

Regular City Commission Meeting

Wednesday, November 7, 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 - 26

1:15 PM - Items - 27 thru 28

1:30 PM - Item - 29

3:00 PM - Items - 30 thru 32

3:30 PM - Item - 33

4:00 PM - Item - 34

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 25)

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-2018-337](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Gwendolyn And Daniel Figueroa In The Amount Of \$190,000.00.

Attachments: [rsettlefigueroa.doc](#)
[BIS 19-015.docx](#)

6. [R-2018-338](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Consent To The Assignment Of The FY 2018 Agreement With The Law Offices Of Paul T. Ryder, Jr., P.A. To Weiss Serota Helfman Cole & Bierman, P.L. ("Weiss Serota"); Authorizing The Appropriate City Officials To Execute The Contract For Consulting/Professional Services With Weiss Serota For Legal Services For FY 2019 In An Amount Not To Exceed \$75,000.00.

Attachments: [raryderfy2018assignmentandfy2019rev.doc](#)
[aweissserotalaborfy19.doc](#)
[terweissserotalaborfy19.doc](#)
[BIS 19-018.docx](#)

OFFICE OF THE CITY CLERK

7. [R-2018-339](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Closure Of School Board Of Broward County Public Schools On Election Day Or The Relocation Of Voting Precincts From School Board Of Broward County Public Schools; And Providing For An Effective Date.

Attachments: [Res - Support for Closing School Voting Precints.docx](#)

8. [R-2018-340](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of June 6, 2018.

Attachments: [Resolution - min- June 6, 2018](#)
[June 6 2018 minutes.pdf](#)

9. [R-2018-341](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of June 20, 2018.

Attachments: [Resolution - min- June 20, 2018](#)
[June 20 2018 minutes.pdf](#)
[Biederman conflict June 20 2018 item 19.pdf](#)
[Biederman conflict June 20 2018 item 20.pdf](#)

OFFICE OF THE CITY MANAGER

10. [R-2018-342](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Contract with Hazen And Sawyer To Provide Professional Design/Engineering For A Citywide Vulnerability And Adaptation Plan In An Amount Not To Exceed \$109,327.00.

Attachments: [Reso Hazen Sawyer Contract \(002\).doc](#)
[CM 18-013 Professional Services Agreement .docx](#)
[Hollywood Adaptation Plan Revised Hours JJP-GR.pdf](#)
[Attachment A Scope of Work City of Hollywood 10-16-18 Draft Final.docx](#)
[BIS 19-023.doc](#)

OFFICE OF HUMAN RESOURCES

11. [R-2018-343](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Extend Blanket Purchase Order B002718 Issued To MD Now Medical Centers, LLC For 90 Days, Through January 31, 2019, At An Estimated Cost Of \$20,000.00, For Occupational Health Services.

Attachments: [RESO MD NOW.DOCX](#)
[B002718 MD Now 90 day.pdf](#)
[PR-18-205 MD Medical Center.pdf](#)
[teroccupationalhealth.doc](#)
[BIS 19-007.docx](#)

ENGINEERING DIVISION

12. [R-2018-344](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Official to Execute A Highway Maintenance Memorandum Of Agreement With The Florida Department Of Transportation (FDOT) For The Construction Of Sidewalk And Bicycle Lane Improvements By FDOT For Certain Projects Identified In The Five-Year Adopted Work Program Which Fall Within The City's Jurisdictional Right Of Way, More Specifically; Park Road, 35th Avenue, Polk Street, Rainbow Drive, Circle Drive, And Van Buren Street Bike Lanes, And Other Mobility Improvements Project Nos. 431770-5-52-01 And 431770-5-52-02.

Attachments: [En18-168 Park Rd. Mobility Project.doc](#)[Reso MOA.doc](#)
[431770-5_HMMA \(Legal Reviewed\).pdf](#)
[TermSheetFDOTHIGHWAYMAINTAGSIDEWALKBICYLANE2018](#)
[BIS 18-299.doc](#)

13. [R-2018-345](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Parklet Revocable License Agreement With Topsy Joe Corp., D/B/A Topsy Boar, For Use Of The Public Right-Of-Way Parking Space For Placement Of Parklet Seating Area Adjacent To The Property Located At 1906 Harrison Street In The Estimated Amount Of \$2,880.00.

