

Regular City Commission Meeting

Wednesday, August 26, 2020
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

Kevin Biederman, Vice Mayor - District 5

Caryl Shuham, Commissioner - District 1

Peter Hernandez, Commissioner - District 2

Traci Callari, Commissioner - District 3

Richard Blattner, Commissioner - District 4

Linda Sherwood, Commissioner - District 6

Dr. Wazir Ishmael, City Manager

Douglas R. Gonzales, City Attorney

Patricia A. Cerny, City Clerk

COVID-19
MEETING AND PUBLIC COMMENT PROCEDURE

The City of Hollywood, Florida will be conducting a virtual Regular City Commission meeting at 1:00 PM on Wednesday, August 26, 2020 using Communications Media Technology ("CMT"). Florida Governor Ron DeSantis issued Executive Order No. 20-69 pertaining to conducting local government meetings while under the public health emergency related to the Novel Coronavirus Disease 2019 (COVID-19). In accordance with this order and due to a prohibition on public access to Hollywood City Hall because of the risk to public health, the City is offering a number of options for members of the public to view and participate in the meeting.

View Meeting Agenda:

- The Agenda will be posted on the City's website at the following location: <https://hollywoodfl.legistar.com/Calendar.aspx>
- The Agenda will be available on the City's website by the end of the business day on Thursday, August 20th.

Watch the Meeting:

- City's website: <https://www.hollywoodfl.org/WatchMeeting>
- Comcast Channel 78
- ATT U-Verse Channel 99

Submit a Public Comment for the Meeting:

- Any member of the public wishing to comment publicly on any matter, including specific agenda items and/or Citizens Comments may do so via the City's website or via telephone.
- Prior to 6:00 PM the day before the meeting, the public may submit their comments at the following link: <https://www.hollywoodfl.org/FormCenter/City-Clerk-12/City-Commission-Meeting-Public-Comment-F-170>
- Those without internet access or who may need additional assistance, may call the Office of the City Clerk at 954-921-3211 during normal business hours.
- Comments are limited to 400 words and/or 3 minute spoken maximum.
- The City Clerk will read the comments into the record during the meeting. All comments received during the submission period will become part of the public record.
- Comments left on voicemail machines, emailed, posted to the City's social media accounts or submitted after 6:00 PM the day before the meeting will not be accepted.

For additional information regarding the Regular City Commission Meeting, please contact Patricia A. Cerny, City Clerk at 954-921-3211 or via email at pcerny@hollywoodfl.org.

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.

1:15 PM - Item - 26
1:30 PM - Item - 27
1:45 PM - Item - 28
2:00 PM - Item - 29
5:00 PM - Item - 36

- 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-2020-171A](#)** A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement Between The City Of Hollywood And Dorothy Edwards In The Amount Of \$85,000.00.

Attachments: [RESO \(Dorothy Edwards\)](#)

Strategic Plan Focus Area:  **Financial Management & Administration**

6. [R-2020-172](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Expressing Its Intent Regarding The Annual Election Of The Vice-Mayor.

Attachments: [rvicemayor.docx](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

7. [R-2020-173](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Rules Of Procedure For The Governing Of City Commission Meetings.

Attachments: [rccrulesprocedure.doc](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

OFFICE OF THE CITY CLERK

8. [R-2020-174](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of March 4, 2020.

Attachments: [Reso Min March 4, 2020](#)
[March 4 2020 minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

9. [R-2020-175](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of April 22, 2020.

Attachments: [Reso Min April 22, 2020](#)
[April 22 2020 minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

COMMUNITY DEVELOPMENT DIVISION

10. [R-2020-176](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Execution Of A Subrecipient Agreement With Florida Housing Finance Corporation To Receive CARES Act Funding In The Amount Of \$592,500.00 To Provide Assistance To Eligible Recipients For Programs Related To The COVID-19 Emergency; Amending The Fiscal Year 2020 Operating Budget.

