

Regular City Commission Meeting

Wednesday, November 2, 2022

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

Caryl Shuham, Vice Mayor - District 1

Linda Hill Anderson, Commissioner - District 2

Traci Callari, Commissioner - District 3

Adam Gruber, 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 13 - 16

1:15 PM - Items 17 - 18

2:00 PM - Item 19

2:15 PM - Item 20

3:00 PM - Item 21

3:15 PM - Item 22

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

CONSENT AGENDA

(Items # 5 - 12)

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.

DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT

5. [R-2022-325](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Reject All Bids Related To RFP-4729-22-WV For The Artspark Improvements Project, A General Obligation Bond Project, In Accordance With Section 38.43(D) Of The Procurement Code.

Attachments: [RESO ARTSPARK IMPROVEMENTS REJECTION OF BIDS. FINAL 10.17.22 Packet for Bid RFP-4729-22-WV](#)
[Aktiv Construction Group Bid package](#)
[Home Steel Services ARTSPARK IMPROVEMENT PROJECT](#)
[M&J Consulting Group Corp](#)

A GOB Project

Strategic Plan Focus Area:  Infrastructure & Facilities

6. [R-2022-326](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Engineering Firms And Authorizing The Appropriate City Officials To Negotiate An Agreement With The Highest-Ranked Firm To Provide Engineering Design Services For The Citywide Vulnerability Assessment Update.


Attachments: [Reso - Consultant Ranking - Vulnerability Assessment KP RFQ-4754-22-WV](#)
[Hazen and Sawyer, PC Packet for RFQ-4754-22-WV](#)
[Moffatt & Nichol Packet for RFQ-4754-22-WV](#)
[Tetra Tech Packet for RFQ-4754-22-WV](#)
[WSP USA, Inc. Packet for RFQ-4754-22-WV](#)
[Oral Evaluation Final Scores \(RFQ-4754-22-WV\)](#)
[Notice of Intent to Award \(RFQ-4754-22-WV\)](#)
[Biznow Tetra Tech Inc](#)
[TermSheetRankingFirmsaCitywideVulnerabilityAssessmentUpdate.doc](#)

Strategic Plan Focus Area:  Resilience & Sustainability

COMMUNITY DEVELOPMENT DIVISION7. [R-2022-327](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving and Authorizing The Allocation Of Community Development Block Grant Funds To Various Eligible Public Service Agency Programs; Authorizing The Appropriate City Officials To Establish Certain Accounts To Appropriate And To Disburse The Grant Funds; Further Authorizing The Appropriate City Officials To Execute Agreements With Each Agency For A Total Allocation In The Amount Of \$185,000.00.


Attachments: [RESOCDBGSUBRECIPIENTGRANTAGREEMENT22-23.docx](#)
[CEC Agreement & Exhibits 22-23.pdf](#)
[CILB Agreement & Exhibits 22-23.pdf](#)
[Covenant House Florida Agreement & Exhibits 22-23.pdf](#)
[Hope South FL Agreement & Exhibits 22-23.pdf](#)
[Jewish Family Services Agreement & Exhibits 22-23.pdf](#)
[WID Agreement & Exhibits 22-23.pdf](#)
[NAMI Broward Agreement & Exhibits 22-23.pdf](#)
[Russell Life Skills and Reading Agreement & Exhibits 22-23.pdf](#)
[Second Chance Society Agreement & Exhibits 22-23.pdf](#)
[TermSheetCDBGGRANTS20222023.doc](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

PLANNING DIVISION8. [R-2022-328](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept The State Of Florida Division Of Historical Resources Grant In The Amount Of \$50,000.00 To Create A Hollywood Historic Properties Survey; Authorizing The Expenditure Of Matching Funds In The Amount Of \$50,000.00; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements; Amending The Fiscal Year 2023 Operating Budget And Capital Improvement Plan.

