

Regular City Commission Meeting

Wednesday, May 3, 2017

1:00 PM

City of Hollywood



Hollywood City Hall
2600 Hollywood Blvd
Hollywood, FL 33020
<http://www.hollywoodfl.org>

Commission Chambers Room 219

CITY COMMISSION

Josh Levy, Mayor

Traci Callari, Vice Mayor - District 3

Debra Case, Commissioner - District 1

Peter Hernandez, Commissioner - District 2

Richard Blattner, Commissioner - District 4

Kevin Biederman, Commissioner - District 5

Linda Sherwood, Commissioner - District 6

Dr. Wazir Ishmael, City Manager

Jeffrey P. Sheffel, City Attorney

Patricia A. Cerny, City Clerk

NOTES

The City Manager places before the Commission for consideration the consent agenda items prepared by various offices and departments in the City.

The consent agenda consists of items that are routine and/or non-controversial, the items are voted upon by the City Commission in one motion.

The regular agenda consists of items that must be discussed or could be considered controversial, the items are voted upon by the City Commission individually.

Agenda items not scheduled for a specific time may be considered at any time during the meeting at the discretion of the Commission.

All time certain agenda items will not be considered by the Commission earlier than the time listed for the item, however, the item may be taken up at the same time listed or later in the meeting.

The following items on this agenda are time certain items.

1:00 PM - Items - 14 thru 18

1:15 PM - Items - 19 thru 20

1:45 PM - Items - 21 thru 22

2:00 PM - Item - 23

5:00 PM - Items - 24 thru 25

1. Moment of Silence
2. Pledge of Allegiance
3. Recognition of Veterans, Active Service Personnel & Their Families
4. Roll Call

CONSENT AGENDA

If a citizen wishes to comment on a specific item, he/she should submit a comment card to the City Clerk before the Commission approves the consent agenda.

OFFICE OF THE CITY CLERK

5. [R-2017-110](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of August 31, 2016.

Attachments: [Resolution - min- 08-31-16.doc](#)
[August 31, 2016 minutes.pdf](#)
[Hernandez conflict August 31 2016 item 32.pdf](#)
[Hernandez conflict August 31 2016 item 33.pdf](#)

OFFICE OF THE CITY MANAGER

6. [R-2017-111](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Refund Of Funds Remaining From Cities' Contribution To The Education Campaign For The 2016 Transportation And Infrastructure Surtax Referendum And Authorizes The MPO To Retain \$14,076.00 Of Hollywood's Refund As Payment Of The FY16 And FY17 Membership Fees And Return \$11,055.00 To Be Allocated Toward Small Capital Transportation Improvements.

Attachments: [RESSURTAXCAMPAIGNREFUND.docx](#)
[surtax_campaign_remaining_funds.pdf](#)
[2016 Membership Fee Invoice.pdf](#)
[2017 Membership Fee Invoice.pdf](#)
[BIS 17158.doc](#)

COMMUNITY DEVELOPMENT DIVISION

7. [R-2017-112](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Second Amendment To The Neighborhood Stabilization NSP-1 And NSP-3 Developer Agreement Between The City Of Hollywood And The Broward Alliance For Neighborhood Development, Inc. ("B.A.N.D.") To Facilitate B.A.N.D.'S Continued Acquisition, Rehabilitation, And Sale Of Foreclosed And Abandoned Properties Within The City Of Hollywood And Amending The Fiscal Year 2017 Operating Budget (R-2016-284) As Outlined In Exhibit 1.

Attachments: [Reso-BAND 2ND amendNSP1NSP2agreement2017 REV.doc](#)
[BANDNSP1NSP3DEVELOPERAGREEMENTSECONDAMEND2017.doc](#)
[Copy of BAND Amendment Exhibit 1.xlsx](#)
[TermSheetBandacquisitionforclosedpropdevag2ndamendment2017.doc](#)
[BIS 17159.doc](#)

Requires A 5/7th Vote

8. [R-2017-113](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving Execution Of The Attached Community Aesthetic Feature Agreement Between The City Of Hollywood And The Florida Department Of Transportation To Facilitate Installation Of Decorative Vinyl Art-Wrap Coverings On Traffic Signalization Controller Cabinets Located Throughout The City With Project Funding Provided By The Hollywood Community Redevelopment Agency And Further Authorizing Execution By The Appropriate City Officials Of Any Required Permit Documents Required By Broward County Government And Necessary For Approval And Implementation Of The Project.