Attachments: [CRF Reso Rev.docx](#)
[CRF Exhibit 1 Rev.pdf](#)
[CRF Subrecipient Agreement.pdf](#)
[TermSheetFHCCARESACTFUNDINGSUBRECIPIENTAG.doc](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

11. [R-2020-177](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A First Amendment To The Agreement With HOPE South Florida, Inc. To Provide Rent And Utility Assistance Utilizing State Housing Initiatives Partnership Funds In An Amount Not To Exceed \$510,000.00.

Attachments: [Reso 1st Amendment Hope Rent and Utility.DOC](#)
[1st Amendment Hope Rent and Utility Agreement.DOC](#)
[TermSheetHOPESOUTHFIRSTAMENDMENTTOSHIPRENTANDUTILITYASSI](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

DEPARTMENT OF DEVELOPMENT SERVICES**12. [R-2020-178](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Partner With Memorial Health Care System ("Memorial") To Apply For The Rebuild Florida General Infrastructure Grant In The Amount Of \$2.5 Million For The Upgrade And Improvement Of A Lift Station, Force Main And Associated Infrastructure At An Estimated Total Project Cost Of \$4.3 Million And Fully Funded By Memorial, Generally Located At 3501 Johnson Street, Florida 33021.

Attachments: [Resolution_Memorial Rebuild FL Grant.docx](#)
[Memorial's Request Letter.pdf](#)
[Rebuild Florida Guidelines.pdf](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

DEPARTMENT OF FINANCIAL SERVICES**13. [R-2020-179](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Engage Any Combination Of The Three Highest Ranked Bond Underwriting Firms, To Serve As Members Of The City Of Hollywood's Bond Underwriting Team For An Initial Period Of Three Years, With Two Optional One Year Renewal Periods.

Attachments: [Resolution to Approve Award of the Underwriting Services RFQ.doc](#)
[Summary of Selection Committee Underwriter RFQ Responses Evaluations.pdf](#)
[Underwriter RFQ for BidSync Complete.pdf](#)

Strategic Plan Focus Area:  Financial Management & Administration

14. [R-2020-180](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Execution And Acceptance Of A Federally Funded Subaward And Grant Agreement With The State Of Florida Division Of Emergency Management For COVID-19; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements.

Attachments: [Reso Authorizing Grant FEMA COVID-19](#)
[City of Hollywood, FL - Subgrant Agreement - DR-4486 - COVID-19](#)
[City of Hollywood, FL - Risk Assessment Questionnaire - DR-4486 COVID-19](#)
[terfemareimbursement](#)

Strategic Plan Focus Area:  Financial Management & Administration

15. [R-2020-181](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Modification And Extension Of The Line Of Credit Agreement With City National Bank For A Three Year Term To Maintain A Line Of Credit Facility To Assist The City In Meeting The Costs Of Recovery In The Event Of A Disaster; Authorizing The Mayor To Execute Promissory Notes And The City Manager To Approve Draws Pursuant To The Line Of Credit Agreement.

Attachments: [01 - Resolution ELOC 2020](#)
[02 - Extension of Line of Credit Agreement 2020.DOCX](#)
[03 - EX A - Note for Line of Credit Agreement.pdf](#)
[04 - EX C - Draw Certificate.pdf](#)
[05 - CNB ELOC 3 Mo exp 20200831.pdf](#)
[06 - R-2017-156 w EXs.pdf](#)
[teremergencylineofcredit](#)

Strategic Plan Focus Area:  Financial Management & Administration

DEPARTMENT OF FIRE RESCUE & BEACH SAFETY**16. [R-2020-182](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying The Submission Of An Application To The Florida Department Of Health EMS Matching Grant; Authorizing Appropriate City Officials To Accept The Grant In The Amount Of \$32,635.00 For The Purchase Of 12 Nitrox Units, Including Nitrous Oxygen Mixer And Cylinders, With A City Match Of \$10,878.45; Authorizing Appropriate City Officials To Execute All Applicable Grant Documents And Agreements; Amending The Fiscal Year 2020 Capital Improvement Plan. (R-2019-284)

Attachments: [Resolution-Department of Health Grant.docx](#)
[Department of Health Grant Award.pdf](#)
[Florida DOH Grant for Nitrous - Exhibit 1.pdf](#)

Strategic Plan Focus Area:  Public Safety

17. [R-2020-183](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing And Approving The Appropriate City Officials To Issue A Purchase Order To Ten-8 Fire Equipment, Inc. For The Purchase Of A Pierce Velocity Heavy Rescue Hazardous Materials Unit For Fire Rescue And Beach Safety In The Total Amount Of \$970,560.00, Based Upon The Florida Sheriff's Association Cooperative Bid Solicitation No. FSA20-VEF14.02 In Accordance With Section 38.40(C)(5) Of The Purchasing Ordinance (Piggyback).