Attachments: [Historic Preservation Resolution.doc](#)
[23.h.sm.200.150 GAA Unsigned_update.pdf](#)
[Exhibit 1](#)


Strategic Plan Focus Area:  Economic Vitality

DEPARTMENT OF FIRE RESCUE & BEACH SAFETY**9. [R-2022-329](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Blanket Purchase Agreement With Broward Sheriff's Office For The Purchase Of Medical Supplies, Fire Equipment And Janitorial Supplies In An Amount Not To Exceed \$170,000.00, In Accordance With Section 38.41(C)(9) Of The Procurement Code (Best Interest).

Attachments: [Reso-BSO -Medical Supplies Fire Equipment and Janitorial Supplies.docx.docx](#)
[BSO Blanket Purchase Agreement PA600577 .pdf](#)
[Term Sheet \(Best Interest\).doc](#)


Requires 5/7th vote

Strategic Plan Focus Area:  Public Safety

10. [R-2022-330](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Interlocal Agreement And Business Associate Agreement With The Seminole Tribe Of Florida For The Provision Of Primary Fire Protection And Supplemental Emergency Medical Services.

Attachments: [Resolution- Seminole.docx](#)
[Seminole Tribe Interlocal Agreement.doc](#)
[Exhibit A- HFR SOP .pdf](#)
[Exhibit B- Business Agreement.pdf](#)
[Term Sheet-Seminole.doc](#)

Strategic Plan Focus Area:  Public Safety

POLICE DEPARTMENT**11. [R-2022-331](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Urging Broward County Animal Care And Adoption Division To Abandon The Newly Created Intake Policy Requiring Municipalities And Law Enforcement To Hold Stray Animals For A Time Period Of 72 Hours Prior To Acceptance By The County.

Attachments: [Resolution](#)
[Reso 2022-114 Adopt Broward County Animal Intake Policy](#)


Strategic Plan Focus Area:  Public Safety

DEPARTMENT OF PUBLIC WORKS

12. [R-2022-332](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Agreement With Brandano Displays, Inc. To Provide The Community Redevelopment Agency Beach and Downtown Districts With Holiday Decorations In An Estimated Annual Amount Of \$150,000.00 in Accordance With Section 38.41 (C)(9) Of The Procurement Code (Best Interest).


Attachments: [RESO TMP-2022-652 CLEAN.docx](#)
[Exhibit 1.pdf](#)
[Brandano Agreement \(3-Pager with solicitation documents\) redline FINAL.docx](#)
[Term Sheet - Brandano Displays Inc. - Public Works.doc](#)

Requires 5/7th vote

Strategic Plan Focus Area:  Communications & Civic Engagement

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS


13. [P-2022-69](#) Presentation By Chris O'Brien, Chief of Police, Recognizing Detective Alejandro Falcon As Officer Of The Month For June 2022; Officer Rafael Deriet As Officer Of The Month For July 2022; Detective Jonathan Baluja And Detective Sean Keough As Officers Of The Month For August 2022; And Administrative Assistant I Yvonne Kalil-Cobos As Employee Of The Month For August 2022.

Strategic Plan Focus Area:  Public Safety

14. [P-2022-70](#) Presentation By Chris O'Brien, Chief of Police, Recognizing Officer Rafael Deriet, Officer Jonathan Fiallo, Officer Michael Browne, And Officer Manuel Rodriguez-Blevins, As Recipients Of The Lifesaving Award.

Strategic Plan Focus Area:  Public Safety

15. [P-2022-71](#) Presentation By Chris O'Brien, Chief of Police, Recognizing Officer John Guzman, Detective Misael De La Torre, Officer Jhonny Jiminez, Officer Michael Fiorentino And Officer Rick Garcia As Recipients Of The Chief's Special Recognition Award.

Strategic Plan Focus Area:  Public Safety

16. [P-2022-72](#) A Proclamation In Recognition Of Family Court Awareness Month, November 2022.

Attachments: [11-02-22-Family Court Awareness Month.doc](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

1:15 PM TIME CERTAIN ITEM(S)**17. [PO-2022-19](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 99 Of The Code Of Ordinances Entitled "Municipal Beach" To Prohibit The Use Of Cigarettes, Unfiltered Cigars, Pipes Or Tobacco Products On The Municipal Beach.

