

Regular City Commission Meeting

Wednesday, October 2, 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 - 16 thru 17**1:15 PM - Item - 18****1:30 PM - Item - 19****5:15 PM - Item - 20**

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 15)**

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 HUMAN RESOURCES

5. [R-2019-286](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Host Agency Agreement With The AARP Foundation For Joint Engagement In The Senior Community Service Employment Program.

Attachments: [Reso AARP Agmt 2019](#)
[aarp_agency_agmt.pdf](#)
[teraarpscsep2019.doc](#)

DEPARTMENT OF FINANCIAL SERVICES

6. [R-2019-287](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Fiscal Year 2020 Operating Budgets Of Various Funds As Adopted And Approved By Resolution R-2019-283.

Attachments: [Reso - Budget Amendment.docx](#)
[Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Exhibit 3.pdf](#)
[Exhibit 4.pdf](#)
[Exhibit 5.pdf](#)
[Exhibit 6.pdf](#)
[Exhibit 7.pdf](#)
[BIS 19-293.docx](#)

COMMUNITY DEVELOPMENT DIVISION

7. [R-2019-288](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Fourth Amendment To The HOME Agreement With HOPE South Florida, Inc. To Extend The Term Of The Agreement In Order For HOPE South Florida, Inc. To Provide Tenant-Based Rental Assistance To Eligible Participants In Hollywood.

Attachments: [REV_ResoHOPE8-28-19 Rev.](#)
[REV_agreeHOPE8-28-19 Rev.](#)
[TermSheetHOPESOUTHTENANTBASEDRENTALFOURTHAMENDMENT.doc](#)
[BIS 19-280.docx](#)

DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT

8. [R-2019-289](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Awarding A Construction Management At Risk Guaranteed Maximum Price Contract To State Contracting And Engineering Corporation In The Amount Of \$814,597.00 For Resiliency Improvement At The Polk Street Marina Boat Ramp; Authorizing The Appropriate City Officials To Execute A Construction Management At Risk Contract With State Contracting And Engineering Corporation.

Attachments: [Resolution.docx](#)
[CM@RiskPhase II CONTRACT PR 19-002 \(REV\).pdf](#)
[Marina Boat Ramp - DEP Grant Agreement.pdf](#)
[Resolution - SIGNED.pdf](#)
[En19-100 FINAL GMP 9.5.19.pdf](#)
[TermSheetStateContractingandEngCorpCMRpolkstreetmarina.doc](#)
[BIS 19-289.docx](#)

ENGINEERING DIVISION

9. [R-2019-290](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing A Declaration Of Restrictive Covenant With The Florida Department Of Environmental Protection For A Portion Of Right Of Way Of N. 19th Avenue, Being The East Half Of The Right Of Way Bound By The North And South Line Of Lot 1, Block 42, Extended To The Centerline Of The Right Of Way, "Hollywood", According To The Plat Thereof, As Recorded In Plat Book 1, Page 21 Of The Public Records Of Broward County, Florida, And Authorizing The Appropriate City Officials To Execute The Declaration Of Restrictive Covenant.

Attachments: [EN19-110 Resolution Approving Declaration of Restrictive Covenant on portion of EXHIBIT A.pdf](#)
[EN19-110 Revised - Declaration of Restrictive Covenant \(Icon Building\) - City c](#)

10. [R-2019-291](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Broward Metropolitan Planning Organization 2045 Metropolitan Transportation Plan For The Following Projects: SR822/Sheridan Street From Dixie Hwy To US1 Widening; US1/Young Circle Congestion Management Improvements To Replace Traffic Signals With Roundabouts; US-1/I-595 From SE 17th Street To I-595 To Improve Intersection Alignment And Add A Lane Westbound To The On Ramp, In Order To Be Included In The Florida Department Of Transportation Five-Year Adopted Work Program.

Attachments: [RESOMPOEN19-117 Reso.doc](#)

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

11. [R-2019-292](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept The 2019/2020 Children's Services Council Of Broward County Maximizing Out Of School Time Year - Round Grant To Conduct Four Youth Summer Camps And One After School Program In The Amount Of \$582,977.00; Authorizing The Required 12.5% Matching Funds To Be Paid From In-Kind Staff Services; Authorizing The Execution Of An Agreement With The Children's Services Council; Further Authorizing The Appropriate City Officials To Execute All Other Applicable Grant Documents And Agreement(s); And Amending The Fiscal Year 2020 Adopted Operating Budget (R-2019-xx) For The Special Revenue Fund (Fund 111).