Attachments: [Resolution.doc](#)
[Ten-8 Fire Equipment DRAFT PO.pdf](#)
[Quote.pdf](#)
[Piggyback Request Form for FSA \(Ten-8\).pdf](#)
[Proposal Option List.pdf](#)
[Hollywood-Warranty-770MediaOptions.pdf](#)
[FSA Contract Award Letter.pdf](#)
[FSA Terms and Conditions \(1\)2020.pdf](#)
[Term Sheet \(Piggyback\)Ten 8.doc](#)

Strategic Plan Focus Area:  Public Safety

DEPARTMENT OF INFORMATION TECHNOLOGY**18. [R-2020-184](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A 12 Month Agreement With Motorola Solutions, Inc. For Maintenance Of The City's 800 MHz Radio Equipment In The Estimated Amount Of \$144,368.62.

Attachments: [Motorola Reso](#)
[Hollywood contract renewal package 10-1-2020.pdf](#)
[termotorola rev.doc](#)

Strategic Plan Focus Area:  Resilience & Sustainability

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS**19. [R-2020-185](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Accept The Areawide Council On Aging Of Broward County, Inc. Grant In The Amount Of \$228,000.00; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents; Amending The Fiscal Year 2020 Operating Budget. (R-2019-283)

Attachments: [Resolution TMP-2020-342.docx](#)
[Exhibit 1 TMP-2020-342.docx](#)
[HOLLYWOOD JM020-29-2023.pdf](#)
[HOLLYWOOD JL120-29-2021.pdf](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

20. [R-2020-186](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Amendment To Renew The License Agreement With MVHF, LLC, And The Hollywood Community Redevelopment Agency, For Five Years Under The Same Terms And Conditions, For The Property Identified As The Johnson Street Parcel.

Attachments:

[RESO - johnsonStreet - Margaritaville Amendment.docx](#)
[FIRST AMENDMENT to License Agreement Margaritaville \(DGS edits\)](#)
[04 - License Agreement Johnson Street Parcel - R-2011-014 CRA](#)
[R-2011-014 Part 1 or 3.pdf](#)
[R-2011-014 Part 2 or 3.pdf](#)
[R-2011-014 Part 3 or 3.pdf](#)
[Term Sheet - Margaritaville Beach Resort License Agreement Renewal.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

POLICE DEPARTMENT

21. [R-2020-187](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing A Donation Of Law Enforcement Forfeiture Funds Pursuant To Florida's Contraband Forfeiture Act In The Amount Of \$150,000.00 To Support Their Continued Safe Neighborhood And Crime Prevention Programs; Amending The Fiscal Year 2020 Operating Budget.

Attachments:

[Resolution.doc](#)
[Exhibit 1](#)

Strategic Plan Focus Area:  Public Safety

22. [R-2020-188](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The First Amendment To The Regional Interlocal Agreement With Broward County Providing For Cooperative Participation In A Regional Public Safety Intranet.

Attachments:

[First Amendment to E911 Participation Agreement Resolution](#)
[First Amendment to Agreement for Participation in E911 Communications System](#)
[Amendments to Participation Agreement for E911 Communications System 8-3- Executed Regional Interlocal Agreement \(RILA\)](#)

Strategic Plan Focus Area:  Public Safety

DEPARTMENT OF PUBLIC UTILITIES**23. [R-2020-189](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order Number ARC 20-04 With Arcadis US, Inc. To Provide Professional Engineering Services For The Steel Vessel Filters And Spiractors Evaluation, In A Lump Sum Amount Of \$72,850.00.