Attachments: [Reso - Signal Cabinet Wraps FINAL REV 2.doc](#)
[Signal Cabinet Exhibit A.pdf](#)
[CAFA Draft Final Revised.pdf](#)
[Tabulation of Quotes.pdf](#)
[Term Sheet Signalization 2017.doc](#)
[BIS 17163.doc](#)

DEPARTMENT OF FINANCIAL SERVICES9. [R-2017-114](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached 2017 Amendment To The Interlocal Agreement Between The City Of Hollywood And Broward County Regarding The Local Option Gas Tax, Exhibit 1, The Attached 2017 Amendment To The Interlocal Agreement Between The City Of Hollywood And Broward County Regarding Additional Local Option Gas Tax On Motor Fuel, Exhibit 2, And The Attached 2017 Amendment To The Interlocal Agreement Between The City Of Hollywood And Broward County Regarding Additional Local Option Gas Tax On Motor Fuel For Transit, Exhibit 3.

Attachments: [Gasreso.doc](#)
[Exhibit 1.doc](#)
[Exhibit 2.doc](#)
[Exhibit 3.doc](#)
[tergastx.doc](#)
[tergstxa.doc](#)
[tergstxt.doc](#)
[BIS 17-157.doc](#)

DEPARTMENT OF INFORMATION TECHNOLOGY

10. [R-2017-115](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Purchase Order Between CDW-G And The City Of Hollywood For The Purchase Of Computers (PC's/Laptops) And Related Equipment For A Not To Exceed Of \$200,000.00.

Attachments: [REVISED RESO TMP-2017-203](#)
[CDW-G Purchase Order.pdf](#)
[CDW-G Backup.pdf](#)
[tercdwg.doc](#)
[BIS 17-162.doc](#)

DEPARTMENT OF PUBLIC UTILITIES

11. [R-2017-116](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order Between Aquifer Maintenance & Performance Systems, Inc. And The City Of Hollywood For Wellhead Maintenance In An Estimated Annual Amount Of \$103,700.00.

Attachments: [Reso Amps Wellhead.doc](#)
[B002982 Aquifer Maintenance and Performance Systems.pdf](#)
[Contract No. \(12\)C-21-H Annual Wellfield Maintenance Services.pdf](#)
[Term Sheet - Aquifer Maintenance and Performance Systems, Inc..doc](#)
[BIS 17-160.doc](#)

12. [R-2017-117](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Reject All Bids For Solicitation Number F-4540-17-RL For Wellhead Modifications.

Attachments: [Reso F-4540-17-RL WellHead Modifications - Rejection of Bids.doc](#)
[Department Bid Rejection memo WTP-17-03.pdf](#)
[Packet for Bid F-4540-17-RL.pdf](#)
[BIS 17-164.doc](#)

13. [R-2017-118](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order Between Allied Universal Corporation And The City Of Hollywood For The Purchase Of Sodium Hydroxide For An Estimated Annual Expenditure Of \$202,000.00.

Attachments: [Reso - Allied Universal Corp - Sodium Hydroxide.doc](#)
[B002979 Allied Universal.pdf](#)
[Piggyback Request Form - Allied Universal - Wastewater Treatment Plant.pdf](#)
[Piggyback Request Form - Allied Universal - Water Treatment Plant.pdf](#)
[2017-008-sodium-hydroxide-coop-1_REDUCED.pdf](#)
[Term Sheet - Allied Universal Corp. - Sodium Hydroxide.doc](#)
[BIS 17-155.doc](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

14. [P-2017-023](#) Presentation By The Office Of Human Resources, Of The May 2017 Diamond Service Nominees, Diamond Service Award Recipient, Team Diamond Service Award, And Service Awards For 5, 10, 15, 20, 25, And 30 Years Of Service To The City Of Hollywood And CRA Employees.
15. [P-2017-024](#) A Proclamation In Recognition Of Public Service Recognition Week, May 7 - 13, 2017.
Attachments: [ProcPSRW - 2017](#)
16. [P-2017-025](#) A Proclamation In Recognition Of National Women's Lung Health Week/Turquoise Takeover Week, May 8-12, 2017.
Attachments: [ProcNatlWomensLungHealth - 2017.docx](#)
17. [P-2017-026](#) A Proclamation In Recognition Of The 48th Annual Municipal Clerks Week - May 7-13, 2017.
Attachments: [ProcMunicipal Clerks Week-2017](#)
18. [P-2017-027](#) Presentation Of The Purple Heart Flag By George Caffrey, Master Sgt., The Elks Club In West Hollywood.