Attachments: [Reso FY 2020 CSC Grant](#)
[Exhibit 1 - MOST Grant FY19-20 Special Program Fund 111.pdf](#)
[CSC Agreement 10.2019-09.2020](#)
[CSC Contract #17-2750 2017](#)
[CSC Contract #17-2750 2018 Renewal](#)
[BIS 19-286.docx](#)

POLICE DEPARTMENT

12. [R-2019-293](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Expenditure Of Federal Law Enforcement Forfeiture Funds (Treasury) Pursuant To The Federal Comprehensive Crime Control Act Of 1984 To Issue A Purchase Order To Alan Jay Fleet Sales For The Purchase Of Two Nissan Altimas, One Dodge Grand Caravan, One Nissan Pathfinder, One Jeep Grand Cherokee Laredo, And Associated Equipment In An Amount Not To Exceed \$127,000.00 Based Upon Sourcewell's Contract Number 2020-120716 NAF In Accordance With Section 38.40(C)(5) Of The City's Purchasing Ordinance (Piggyback).

Attachments: [Resolution.doc](#)
[Backup.pdf](#)
[BIS 19284.doc](#)

DEPARTMENT OF PUBLIC UTILITIES

13. [R-2019-294](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Intercounty Engineering, Incorporated For Construction Services Related To Stormwater Pump Stations SW-08 & SW-09 Valves Replacement In The Amount Of \$387,965.00; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

Attachments: [Resolution - Intercounty Contract for Valves Replacement \(SW8 & SW9\).docx](#)
[Exhibit A Valve Replacement SW 8 9 BIS 19-265](#)
[Contract - Intercounty Contract for Valves Replacement \(SW8 & SW9\).pdf](#)
[Bid Tabulation - Intercounty Contract for Valves Replacement \(SW8 & SW9\).pdf](#)
[Bid - Intercounty Engineering, Inc.pdf](#)
[Bid - V Engineering & Consulting Corp.pdf](#)
[TermSheetIntercountyBidconstructionsservvalverepacement.doc](#)
[BIS 19-265.pdf](#)

14. [R-2019-295](#) 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 With Pace Analytical Services, LLC. For Laboratory Testing, Analysis, And Field Sampling Services For An Estimated Annual Amount Of \$140,000.00 Based Upon Manatee County's Solicitation No. R-070458JE In Accordance With Section 38.40(C)(5) Of The City's Purchasing Ordinance (Piggyback).

Attachments: [Resolution - PACE Analytical Lab BPO for Analytical Services.docx](#)
[Agreement No. 19-R070458JE - PACE & Manatee Fully Executed.pdf](#)
[COI - PACE Analytical Lab BPO for Analytical Services.pdf](#)
[Piggyback - PACE & Manatee County BPO for Analytical Services.pdf](#)
[T&Cs - PACE & Manatee BPO for Analytical Services.pdf](#)
[Manatee Intent to Award - PACE for Lab Analytical Services.pdf](#)
[TermSheetBPOPACEANALYTICAL.DOC](#)
[BIS 19-282.docx](#)

15. [R-2019-296](#) 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 With Polydyne, Inc. For Dry Polymer Chemical Supply Services In An Estimated Annual Amount Of \$184,000.00 Based Upon The City's Bid No. F-4616-19-RL.

Attachments: [Resolution - Polydyne BPO for Dry Polymer Chemical Supply.doc](#)
[Bid Tab F-4616-19-RL - BPO for Dry Polymer Chemical Supply.pdf](#)
[Bid F-4616-19-RL - BPO for Dry Polymer Chemical Supply.PDF](#)
[Eval Checklist - Polydyne BPO for Dry Polymer Chemical Supply.pdf](#)
[TermSheetBPOPolydynechemicalsupplyservicesbid2019..doc](#)
[BIS 19-281.docx](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

16. [P-2019-69](#) A Proclamation In Recognition Of National Breast Cancer Awareness Month - October 2019.