Attachments: [ORDINANCE - CHAPTER 99 - SMOKING ON THE MUNICIPAL BEACH-dg-rev](#)

Second Reading

Advertised Public Hearing

Department of Parks, Recreation & Cultural Arts

Strategic Plan Focus Area:  Infrastructure & Facilities

18. [PO-2022-20](#)

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 103 Of The Code Of Ordinances Entitled "Parks And Recreation" To Prohibit The Use Of Cigarettes, Unfiltered Cigars, Pipes Or Tobacco Products In Municipal Parks And On Playgrounds.

Attachments: [ORDINANCE - CHAPTER 103 - SMOKING IN PUBLIC PARKS AND PLAYGR](#)

Second Reading

Advertised Public Hearing

Department of Parks, Recreation & Cultural Arts

Strategic Plan Focus Area:  Infrastructure & Facilities

2:00 PM TIME CERTAIN ITEM**19. [R-2022-333](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing Two Members To The Emerald Hills Safety Enhancement Board Of Supervisors.

Attachments: [Res Appt Emerald Hills Board.doc](#)
[Edelstein, Lloyd 4.12.22 FULL.pdf](#)
[Flaxman, Charles 9.13.22 FULL.pdf](#)
[Math, Eli 12.8.21 FULL.pdf](#)
[Rubin, David 9.13.22 FULL.pdf](#)
[Volkowitz, Benjamin 6.22.21 FULL.pdf](#)
[Emerald Hills vote grid.docx](#)

City Clerk

Strategic Plan Focus Area:  Infrastructure & Facilities

2:15 PM TIME CERTAIN ITEM**20. [R-2022-334](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Implementation Of A Community Shuttle Program And The Establishment Of Three Service Routes Within The City; Authorizing The City Manager Or Designee To Execute All Applicable Program Documents And Agreements Associated With The Broward County Community Shuttle Program.

Attachments: [RESO 2022 Surtax CS Support pre-legal v02 \(003\).doc](#)
[Exhibit A.pdf](#)
[Notice of Intent to hold a Public Meeting v01.docx](#)

Advertised Public Hearing


Engineering Division

Strategic Plan Focus Area:  *Infrastructure & Facilities*

3:00 PM TIME CERTAIN ITEM**21. [P-2022-73](#)**

An Introduction By Chris O'Brien, Chief of Police, Of Broward County State Attorney Harold F. Pryor.

Police Department

Strategic Plan Focus Area:  *Public Safety*


3:15 PM TIME CERTAIN ITEM**22. [R-2022-335](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Concert Series Agreement With The Rhythm Foundation, Inc. To Provide Producer Services For A Series Of Three Concerts At ArtsPark In An Annual Amount Not To Exceed \$150,000.00 In Accordance With Section 38.41(C)(9) Of The Procurement Code (Best Interest).

Attachments: [Reso - Rhythm Foundation PRCA](#)
[Term Sheet - Rhythm Foundation Parks and Rec.doc](#)

Requires 5/7th vote

Department of Parks, Recreation & Cultural Arts


Strategic Plan Focus Area:  *Economic Vitality*

QUASI-JUDICIAL ITEM(S)*(Rules of Procedure Attached to Agenda)***23. [R-2022-336](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The “4001 N 30th Ave LLC” Plat, Being In The City Of Hollywood, Broward County, Florida, And Generally Located On The East Side Of North 30th Avenue South of Stirling Road.

Attachments: [1 EN22-121 Resolution 4001 N 30 Plat v3 legal approved.doc](#)
[3 Exhibit A - Final 4001plat.pdf](#)
[4 Exhibit B - 4001 N 30th Ave LLC Plat DRR.pdf](#)
[5 Conceptual Site Plan Gold Coast Crane.pdf](#)

Engineering Division

Strategic Plan Focus Area:  Economic Vitality


ORDINANCE(S)**24. [PO-2022-21](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending Article 4 Of The Zoning And Land Development Regulations Entitled “Schedule Of District, Use And Setback Regulations” By Amending Section 4.6 To Extend The Incentive Program For The Opportunity Zone To Include Sites Or Portions Of Sites Along Federal Highway And Dixie Highway/21st Avenue Corridors; Providing For A Repealer Provision And A Severability Clause. (19-T-66)

Attachments: [1966a Ordinance 2022 1102.doc](#)
[Attachment I PDB Staff Report 2022 0614.pdf](#)

First Reading

Planning Division

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods


25. [PO-2022-22](#)

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 99 Of The Code Of Ordinances Entitled “Municipal Beach” By Amending Section 99.05 Entitled “Hollywood Dog Beach” To Expand The Location, Remove The Days Of Access And Remove The Requirement For A Pass And Fees.

