doc](#)

8. [R-2019-100](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Designating Bond Counsel And Disclosure Counsel In Connection With The Issuance Of Its General Obligation Bonds; Authorizing The Appropriate City Officials To Execute An Engagement Letter With Greenberg Traurig, P.A. For Bond Counsel And Disclosure Counsel Services For Fees And Costs In The Estimated Amount Of \$230,750.00.

**Attachments:** [ragreenbergtraurigjob.doc](#)  
[agobgreenbergtraurig.pdf](#)  
[tergobgreebergtraurig.doc](#)  
[BIS 19-147.docx](#)

**OFFICE OF PUBLIC AFFAIRS & MARKETING**9. [R-2019-101](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With CBRE, Inc. For Real Estate Brokerage And Consulting Services, In An Amount Not To Exceed \$40,000.00, Based Upon The State Of Florida, Department Of Management Services Invitation To Bid No. DMS-12/13-007 And In Accordance With Section 39.40(C)(5) Of The Code Of Ordinances (Piggyback).

**Attachments:** [Resolution for CBRE Inc TMP 2019-230 BIS 19-150 \(003\)..doc](#)  
[DMS-1213-007A\\_CBRE Contract.pdf](#)  
[CBRE, Inc. Contract Amendment No. 1.pdf](#)  
[CBRE, Inc. Contract Amendment No. 2.pdf](#)  
[CBRE, Inc. ITN Response.pdf](#)  
[Term Sheet - CBRE, Inc..doc](#)  
[BIS 19-150R.docx](#)

**ENGINEERING DIVISION**10. [R-2019-102](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Architectural/Engineering Firms To Provide Architectural/Engineering Services For City Capital Improvement Projects; Authorizing The Appropriate City Officials To Execute Continuing Services Contracts With Each Of The Five Highest Ranked Firms.

**Attachments:** [EN19-055 Resolution RFQ AE Continuing Services.doc](#)  
[EN19-055 RFQ DS-09-009 Continuing Services Contract 2019.pdf](#)  
[EN19-055 Final Ranking 8 April 2019.pdf](#)  
[EN19-055 RFQ - Architectural Consultant 2019.pdf](#)  
[EN19-055 Bermello Ajamil Statement of Qualifications #1 .pdf](#)  
[EN19-055 Statement of Qualifications Brooks and Scarpa #2.pdf](#)  
[EN19-055 Cartaya and Associates Statement of Qualification # 3.pdf](#)  
[EN19-055 Joe Kaller Architecture.pdf](#)  
[EN19-055 Synalovski Romanik Saye Statement of Qualifications # 5 .pdf](#)  
[Interoffice Memorandum.doc](#)  
[Statement of Budget Impact 19-149.docx](#)

**DEPARTMENT OF INFORMATION TECHNOLOGY**

11. [R-2019-050](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Purchase Agreement And Maintenance Agreement With Express Radio, Inc., For The Purchase And Five Year Maintenance Of A Local Government UHF Radio System In An Initial Amount Not To Exceed \$850,000.00 And A Recurring Annual Amount Not To Exceed \$50,000.00 For Four Additional Years.

**Attachments:** [Reso Local Govt Radio Purchase bid\\_317702](#)  
[VERIFIED Express Radio Justification Letter 09 28 18](#)  
[COH MAINTENANCE AGREEMENT\\_G.docx](#)  
[MotorolaSolutionsAuthorizationandWarranty.pdf](#)  
[COH Purchase Contract-F-1.docx](#)  
[terexpressradio.doc](#)  
[BIS 19-110.doc](#)

**PARKING DIVISION**

12. [R-2019-103](#) A Resolution Of The City Commission Of the City Of Hollywood, Florida, Approving And Authorizing The Issuance Of A Blanket Purchase Order To T2 Systems Canada, Inc. For The Purchase, Installation, Web Hosting Services And Extended Warranty For 27 Multi Space Pay Stations In An Estimated Amount Of \$248,859.00.

**Attachments:** [Purchase of Nebraska Garage Meters 04-10-19.docx](#)  
[T2 meter quotes for Nebraska Garage.pdf](#)  
[Piggybacking Request Form 04-10-19.pdf](#)  
[TermSheetBPOT2SYSTEMSPIGGYBACK .doc](#)  
[BIS 19151.doc](#)

**POLICE DEPARTMENT**

13. [R-2019-104](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Safeware, Inc. For The Purchase Of An Automatic License Plate Recognition System And Associated Equipment In An Amount Not To Exceed \$53,976.00.