Attachments: [10-02-19 Breast Cancer Awareness.doc](#)

17. [P-2019-70](#) A Proclamation In Recognition Of Domestic Violence Awareness Month - October 2019.

Attachments: [10-02-19 Domestic Violence Month.doc](#)

1:15 PM TIME CERTAIN ITEM

18. [PO-2019-21](#) An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 35 Of The Code Of Ordinances Entitled "Police And Fire Departments" To Revise The Regulations Relating To Extra-Duty Police Services; Providing For A Severability Clause And A Repealer Provision.

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

Second Reading
No Changes Since First Reading
Advertised Public Hearing
Police Department

1:30 PM QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

19. [PO-2019-23](#)

An Ordinance Of The City Of Hollywood, Florida, Amending The Revised Artspark Village Master Development Plan As It Relates To Arstpark Village-B Parc Place (Originally Approved By Ordinance No. O-2008-18, As Amended And Restated By Ordinance No. O-2011-12 And Revised By Ordinance No. O-2018-14), Pursuant To The City's Zoning And Land Development Regulations. (17-DPVJ-04a)

Attachments: [1704a CC Ordinance 2019 1002.doc](#)
[Exihbit A.pdf](#)
[Attachment I part I.pdf](#)
[Attachment I part II.pdf](#)
[Attachment I part III.pdf](#)
[Attachment II.pdf](#)
[Attachment III.pdf](#)
[Attachment IV.pdf](#)

First Reading
Planning Division

5:15 PM TIME CERTAIN ITEM**20. [R-2019-297](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Making Findings And Designating As A Brownfield Area Within The City Of Hollywood, Real Property Located At 2210 And 2110 Adams Street, Hollywood, Fl 33020, And Identified By Folio Nos. 514216011380 And 514216011460, Pursuant To Section 376.80(2) (C), Florida Statutes, For The Purpose Of Rehabilitation, Job Creation And Promoting Economic Redevelopment; Authorizing The City Of Hollywood To Notify The Florida Department Of Environmental Protection Of The Designation.

Attachments: [Resolution \(V2\) & Exhibits A & B.docx](#)
[Brownfield Area Designation Request for Pinnacle at Peacefield, Ltd.pdf](#)
[Noticing Information.pdf](#)
[BIS 19298.doc](#)

Advertised Public Hearing
Development Services

REGULAR AGENDA**21. [R-2019-298](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Settlement Agreement Implementing A Settlement With The Board Of Trustees Of The Employees' Retirement Fund.

Attachments: [rsettle13thcheckemployees.doc](#)
[asettle13thcheckemployeespensionbd.docx](#)
[R-2015-213.pdf](#)
[BIS 19297.docx](#)

Office of the City Attorney

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

22. Commissioner Shuham, District 1
23. Commissioner Hernandez, District 2
24. Vice Mayor Callari, District 3
25. Commissioner Blattner, District 4
26. Commissioner Biederman, District 5
27. Commissioner Sherwood, District 6
28. Mayor Levy
29. City Attorney
30. City Manager
31. **ADJOURNMENT**

Any person who wishes to speak must first complete a comment card from the City Clerk. Comment cards must be returned to the City Clerk within the first five minutes after the start of the agenda item. After being recognized, approach the podium, give your name and address, identify your client or clients (if applicable). A citizen's time is not transferable to any other person.

Citizens' Comments shall be held on the Third Wednesday of each month at the Regular City Commission Meeting in the City Commission Chambers, Room 219, at 5:00 PM.

Lobbyist registration is required if any person, firm or corporation is lobbying the City Commission on any petition or issue, pursuant to the Section 30.15 of the Code of Ordinances.

Any person wishing to appeal any decision made by this Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

Two or more members of the same city board, commission, or committee, who are not of this Commission, may attend this meeting and may, at that time, discuss matters on which foreseeable action may later be taken by their board, commission or committee.

Persons with disabilities who require reasonable accommodations to participate in City programs and/or services may call the Office of the City Manager five business days in advance at (954) 921-3201 (voice). If an individual is hearing or speech impaired, please call 1-800-955-8771 (V-TDD).