Attachments: [EN19-003.doc](#)[Reso.doc](#)
[EN19-003 Parklet Revocable License-1906 Harrison St.docx](#)
[Survey Topsy Boar.pdf](#)
[insurance](#)
[Term Sheet - Parklet Revocable License - Topsy Boar.doc](#)
[BIS 19-017.docx](#)

14. [R-2018-346](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Consultant's Authorization To Proceed No. 4 With Lakdas/Yohalem Engineering, Inc. To Provide Additional Professional Engineering Services For Structural Engineering For The Van Buren Parking Garage In An Estimated Lump Sum Of \$46,320.00; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

Attachments: [RES LADKAS #4- Van Buren ATP .doc](#)
[Copy of Exhibit A Van Buren 2018.pdf](#)
[ATP#4.pdf](#)
[Term Sheet - Lakdas-Yohalem Engineering ATP No. 4.doc](#)
[BIS 19-019.doc](#)

15. [R-2018-347](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Apply For And If Awarded, Accept The Florida Department Of Environmental Protection Florida Resilient Coastlines Program Award, In A Total Aggregate Amount Not To Exceed \$619,675.00, To Implement Resiliency Improvements At The Marina Boat Ramp, And If Successfully Awarded, Committing The City To Fund \$169,675.00 For Project; Further Authorizing The Appropriate City Officials To Execute All Applicable Program Documents; Amending the Fiscal Year 2019 Adopted Operating Budget Per Resolution R-2018-301 For the General Capital Outlay Fund (Fund 34) if awarded.

Attachments: [Revised Resolution FDEP Marina Boat Ramp .doc](#)
[Exhibit 1 Boat Ramp Grant.pdf](#)
[FDEP Grant Application.docx](#)
[COH Marina Boat Launch Resiliency Project Cover Letter .pdf](#)
[Copy of FDEP Marina Boat Ramp Copy of Budget-Cost Analyst Form - Templa](#)
[Copy of MARINA BOAT RAMP ESTIMATE 10.12.18.pdf](#)
[PROPOSED-Model.pdf](#)
[BIS 19-025.doc](#)

PARKING DIVISION

16. [R-2018-348](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order Renewing The Agreement With Laz Florida Parking, LLC. For Cashiering Services For An Estimated Annual Expenditure Of \$275,750.40.

Attachments: [Res Laz Florida Parking 2018 1st Renewal.doc](#)
[Laz Florida Parking BPO.pdf](#)
[Laz Florida Parking Backup.pdf](#)
[Term Sheet - LAZ Florida Parking.doc](#)
[BIS 19-001.docx](#)

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

17. [R-2018-349](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Agreement Between The City And The Hollywood Art And Culture Center, Inc., For The Purpose Of Coordinating And Managing Cultural Arts Programming Services At Hollywood Central Performing Arts Center In The Amount Of \$70,000.00.

Attachments: [Reso HACCHCPAC2018-\\$70K](#)
[HACC-HCPACAGR 2018-\\$70K](#)
[Term Sheet - Art and Culture Center - \\$70,000.doc](#)
[BIS 19-014.doc](#)

Requires A 5/7ths Vote

18. [R-2018-350](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Miscellaneous Appropriations Grant Agreement Between The City And The Hollywood Art And Culture Center, Inc., For The Provision Of Cultural Services Through Visual Arts, Performing Arts And Educational Programming, In The Amount Of \$100,000.00.

Attachments: [Reso \\$100K ARTCULTURECENTER 2018-2019](#)
[HACC Misc App Agrmnt 2018 100k](#)
[Term Sheet - Art and Culture Center - Misc. Appropriations -\\$100,000.doc](#)
[BIS 19-013.doc](#)

POLICE DEPARTMENT

19. [R-2018-351](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements Required To Accept The Florida Department Of Transportation Subgrant Under The Safety Office Highway Safety Subgrant Program To Create An Initiative To Reduce Traffic Accidents Involving Fatalities And Injuries By Conducting Deliberate Enforcement Operations Targeting Speed And Aggressive Driving In The Amount Of \$40,000.00; Amending The Fiscal Year 2019 Adopted Operating Budget (R-2018-301) For The Police Grants Fund (Fund 13).