**Attachments:** [Resolution.doc](#)  
[Backup.pdf](#)  
[Term Sheet \(Piggyback\).doc](#)  
[BIS 19-145.docx](#)

14. [R-2019-105](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Money Laundering Task Force Memorandum Of Understanding With The Broward Sheriff's Office And Other Participating Law Enforcement Agencies.

**Attachments:** [Resolution.doc](#)  
[Money Laundering Task Force MOU.pdf](#)  
[Term Sheet.doc](#)

15. [R-2019-106](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept The Walmart Grant Program 2019 Grant Funds From Walmart Foundation To Defray The Cost Of Hollywood Police Department Programing, Such As Holiday Shop With A Cop, In An Amount Not To Exceed \$2,500.00; Amending The Fiscal Year 2019 Operating Budget (R-2018-301).

**Attachments:** [Resolution.doc](#)  
[Exhibit 1.pdf](#)  
[Application.pdf](#)  
[BIS 19146.doc](#)

#### **DEPARTMENT OF PUBLIC UTILITIES**

16. [R-2019-107](#) A Resolution Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The First Amendment To An Interlocal Agreement With Broward County, Florida, For The Planning, Design, And Permit Application Of A 12-Inch Reuse Line Extension To West Hollywood, To Extend The Project Completion Deadline Retroactively From September 2018 To June 30, 2019.

**Attachments:** [01 Resolution - Broward County ILA Amend 1 for Reuse Line Extension West H](#)  
[02 1st Amendment to Broward County ILA Reuse Line Extension West Hollywo](#)  
[03 Executed Broward County ILA Reuse Line Extension West Hollywood.pdf](#)  
[04 R-2016-356 Approving ILA with Broward County for Reuse Line Extension W](#)  
[TermSheetBrowardILAREUSELINEEXTENSIONWESTHOLLYWOODL.doc](#)  
[BIS 19-143.docx](#)

17. [R-2019-108](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The City Manager Or Designee To Execute Indemnification Agreements Or "Hold Harmless" Agreements For Purposes Of Law Enforcement Training.

**Attachments:** [Resolution.docx](#)

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

18. [P-2019-27](#) Recognition Of The May 2019 Diamond Service Award Nominees By The Diamond Service Award Selection Committee. Presentation Of The May 2019 Diamond Service Award Recipient By The Diamond Service Award Selection Committee. Presentation Of The May 2019 Team Diamond Award Recipients By The City Manager. Presentation Of The May 2019 Service Awards By Jennifer Solinger, Human Resources Administrator To 114 City And Two Community Redevelopment Agency Employees In Recognition Of Their Years Of Service.
19. [P-2019-28](#) A Proclamation In Recognition Of The 50th Annual Municipal Clerks Week, May 5-11, 2019.

**Attachments:** [Municipal Clerks Wk-2019.doc](#)

20. [P-2019-29](#) A Proclamation In Recognition Of Public Service Recognition Week, May 5 - 11, 2019, City Of Hollywood, Florida.  
**Attachments:** [05-01-19 Public Service Recognition Week.docx](#)
21. [P-2019-30](#) A Proclamation In Recognition Of The 71st Anniversary Of Israel's Independence Day, May 9, 2019.  
**Attachments:** [Israel Independence - 2019.docx](#)
22. [P-2019-31](#) Presentation Of Broward County, Florida's 2019 Partner In Water Conservation Award By Carol Maran, Water Resources Manager, Broward County, Florida.

**5:00 PM TIME CERTAIN ITEM(S)**

23. [P-2019-32](#) A Proclamation In Recognition Of Drinking Water Week, May 5 - 11, 2019.  
**Attachments:** [Drinking Water Wk -2019.doc](#)
24. [P-2019-33](#) Presentation Of Awards By Dawn "Ali" Parker, Public Utilities Outreach Coordinator, To The Winners Of The 2019 Water Conservation Poster Contest.