Disclosure Of Real Estate Interests And Business Relationships - When an agenda item involves the use or development of land, each member of the City Commission, the City Manager, the Assistant City Manager, the City Attorney, the Deputy City Attorney, and the director and assistant director(s) of each City department and City office shall disclose orally, at the time the City Commission begins to discuss the item, or in writing to the City Clerk prior to the publication of the agenda, any significant interest (as defined below) that such City official or employee or any relative of such City official or employee has in land located within 300 feet of the land that is the subject of the item. When an agenda item involves an invitation for bids, request for proposals, request for qualifications, request for letters of interest, or other competitive solicitation, each member of the City Commission, the City Manager, the Assistant City Manager, the City Attorney, the Deputy City Attorney, and the director and assistant director(s) of each City department and City office shall disclose orally, at the time the City Commission begins to discuss the item, or in writing to the City Clerk prior to the publication of the agenda, any client or business relationship that such City official or employee or any relative of such City official or employee has with any business entity that has submitted a response to the competitive solicitation. "Significant interest" means ownership of more than 5 percent of the value of the land.

Persons attending meetings shall remain seated at all times unless called upon to speak, will not call out comments during the meeting or make inappropriate hand or facial gestures.

Please silence all cell phones prior to entering the meeting.

QUASI-JUDICIAL HEARING PROCEDURES
AND RULES FOR EX-PARTE COMMUNICATIONS

I. Scope and Applicability. These procedures shall apply to all quasi-judicial hearings held by the City Commission or by any Board or Committee (hereinafter referred to as "Boards") which holds quasi-judicial hearings. The City Attorney shall determine which matters are quasi-judicial in nature and shall direct the City Clerk or Board liaison to designate specially such matters on the agenda.

II. Proceedings. Mayor, Vice Mayor or other presiding officer (hereafter, the "Presiding Officer") shall conduct the proceedings and maintain order. The City Attorney or legal advisor shall represent the City Commission or Board, rule on all evidentiary and procedural issues and objections, and advise the City Commission or Board as to the applicable law and necessary factual findings. Hearings shall be conducted informally, but with decorum. Formal rules of procedure shall not apply except as set forth herein; however, fundamental due process shall be accorded.

III. Unauthorized Communications. In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1), Florida Statutes, ex parte communications with City Commissioners or Board members in quasi-judicial matters is permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Commissioners or Board members:

1. The substance of any ex parte communication with a City Commissioner or Board member which relates to a quasi-judicial action pending before the Commission or Board is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

2. A City Commissioner or Board member may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Commission or Board shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. City Commissioners or Board members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1, 2 and 3 must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are give a reasonable opportunity to refute or respond to the communication.

IV. Witnesses and Supporting Materials. At least eight City business days before a

quasi-judicial hearing.

A. Staff shall prepare a report, recommendation and supporting materials, a copy of which shall be available to the applicant, appellant and to the public at the City Clerk's Office. Included in the supporting materials will be copies of all exhibits and documents upon which staff's recommendation is based.

B. The Applicant and the Appellant, if applicable, shall submit a detailed outline of the argument in support of their application, copies of all exhibits which will be presented at hearing and the names and addresses of all witnesses who will be called to testify in support of the application (including resumes for any witness the party intends to qualify as an expert).

C. The eight City business day deadline is necessary to ensure the Commission or Board members are given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Should the eight City business day deadline be missed by either staff or the Applicant, the item may be continued at the discretion of the City Commission or Board to the next available agenda.

V. Party Intervenors.

The City Attorney may allow a person to intervene as a Party Intervenor if they meet the following requirements:

A. The person must have an interest in the application, which is different than the public at large.

B. At least three days prior to the hearing, the person shall submit a written request to intervene including: a detailed outline of their interest in the application and argument in favor or against it, copies of all exhibits which will be presented at the hearing and the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert).

VI. Conduct of Hearing.

A. The Presiding Officer shall call the proceeding to order and announce that the hearing has begun.

B. The Presiding Officer, City Attorney or legal advisor shall inquire whether all parties, members of the public and Commission or Board members agree to waiving the quasi-judicial hearing.

C. When the quasi-judicial hearing is not waived, the City Attorney, legal advisor or Presiding Officer shall explain the rules concerning procedure, testimony, and admission of evidence.