Attachments: [Resolution for Subgrant Agreement.doc](#)
[Exhibit 1.pdf](#)
[Speed and Aggressive Driving Subgrant Agreement.pdf](#)
[BIS 18300.doc](#)

20. [R-2018-352](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept 2018 Justice Assistance Grant Program Grant Funds Managed By The City Of Pompano Beach In Order To Purchase A Fixed Mount ALPR Dual Camera System And Associated Equipment In An Approximate Amount Of \$43,041.60; Further Authorizing Appropriate City Officials To Execute All Applicable Grant Documents And Agreements; If Awarded, Amending The Fiscal Year 2019 Adopted Operating Budget (R-2018-301) For The Police Grants Fund (Fund 13).

Attachments: [Resolution.doc](#)
[Exhibit 1 - 2018 JAG.pdf](#)
[Application Backup.pdf](#)
[Award Information.pdf](#)
[BIS 19006.doc](#)

21. [R-2018-353](#) 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, To Provide Funding For Law Enforcement Training, Law Enforcement Investigations (Inclusive Of Overtime, Confidential Informant Fees), And The Acquisition Of Law Enforcement Equipment In An Amount Not To Exceed \$300,000.00; Amending The Fiscal Year 2019 Adopted Operating Budget Per Resolution R-2018-301 For The Law Enforcement Forfeiture Fund (Fund 12).

Attachments: [Resolution.doc](#)
[Exhibit 1.pdf](#)
[BIS 19005.doc](#)

22. [R-2018-354](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Expenditure Of Law Enforcement Forfeiture Funds (Justice) For Costs Associated With Re-Accreditation Inspection In An Amount Not To Exceed \$12,395.00; Amending The Fiscal Year 2019 Adopted Operating Budget (R-2018-301) For The Law Enforcement Forfeiture Fund (Fund 12).

Attachments: [LEFF re-accreditation reso.docx](#)
[Exhibit 1.pdf](#)
[BIS 19022.doc](#)

DEPARTMENT OF PUBLIC UTILITIES

23. [R-2018-355](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order With Airgas Inc. For Liquid Oxygen For An Estimated Annual Expenditure Of \$291,450.00.

Attachments: [01 - Resolution - Airgas BPO B003189 for Liquid Oxygen.doc](#)
[B003189 Airgas USA.pdf](#)
[F-4594-18-RL Bid Tabulation.pdf](#)
[Packet for Bid F-4594-18-RL.pdf](#)
[Term Sheet - Airgas Inc. - Liquid Oxygen.doc](#)
[BIS 19-004.doc](#)

24. [R-2018-356](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Authorization To Proceed For Work Order Number LH-19-01 With Lighthouse Utility Consulting, Inc. For The Development Of FY 2018 Large User True-Up Related Reports And FY 2020 Large User Rate Estimate, In The Amount Of \$67,320.00. (Project No. 18-1326A).

Attachments: [01 Resolution - Lighthouse Utility FY18 LU True-Up & FY20 LU Rate Estimate.c](#)
[ATP - LH-19-01 Development of FY2018 LU True-Up Related Reports & FY202](#)
[Jonathan Varnes Proof Of Auto Coverage - Driver - 01-30-2018.pdf](#)
[Lighthouse - Contract Renewal 11-16-2018 to 11-15-2021.pdf](#)
[Lighthouse Proposal for FY 18 Large User True Up Activities 09.05.18.pdf](#)
[Lighthouse Utility - Certificate of Liability Insurance 02-01-2018 to 02-01-2019.](#)
[Lighthouse Workers Comp Exemption Letter 01-30-2018.pdf](#)
[R-2015-250 Rate Consulting-RFQ-4464-15-RL Signed 8-26-2015 .pdf](#)
[R-2017-321 Lighthouse Utility - Development of FY17 LU True-Up Related Rep](#)
[TERMSHEETLIGHTHOUSEUTILITYCONSULTATP208RATESREPORT.DOC](#)
[BIS 19-012.doc](#)

DEPARTMENT OF PUBLIC WORKS

25. [R-2018-357](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order To Rehrig Pacific Company For The Purchase Of 95 Gallon Refuse Collection Carts And 95 Gallon Recycling Collection Carts And Accessories For An Estimated Annual Expenditure Of \$185,500.00.