**QUASI-JUDICIAL ITEM(S)**

*(Rules of Procedure Attached to Agenda)*

25. [PO-2019-08](#) An Ordinance Of The City Of Hollywood, Florida, Waiving The 10 Acre Minimum Acreage Requirement For A Planned Development Districts Pursuant To Section 4.15 E.1. Of The Zoning And Land Development Regulations; Changing The Zoning Designation Of The Property Generally Located At 3701 Hillcrest Drive From PUD-R (Planned Unit Development-Residential) To PD (Planned Development District); Approving The Planned Development (PD) Master Development Plan For The Subject Property; Approving A Variance; Amending The City's Zoning Map To Reflect The Change In Zoning Designation. (18-DJPVZ-04a)

**Attachments:** [1804a Ordinance 2019\\_0501.doc](#)  
[EXHIBIT A.pdf](#)  
[EXHIBIT B.pdf](#)  
[Attachment I March 14 2019 Planning and Development Board Staff Report.pdf](#)

*Planning Division  
First Reading*

26. [R-2019-109](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving Plat Note Amendments To The Plat Notations On The “Hillcrest Country Club South” Plat, To Revise The Development Restrictions From 238 Single Family Homes And 256 Townhouse Units To 210 Single Family Homes And 284 Townhouse Units; Approving The Replat Of Hillcrest Country Club North, And The Replat of 1, 2 And 3 Of Hillcrest Country Club South And The Modifications To The Hillcrest Country Club Public Improvement Plan. (P-19-04)

**Attachments:** [EN 19-058-Resolution.doc](#)  
[EN19-058 Exhibit A Country Club North Replat.pdf](#)  
[EN19-058 Exhibit B Hillcrest Country Club South Replat 1 3.19.pdf](#)  
[EN19-058 Exhibit C Revised Public Improvement Replats2 .pdf](#)  
[EN19-058 Exhibit D Hillcrest Country Club South Replat 2 3.19.pdf](#)  
[EN19-058 Exhibit E PHC South Replat 3 - 3.19.pdf](#)

*Engineering Division*

27. [R-2019-110](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving Amendments To The Plat Notations On The “Harding Plaza II” Plat, Located At 1735 North Federal Highway, To Revising The Non-Vehicle Access Line Along The East Side Of North Federal Highway Of The Platted Property. (P-19-03)

**Attachments:** [Resolution.doc](#)  
[Exhibit A Location Map Harding Plat.pdf](#)  
[Exhibit B Existing NVAL Harding Plat.pdf](#)  
[Exhibit C Proposed NVAL Harding Plat.pdf](#)  
[Harding Plaza II Plat.pdf](#)  
[Overall Site Plan.pdf](#)  
[FDOT Pre-Application Letter.pdf](#)

*Engineering Division*

### **ORDINANCE(S)**

28. [PO-2019-09](#) An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 92 Of The Code Of Ordinances Entitled “Animals” To Amend Section 92.19 “Owners Responsible For Actions Of Dogs” To Define An “Owner” And To Clarify Language In Section 92.20 “Running At Large”.

**Attachments:** [ORDINANCE - Chapter 92 Owner Revisions.doc](#)  
[2018 Florida Statute Ch.767.pdf](#)

*Office of the City Attorney*

*First Reading*

29. [PO-2019-10](#) An Ordinance Of The City Of Hollywood, Florida, Creating Section 72.100 Of The Code Of Ordinances To Prohibit Parking Of Certain Vehicles On Public Property Except In Bicycle Racks, Docking Stations Or Similar Devices.

**Attachments:** [odocklessbikes.doc](#)

*Office of the City Attorney*

*First Reading*

30. [PO-2019-11](#) An Ordinance Of The City Of Hollywood, Florida, Amending Article 5 Of The Zoning And Land Development Regulations Entitled "Development Review Process" By Amending Section 5.3.I. Entitled "Design Procedures" To Revise The Design Criteria. (19-T-02)

**Attachments:** [1902 Ordinance 2019 0501.DOC](#)  
[Attachment I February 7, 2019 Planning and Development Board Staff Report.r](#)

*Planning Division*

*First Reading*

31. [PO-2019-12](#) An Ordinance Of The City Of Hollywood, Florida, Amending Article 4 Entitled "Schedule Of District, Use And Setback Regulations" By Amending Sections 4.1 And 4.2 To Clarify The Suitability Of Non-Conforming Lots; Amending Section 4.22 To Include Additional Standards Relating To Temporary Trailers And Similar Structures; Amending Section 4.3. To Provide For Additional Standards Relating To Carports; Providing For A Repealer Provision And A Severability Clause. (18-T-51)