1:15 PM TIME CERTAIN ITEM

19. [PO-2017-09](#) An Ordinance Of The City Of Hollywood, Florida, Amending Section 41.08 Of The Code Of Ordinances Regarding The Self-Insurance Program; Reducing The Required Coverage For The Employers' Liability Program From \$3,000,000.00 Per Incident To \$1,000,000.00 Per Incident.
Attachments: [Ordinance Self Insurance Employers Liability.doc](#)
[O-2005-025.pdf](#)
[BIS 17-132.doc](#)
Second Reading
No Changes Since First Reading
Advertised Public Hearing

1:15 PM QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

20. [PO-2017-08](#) An Ordinance Of The City Of Hollywood, Florida, Changing The Zoning Designation Of The Property Generally Located North Of Evans Street And West Of 22nd Ave From RS-6 (Single Family) To RM-9 (Low Density Multiple Family); And Amending The City's Zoning Map To Reflect The Change In Zoning Designation. (16-DPVZ-72)
Attachments: [1672 Ordinance 2017 0405.docx](#)
[Attachment I.pdf](#)
Second Reading
No Changes Since First Reading
Advertised Public Hearing

1:45 PM TIME CERTAIN ITEM(S)**21. [PO-2017-05](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending The Subchapter Of Chapter 33 Of The Code Of Ordinances Titled "Firefighter's Pension And Retirement"; Amending Section 33.035 Of The Code Of Ordinances Regarding The Definition Of "Beneficiary".

Attachments: [Ordinance Memorandum of Understanding Fire Pension Plan - Beneficiary.doc](#)
[Beneficiary Information.pdf](#)
[Definition of Beneficiary.pdf](#)

Second Reading

Continued From The March 15, 2017 Meeting

22. [R-2017-048](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Memorandum Of Understanding Between The City And The International Association Of Fire Fighters, Local # 1375 ("IAFF") Amending Article 28 Section 1 To Allow For Modification Of The Definition Of "Beneficiary" Contained In The City Of Hollywood Firefighters' Retirement System ("Firefighters' Pension Plan).

Attachments: [Resolution Memorandum of Understanding Fire Pension Plan - Beneficiary.doc](#)
[Memorandum of Understanding Firefighters' Pension Plan - Beneficiary.pdf](#)
[terffpenbeneficiary.doc](#)

Continued From The March 15, 2017 Meeting

2:00 PM TIME CERTAIN ITEM**23. [PO-2017-01](#)**

An Ordinance Of The City Of Hollywood, Florida, Creating The Emerald Hills Safety Enhancement District, A Dependent Special District Authorized By Section 189.02, Florida Statutes; Providing For The Purpose, Powers, Functions And Duties Of The District; Designating The Geographic Boundary Limitations Of The District; Stating The Authority Of The District; Explaining Why The District Is The Best Alternative; Designating The Membership, Organization, Compensation And Administrative Duties Of The Governing Board Of The District; Stating All Financial Disclosures, Noticing And Reporting Requirements; Declaring That The Creation Of The District Is Consistent With The Approved Local Government Comprehensive Plans; Providing For Conflicts; Providing For Severability; Providing For Sunset; And Providing For An Effective Date.

Attachments: [ORDINANCE - Emerald Hills Security Enhancement District - second reading - ; MEMO- 1 of 2 Safe Neighborhood Impro District- Citizen Comments Addressed Memo - 2 of 2 - EMSED - Memo.pdf](#)
[Emerald Hills West HPD Ballot.pdf](#)
[Emerald Hills Safety Enhancement District Notice Mailing.pdf](#)
[Emerald Hills Safety Enhancement District - Invoice.pdf](#)
[Emerald Hills Safety Enhancement District - payment.pdf](#)
[Emerald Hills Safety Enhancement District - Map - Entire District.pdf](#)
[EMSED-1.pdf](#)
[EMSED-2.pdf](#)
[EMSED-3.pdf](#)
[EMSED-4.pdf](#)
[EMSED-5.pdf](#)
[EMSED-6.pdf](#)
[emerald hills mailing.pdf](#)

Second Reading

Continued From The April 5, 2017 Meeting

5:00 PM TIME CERTAIN ITEM(S)**24. [P-2017-028](#)**

A Proclamation In Recognition Of Drinking Water Week - May 7 -13, 2017.

Attachments: [ProcDrinkingWaterWk - 2017](#)

25. [P-2017-029](#)

Presentation Of Awards By Dawn "Ali" Parker, Regulatory Compliance Officer, To The Winners Of The 2017 Water Conservation Poster Contest.