Attachments: [RESO RehrigPacificCarts.docx](#)
[B003191 Rehrig Pacific Initial Term.pdf](#)
[Piggybacking Request Form.pdf](#)
[Miami Dade Amendments.pdf](#)
[Miami Dade County Agreement.pdf](#)
[Miami Dade RFP Solicitation.pdf](#)
[TermSheetRehrigCarts2018.doc](#)
[BIS 19-008.docx](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

26. [P-2018-065](#) A Proclamation In Recognition Of Veterans Day, November 11, 2018.

Attachments: [Veterans Day Nov 2018.doc](#)

1:15 PM TIME CERTAIN ITEM(S)

27. [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
Second Reading
No Changes Since First Reading
Advertised Public Hearing

28. [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
Second Reading
No Changes Since First Reading
Advertised Public Hearing

1:30 PM TIME CERTAIN ITEM

29. [PO-2018-18](#) An Ordinance Of The City Of Hollywood, Florida, Amending Section 157.78 Of The Code Of Ordinances, Entitled “Minimum Maintenance Standards”, To Repeal The Regulations Relating To Provisional Parking Lots Within The Downtown And Beach Districts Of The Community Redevelopment Agency. (18-T-55)

Attachments: [1855 CC Ordinance ProvisionalParkingRepeal 2018 0905](#)

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

3:00 PM QUASI-JUDICIAL ITEM(S)

(Rules of Procedure Attached to Agenda)

30. [PO-2018-21](#) An Ordinance Of The City Of Hollywood, Florida, Changing The Zoning Designation Of The Property Generally Located East Of Southwest 40th Avenue On Southwest 49th Court From C-3 (Medium Intensity Commercial) To GU (Government Use); Amending The City's Zoning Map To Reflect The Change In Zoning Designation; And Providing For An Effective Date. (18-PZ-48)

Attachments: [1848 Ordinance 2018 1017](#)
[EXHIBIT A.pdf](#)
[Attachment I.pdf](#)
[Attachment II.pdf](#)

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

31. [R-2018-358](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Site Plan For A Communication Tower Generally Located East Of Southwest 40th Avenue On Southwest 49th Court As More Specifically Described In Exhibit "A"; And Providing An Effective Date. (18-PZ-48)

Attachments: [1848 Resolution 2018 1107.docx](#)
[EXHIBIT A.pdf](#)
[EXHIBIT B.pdf](#)

Planning Division

32. [R-2018-333](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Site Plan For A Communication Tower Located At 1200 Sheridan Street; And Providing For An Effective Date. (18-P-49)

Attachments: [1849 Resolution 2018 1017.docx](#)
[EXHIBIT A.pdf](#)
[EXHIBIT B.pdf](#)
[Attachment I.pdf](#)

*Planning Division
Continued From The October 17, 2018 Meeting*

3:30 PM TIME CERTAIN ITEM

33. [PO-2018-22](#) An Ordinance Of The City Of Hollywood, Florida, Amending The Zoning And Land Development Regulations By Amending Article 2 Entitled "Definitions" And By Repealing And Replacing Article 8 Entitled "Sign Regulations;" And Providing For Severability; Providing For Inclusion In The Code; Providing For Conflicts; And Providing For An Effective Date. (18-T-02)

*Staff Recommends Continuance To January 16, 2019 Meeting
First Reading
Advertised Public Hearing*

4:00 PM TIME CERTAIN ITEM

34. [P-2018-066](#) Presentation By Commissioner Traci Callari And The Youth Ambassadors On Their Experience At The 2018 Florida League of Cities Annual Conference And Program Updates.

QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

- 34A. [R-2018-366](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The "58 Oak" Plat, Being In The City Of Hollywood, Broward County, Florida, And Generally Located On The South East Corner Of Stirling Road And North 58th Avenue. (P-18-02).

Attachments: [EN19-008 Reso-Oak 58 Plat.doc](#)
[Exhibit A Oak 58 Plat.pdf](#)
[EN19-008 Exhibit B- Broward County Development Review Report.pdf](#)
[EN19-008 Oak 58 Plat Site Plan.pdf](#)

Engineering Division

REGULAR AGENDA

35. [R-2018-359](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Amendment To The Employment Agreement Between The City Attorney And The City.

Attachments: [R-CA-EVALU.doc](#)
[CA Overview 2018.docx](#)
[City Attorney.pdf](#)

Office of the City Attorney

36. [R-2018-360](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Amendment To The Employment Agreement Between The City Manager And The City.