**Attachments:** [1851 Ordinance 2019 0501.doc](#)  
[Attachment I December 13, 2018 Planning and Development Board Staff Repo](#)

*Planning Division*

*First Reading*

### **REGULAR AGENDA**

32. [R-2019-111](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking The Four Short-Listed Firms To Provide Consulting Services For Strategic Planning To Lead An Initiative To Develop A Stakeholder Driven, Citywide Vision And Strategic Business Plan; Authorizing The Appropriate City Officials To Negotiate And Execute An Agreement With The Highest Ranked Firm, And If Unable To Reach An Agreement, To Negotiate And Execute An Agreement With The Next Highest Ranked Firm, In Order, Until An Agreement Is Reached And Executed.

**Attachments:** [RESOSTRATEGICPLANFINALVER2.doc](#)  
[RFQ 4603-19-AP CONSULTING SERVICES FOR STRATEGIC PLANNING](#)  
[RFQ 4603-19-AP Oral Presentations Final Ranking.docx](#)  
[Whitehouse Proposal-WGi-CityOfHollywood-StrategicPlan-20180211](#)  
[ADG STRATEGY GROUP CITY OF HOLLYWOOD RFQ STRATEGIC PLANN](#)  
[Bronner Hollywood.FL Strategic Plan 1.29.19](#)  
[West Arlington Response to City of Hollywood FL RFQ 460319AP](#)  
[Dinocrates 20190201235921](#)  
[knowhowproposal](#)  
[Management Partners Hollywood Strategic Plan Proposal](#)  
[turnkey proposal](#)  
[terstrategicplanning.doc](#)  
[BIS 19144.doc](#)

*Office of the City Manager*

**33. [R-2019-112](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order And Execute An Addendum With Heil Engineered Process Equipment, Inc. For The Purchase Of Fan Model HCB-42 In The Total Amount Of \$102,875.00; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

**Attachments:** [01 Resolution - Heil PO for Sole Source Fan Equipment Revised.doc](#)  
[01A Exhibit A - Heil PO for Sole Source Fan Equipment.pdf](#)  
[02 Sole Source Justification - Heil PO for Fan Equipment 2019-02-14.pdf](#)  
[04 DPU Approval to Purchase - Heil PO for Fan Equipment 2019-02-05.pdf](#)  
[05 Heil Quote - PO for Fan Equipment 2019-02-04.pdf](#)  
[06 Heil Sole Source Letter - PO for Fan Equipment 2018-12-11.pdf](#)  
[Term Sheet - Heil Engineered Process Equipment, Inc..doc](#)  
[BIS 19-122R.docx](#)

*Public Utilities*

**34. [R-2019-113](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With OMB, LLC, For FY 2019 Sidewalk Construction And Miscellaneous Road/Rights-Of-Way Maintenance Work In An Amount Not To Exceed \$524,545.00.

**Attachments:** [Copy of Resolution for BIS 19-127 and TMP 2019-150 c0724365-936b-4982-bb](#)  
[3 Contract EN-19-007.pdf](#)  
[4 Bid Opening Summary.pdf](#)  
[5 Bid Tabulation EN-19-007.pdf](#)  
[10 Project Manual EN-19-007 Sidewalk Contract Part 1 \(Front End\) Inc Addend.](#)  
[11 Project Manual EN-19-007 Sidewalk Contract Part 2 \(Supplementary Condi](#)  
[6 Weekley Asphalt Paving, Inc..pdf](#)  
[7 Team Contracting, Inc..pdf](#)  
[8 OMB LLC.pdf](#)  
[9 Continental Construction LLC.pdf](#)  
[TERMSHEETBIDOMBSIDEWALK2019.DOC](#)  
[BIS 19-127.docx](#)

*Engineering Division*

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

- 35. Commissioner Biederman, District 5
- 36. Commissioner Sherwood, District 6
- 37. Commissioner Shuham, District 1
- 38. Commissioner Hernandez, District 2
- 39. Vice Mayor Callari, District 3
- 40. Commissioner Blattner, District 4
- 41. Mayor Levy
- 42. City Attorney
- 43. City Manager
- 44. 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.

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