Attachments: [01 Resolution - ARC 20-04 Steel Filters and Spiractor Evaluations.docx](#)
[02 ATP - ARC 20-04 Steel Vessel Filters and Spiractors Evaluation.pdf](#)
[03 Proposal - ARC 20-04 Steel Vessel Filters and Spiractors Evaluation.pdf](#)
[04 R-2017-283 Agreement \(Executed\).pdf](#)
[05 R-2019-178 \(Executed\).pdf](#)
[TermSheetATPARCADISPROFENGSTEELVESSELFILTERSANDSPIRATOR](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

24. [R-2020-190](#)

A Resolution Of The City Commission Of The City of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order With Cathedral Corporation To Renew The Agreement For Utility Bill Print And Mailing Services In An Estimated Annual Amount of \$263,658.58.

Attachments: [01 Resolution - Cathedral Corporation Renewal 2020.doc](#)
[02 B003181 - PA 300000006758576 Draft BPO.pdf](#)
[03 Departmental Renewal Memo - Cathedral Corporation Renewal 2020.pdf](#)
[04 Hernando County Renewal - Cathedral Corporation Renewal 2020.pdf](#)
[05 Vendor Renewal Letter - Cathedral Corporation Renewal 2020.pdf](#)
[TermSheetCathedralCorpUtilityBillPrintMailServices1strenewal.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

25. [R-2020-191](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With Greenberg Traurig, P.A., For Legal Services In Utilities Matters, In An Amount Not To Exceed \$200,000.00 For FY 2021.

Attachments: [01 Reso - GreenbergTraurig FY2021.doc](#)
[02 FY21 Engagement Letter for GreenbergTraurig Legal Services.pdf](#)
[TermSheetProfServLegalGreenbergTraurigUtilitiesFY2021.doc](#)

Strategic Plan Focus Area:  Financial Management & Administration

1:15 PM TIME CERTAIN ITEM**26. [PO-2020-09](#)**

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 5.1. Entitled "General Provisions" To Establish Public Participation Outreach Process, And Amending Section 5.6 Entitled "City Commission Request For Review Of A Board Decision" To Revise The Timeframe For Such Review. (19-T-81)

Attachments: [1981 T Article 5 Ordinance 2020](#)
[Attachment I](#)

Second Reading

Advertised Public Hearing

Planning Division

Strategic Plan Focus Area:  *Communications & Civic Engagement*

1:30 PM TIME CERTAIN ITEM**27. [PO-2020-12](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending The City's Comprehensive Plan By Changing The Land Use Designation For Property Generally Located On The South East Corner Of Stirling Road And Compass Way From The Land Use Designation Of Industrial And Low Medium Residential (10) To Medium Residential (16); Amending The City's Land Use Map To Reflect The Changes. (20-L-09)

Attachments: [2009 Ordinance 2020 0826.DOC](#)
[Exhibit A.pdf](#)
[Attachment I_July 23, 2020 Planning and Development Board Staff Report and](#)

First Reading

Advertised Public Hearing

Planning Division

Strategic Plan Focus Area:  *Economic Vitality*

1:45 PM TIME CERTAIN ITEM**28. [PO-2020-10](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending The City Code Of Ordinances By Amending Title V, Public Works, Chapter 55, Rights Of Way Construction, Part I: Rights-Of-Way Construction And Administration, And Repealing In Its Entirety Chapter 55, Part II, Telecommunications And Open Video System Facilities Rights-Of-Way Usage Findings And Definitions; And Replacing It With A New Title V, Chapter 55, Entitled "Hollywood Communications Rights-Of-Way Ordinance;" Providing Intent And Purpose, Applicability And Authority To Implement; Providing Definitions; Providing For Registration For Placing Or Maintaining Communications Facilities In The Public Rights-Of-Way; Providing Requirement Of A Permit; Providing Application Requirements And Review Procedures; Providing For Bonds; Providing For Construction Methods; Providing Development And Objective Design Standards; Providing For Fees And Taxes; Providing Enforcement Remedies; Providing For A Severability Clause And A Repealer Provision And Providing For Codification.