Attachments: [R-CM-EVALU.doc](#)
[2018 Accomplishments FINAL-web.pdf](#)
[City Manager.pdf](#)

Office of the City Manager

37. [R-2018-361](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind The Renewal Policies For Primary And Excess Property Insurance, Public Officials' Liability Insurance, Boiler And Machinery Insurance, And Terrorism Insurance For A Not To Exceed Amount Of \$1,881,263.00, For Which Quotes Were Solicited By Arthur J. Gallagher Risk Management Services.

Attachments: [Resolution Renewal of Various Insurance Products.doc](#)
[Back up for Renewal of Various Insurance Products.pdf](#)
[terinsprev.doc](#)
[BIS 19-011R.docx](#)

Office of Human Resources

38. [R-2018-362](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Apply For And If Awarded, Accept The Broward Metropolitan Planning Organization's Complete Streets And Other Localized Initiatives Program Award, In A Total Aggregate Amount Not To Exceed \$6,000,000.00 To Implement Three Complete Street And Other Localized Initiatives Projects Filling In Sidewalk Networks And Other Pedestrian Safety Improvements Along City Maintained Local Streets Within The Following Areas: Johnson Street Mobility And Pedestrian Safety Improvements, N. 35th Avenue To N. 14th Avenue; North 22nd Avenue Complete Streets From Sheridan Street To S.W. 2nd Place (Co-Applicant With The City Of Dania Beach); And Sidewalk Construction Infill In The Area Bordered By State Road 7 To The West, N. 56th Avenue To The East, Taft Street To The South, And Sheridan Street To The North (West Park Road E Of SR 7 Sidewalk Network), Segments Infill N. 64th Avenue And Sheridan Street, And If Awarded, Committing The City To Fund \$720,000.00 Or 12% Of Total Cost For Project Contingencies For The Projects Together With The Applicable Operating And Maintenance Costs Once Complete; Further Authorizing Appropriate City Officials To Execute All Applicable Program Documents And Agreement(s).

Attachments: [Reso ENC19-004 CSLIP \(MPO\) Rev.doc](#)
[BIS 19010R.doc](#)

Engineering Division

39. [R-2018-363](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Interlocal Agreement With The Hollywood Community Redevelopment Agency Regarding The Sale Of Property To Pinnacle At Peacefield, Ltd.; Amending The Fiscal Year 2019 Adopted Operating Budget Per Resolution R-2018-301.

Attachments: [RESOCRACITYPINNACLEINTERLOCALAGREEMENTFINAL.docx](#)
[PINNACLEFINALLEGILAcracityloanforpinnacle rev.doc.docx](#)
[Exhibit 1 Pinnacle.pdf](#)
[TERMSHEETINTERLOCALAGREEMENTCRACITYPINNACLE.DOC](#)
[BIS 19026.doc](#)

Community Development Division

40. [R-2018-364](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Funding Agreement With Pinnacle At Peacefield, Ltd. To Provide Home And Neighborhood Stabilization 1 Program Funds And City Remaining Loan Funds In The Total Amount Of \$578,000.00, Along With Subordination Agreements And Associated Documents Necessary To Facilitate Development Of The Pinnacle At Peacefield Affordable Housing Project For Seniors On Adams Street.

Attachments: [PINNACLECOMBINED Resolution FINAL FINAL.doc](#)
[PINNACLEFINALAGREEMENTLEGISTAROCTOBER312018 DOC.docx](#)
[Executed Commitment Letter 2017-18.pdf](#)
[FHFC Local Govt Verification Signed.pdf](#)
[TERMSHEETPINNACLEFUNDINGAGREEMENT2018.DOC](#)
[BIS 19-027.doc](#)

Community Development Division

41. [R-2018-365](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering A Consent Decree Settlement With Greenbriar Apartment/Motel, Inc.

Attachments: [RESOSETTLEMENTGREENBRIAR \(3\).doc](#)
[Rev Consent Decree.doc](#)

Office of the City Attorney

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

- 42. Commissioner Hernandez, District 2
- 43. Commissioner Callari, District 3
- 44. Commissioner Blattner, District 4
- 45. Commissioner Biederman, District 5
- 46. Commissioner Sherwood, District 6
- 47. Vice Mayor Case, District 1
- 48. Mayor Levy
- 49. City Attorney
- 50. City Manager
- 51. 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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