D. When the quasi-judicial hearing is not waived, the City Clerk or staff liaison shall swear in all witnesses who are to testify at the hearing.

E. The order of proof shall be as follows:

1. A representative of the City's staff (or outside counsel) shall briefly describe the Applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 30 minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board member.

2. The Appellant, if applicable, (or his/her representative or counsel) shall present evidence and testimony in support of the application. Appellant shall have a maximum of 30 minutes to make its full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board member.

3. Any Party Intervenor (or his/her representative or counsel) shall present evidence and testimony in support of or opposed to the application. A Party Intervenor shall have a maximum of 30 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board Member.

4. The Applicant (or his/her representative or counsel) shall present evidence and testimony in support of the application. Applicant shall have a maximum of 30 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission or a Board member.

5. Any other persons present who wish to submit relevant information to the City Commission or Board shall speak next for a maximum of three minutes each (excluding any cross-examination or questions from the Commission or a Board member). Members of the public will be permitted to present their non-expert opinions, but the Commission or board will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent and substantial evidence.

6. The Appellant will be permitted to make final comments, if any (maximum of five minutes).

7. The Applicant will be permitted to make final comments, if any (maximum of five minutes).

8. The Party Intervenor will be permitted to make final comments, if any (maximum of five minutes).

9. The City's staff will make final comments, if any (maximum of five minutes).

10. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to the final Party Intervenor and staff comments and recommendations (maximum of three minutes).

G. The City Attorney or legal advisor will advise the City Commission or Board as to the

applicable law and the factual findings that must be made to approve or deny the application.

H. The City Commission or Board will conduct open deliberation of the application. The Presiding Officer shall have the discretion to reopen the proceeding for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a vote shall be taken to approve, approve with conditions or deny the application.

VII. Examination by Commissioners and City Attorney or Legal Advisor. Commissioners, Board members and the City Attorney or Legal Advisor may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

VIII. Cross-Examination of Witnesses. After each witness testifies, the City staff representative, the Applicant's representative, Appellant's representative, and/or the Party Intervenor's representative shall be permitted to question the witness, but such cross-examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

IX. Rules of Evidence.

A. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

B. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.

C. Documentary evidence may be presented in the form of a copy or the original. Upon request, parties shall be given an opportunity to compare the copy with the original.

X. Statements of Counsel. Statements of counsel, or any non-attorney representative, shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

XI. Continuances and Deferrals. The City Commission or Board shall consider requests for continuances made by City staff, the Applicant, the Appellant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission or Board, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the City Commission or Board may continue the matter to a time certain to allow for such research or review.

XII. Transcription of hearing.

A. The City Clerk or staff liaison shall preserve the official transcript of the hearing through tape recording and/or video recording.

B. The Applicant, Appellant or Party Intervenor may arrange, at its own expense, for a court reporter to transcribe the hearing.

C. The Applicant, Appellant or Party Intervenor may request that all or a part of the transcript of a hearing be transcribed into verbatim, written form. In such case, the Applicant, Appellant or Party Intervenor requesting the transcript shall be responsible for the cost of production of the transcription and the transcription shall become the official transcript.

XIII. Maintenance of Evidence and Other Documents. The Office of the City Clerk or staff liaison shall retain all of the evidence and documents presented at the hearing unless any such evidence is too large to be stored by the City Clerk or staff liaison. In that event, such evidence will be stored in the Community Planning and Development Department.

XIV. False Testimony. Any willful false swearing on the part of any witness or person giving evidence before the Commission or Board as to any material fact in the proceedings shall be deemed to be perjury and shall be punished in the manner prescribed by law for such offense.

XV. Failure of Applicant to Appear. If the Applicant, the Appellant or Party Intervenor or their representative fails to appear at the time fixed for the hearing, and such absence is not excused by the Commission or Board, the Commission or Board may proceed to hear the evidence and render a decision thereon in absentia.

XVI. Subpoena Power. The Applicant, the Appellant or Party Intervenor or City's staff shall be entitled to compel the attendance of witnesses through the use of subpoenas. All such subpoenas shall be issued by the City Clerk at the request of the Applicant, Appellant or City's staff.

R-2016-334, 11/2/2016