Attachments: [2017 Water Conservation Poster Contest Winners.pptx](#)

ORDINANCE(S)

26. [PO-2017-10](#) An Ordinance Of The City Of Hollywood, Florida, Approving The Application Of The 20% Flexibility Rule (Industrial To Commercial) To Approximately 0.75 Acres Generally Located At The Northwest Corner Of Sheridan Street And North 29th Avenue, Pursuant To The City Of Hollywood's Comprehensive Plan And Policy 13.01.10 Of The Broward County Land Use Plan; And Amending The City's Land Use Map To Reflect The Change In Land Use Designation. (17-F-10)

Attachments: [Ordinance Cali Coffee.doc](#)
[Exhibit A.pdf](#)
[Attachment I.pdf](#)

First Reading

REGULAR AGENDA

27. [P-2017-030](#) Presentation By Jim Udvardy, Project Director South Florida Commuter Services, Florida Department Of Transportation, On The 2017 South Florida Commuter Challenge.

Attachments: [CommuterChallenge.pdf](#)

28. [P-2017-031](#) Presentation By Anthony Alonso, Co-Chair Of The Government Affairs Committee, Providing An Update On Hollywood Chamber Of Commerce Activities.

29. [P-2017-032](#) Presentation By Gus Zambrano, Assistant City Manager For Sustainable Development, Regarding The State Road 7 Transit Oriented Corridor (TOC).

30. [R-2017-119](#) 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 No. ANA 17-01 Between Atkins North America, Inc. And The City Of Hollywood To Provide Professional Engineering Services For The Water Main Replacement Program From Hollywood Boulevard To Sheridan Street And Between N. 31st Avenue And N. 35th Avenue Including The Design And Permitting Of A Reuse Water Main Along Johnson Street From N. Park Road To N. 56th Avenue, As Identified In The 2007 Water System Master Plan, In The Amount Of \$1,172,908.00 (Project No. 16-5135).

Attachments: [Resolution - Atkins North America ATP ANA 17-01 WMRP & Reuse Water Main ATP - Atkins North America ATP ANA 17-01 WMRP & Reuse Water Main.pdf](#)
[Proposal - Atkins North America ATP ANA 17-01 WMRP & Reuse Water Main.g](#)
[R-2009-209 - Atkins North America ATP ANA 17-01 WMRP & Reuse Water Ma](#)
[R-2013-110 - Atkins North America ATP ANA 17-01 WMRP & Reuse Water Ma](#)
[R-2015-068 - Atkins North America ATP ANA 17-01 WMRP & Reuse Water Ma](#)
[Term Sheet - Atkins North America, Inc. Work Order ANA 17-01.doc](#)
[BIS 17-152.doc](#)

31. [R-2017-120](#) 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 No. KHA 17-01 Between Kimley Horn And Associates, Inc. And The City Of Hollywood To Provide Professional Engineering Services For The Water Main Replacement Program From Hollywood Boulevard To Taft Street And Between N. Dixie Highway And N. 28th Avenue, As Identified In The 2007 Water System Master Plan, In The Lump Sum Amount Of \$1,402,539.65 (Project No. 16-5134).

Attachments: [Resolution -Kimley Horn KHA 17-01 WMRP \(5134\).doc](#)
[ATP - Kimley Horn KHA 17-01 WMRP \(5134\).pdf](#)
[Proposal - Kimley Horn KHA 17-01 WMRP \(5134\).pdf](#)
[R-2009-214.pdf](#)
[R-2013-110.pdf](#)
[R-2015-068.pdf](#)
[Term Sheet - Kimley Horn and Associates - Work Order 17-01.doc](#)
[BIS 17-161.doc](#)

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

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

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

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

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

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

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

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

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

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

Please silence all cell phones prior to entering the meeting.

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

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

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

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

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

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

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

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

IV. Witnesses and Supporting Materials. At least eight City business days before a quasi-judicial hearing.

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

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

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

V. Party Intervenors.

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

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

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

VI. Conduct of Hearing.

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

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

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

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

E. The order of proof shall be as follows:

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

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

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

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

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

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

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

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

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

10. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to

the final Party Intervenor and staff comments and recommendations (maximum of three minutes).

G. The City Attorney or legal advisor will advise the City Commission or Board as to the applicable law and the factual findings that must be made to approve or deny the application.

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

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

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

IX. Rules of Evidence.

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

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

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

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

XI. Continuances and Deferrals. The City Commission or Board shall consider requests for continuances made by City staff, the Applicant, the Appellant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission or Board,

any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the City Commission or Board may continue the matter to a time certain to allow for such research or review.

XII. Transcription of hearing.

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

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

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

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

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

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

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

R-2016-334, 11/2/2016