Attachments: [Hollywood Comm ROW Ord and Amendment to Ch 55 Part I -7-30-20 4174684](#)

First Reading

Advertised Public Hearing

Engineering Division

Strategic Plan Focus Area:  *Infrastructure & Facilities*

2:00 PM TIME CERTAIN ITEM -- QUASI-JUDICIAL ITEM(S)

(Rules of Procedure Attached to Agenda)

29. [R-2020-192](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering A Request For An Amendment To The Design And Site Plan (Previously Approved By Resolution R-2016-282) For The Development Known As Young Circle Commons (Great Southern - Block 40). (02-DPVY-160c)

Attachments: [Resolution Block 40 2020 0826.doc](#)

[Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Attachment A_Application Package.pdf](#)

[Attachment B_Umsfae Structure Info.pdf](#)

[Attachment C_Previously Approved Reso and Ord.pdf](#)

Planning Division

Strategic Plan Focus Area:  *Economic Vitality*

ORDINANCE(S)

30. [PO-2020-13](#)

An Ordinance Of The City Of Hollywood, Florida, Adopting The Five Year Schedule Of Capital Improvements For Fiscal Years 2020-2024 As Part Of The City's Comprehensive Plan's Capital Improvement Element Pursuant To Section 163.3177, Florida Statutes. (20-L-10)

Attachments: [2010 Ordinance 2020 0826.DOC](#)
[Exhibit A.pdf](#)
[Attachment I July 23, 2020 Planning and Development Board Staff Report and](#)

First Reading

Planning Division

Strategic Plan Focus Area:  *Infrastructure & Facilities*

31. [PO-2020-14](#)

An Ordinance Of The City Hollywood, Florida, Amending Chapter 158 Of The Code Of Ordinances Entitled "Swimming Pools" To Revise The Enclosure Requirements.

Attachments: [2011 Ordinance 2020 0826.DOC](#)

First Reading

Planning Division

Strategic Plan Focus Area:  *Quality of Life & Strong Neighborhoods*

32. [PO-2020-11](#)

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 50, "Solid Waste And Recycling Management" Of The Code Of Ordinances To Update The Regulations To Be Consistent With The City's Collection Services Operations.

Attachments: [Chapter 50 Ordinance Amendment - First Reading.doc](#)

First reading

Department of Public Works

Strategic Plan Focus Area:  *Quality of Life & Strong Neighborhoods*

REGULAR AGENDA

33. [R-2020-193](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Reaffirming Its Approval Of Resolution No. R-2020-111 Amending The Citizen Participation Plan To Be Consistent With The Coronavirus Aid, Relief And Economic Security Act Regarding Public Comment And Public Hearings.

Attachments: [Reso Citizen Participation Plan.doc](#)
[Citizen Participation Plan Amendment Exhibit 1.doc](#)
[Citizen Participation Plan Exhibit 2.pdf](#)

Advertised Public Hearing

Community Development Division

Strategic Plan Focus Area:  *Quality of Life & Strong Neighborhoods*

34. [R-2020-194](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Repealing Resolution R-2020-112 And Amending The One Year Action Plan For Federal Program Fiscal Year 2019-2020 To Allocate \$739,276.00 Of Community Development Block Grant COVID-19 Funds; Amending The Fiscal Year 2020 Operating Budget

Attachments: [Reso Action Plan Amendment CDBG-CV.doc](#)
[Action Plan Amendment CDBG-CV Exhibit 1.pdf](#)

Advertised Public Hearing
Community Development Division
Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

35. [R-2020-195](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Reaffirming Its Approval Of Resolution No. R-2020-167 That Adopted The One Year Action Plan And Projected Use Of Funds For Federal Program Year 2020 Through 2021.

Attachments: [RESO One Year Action Plan 2020-2021.docx](#)
[One Year Action Plan 2020-2021.pdf](#)

Advertised Public Hearing
Community Development Division
Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

36. 5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**COMMENTS BY THE CITY COMMISSION, CITY ATTORNEY & CITY
MANAGER****37. Vice Mayor Biederman, District 5****38. Commissioner Sherwood, District 6****39. Commissioner Shuham, District 1****40. Commissioner Hernandez, District 2****41. Commissioner Callari, District 3****42. Commissioner Blattner, District 4****43. Mayor Levy****44. City Attorney****45. City Manager****46. 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 given 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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