Attachments: [ORDINANCE - Chapter 99.05 - Dog Beach-final.doc](#)

First Reading

Department of Parks, Recreation & Cultural Arts


Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

26. [PO-2022-23](#) An Ordinance Of The City Commission Of The City Of Hollywood, Florida, Amending Chapter 101 Of The Code Of Ordinances To Update The Nuisance Abatement Process By Creating A Nuisance Abatement Program.

Attachments: [Ordinance Nuisance-Final](#)

First Reading

Police Department

Strategic Plan Focus Area:  Public Safety

REGULAR AGENDA

27. [R-2022-337](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Contracts With Southeastern Engineering Contractors, Inc. And Ric-Man International, Inc. For Construction Services Related To On-Call And Emergency Water And Sewer Utility Repair Services, In An Amount Not To Exceed \$1,000,000.00 Per Contract.

Attachments: [Resolution - On-Call and Emergency Repair Services.docx](#)

[Contract - Southeastern Engineering Contractors, Inc. On-Call and Emergency](#)

[Contract - Ric-Man International, Inc. On-Call and Emergency Repair Services.r](#)

[Bid Tabulation and Award Recommendation Letter - On-Call and Emergency R](#)

[Bid Southeastern Engineering Contractors, Inc. -On-Call and Emergency Repair](#)

[Bid Ric-Man International, Inc. - On-Call and Emergency Repair Services.pdf](#)

[Bid Comtech Engineering, Inc. - On-Call and Emergency Repair Services.pdf](#)

[Bid David Mancini and Sons Inc. - On-Call and Emergency Repair Services.pdf](#)

[Bid Man-Con Incorporated - On-Call and Emergency Repair Services.pdf](#)

[Bid Southern Underground Industries, Inc. -On-Call and Emergency Repair Ser](#)

[Sunbiz Details - On-Call and Emergency Repair Services.pdf](#)

[TermSheetSoutheasternEngineeringbidoncallservices.doc](#)

[TermSheetRICMANbidoncallservices.doc](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

28. [R-2022-338](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Zabatt Engine Services, Inc. For Construction Services Related To The Installation Of Electrical Power Generators At Sanitary Sewer Lift Stations No. e-01, e-03, e-06, w-14, w-15 And Stormwater Pump Station SW-08, In An Amount Not To Exceed \$2,692,731.60.

Attachments: [Resolution to Award - F-4707-22-OT FEMA Generator Upgrade.docx](#)
[Contract Form Agreements - Zabbat Engine Svcs Generator.pdf](#)
[General Conditions - Zabbat Engine Svcs Generator.pdf](#)
[Supplemental General Conditions - Zabbat Engine Svcs Generator.pdf](#)
[Other Federal, State and Local Requirements - Zabbat Engine Svcs Generator.](#)
[FEMA Contract Provisions - Zabbat Engine Svcs Generator Design.pdf](#)
[Program Statutes and Regulations - Zabbat Engine Svcs Generator.pdf](#)
[Invitation for Bid - Zabbat Engine Svcs Generator Design.pdf](#)
[Bid Proposal - F-4707-22-OT FEMA Generator Zabatt Engine Services.pdf](#)
[Bid Proposal - F-4707-22-OT FEMA Generator Upgrade-Solares Electrical Serv](#)
[Bid Proposal - F-4707-22-OT FEMA Generator Upgrade-Eau Gallie Electric.pdf](#)
[Bid Proposal - F-4707-22-OT FEMA Generator Upgrade-Persons Service Corp.](#)
[Bid Tabulations F-4707-22-OT FEMA Generator Upgrades.pdf](#)
[Award Recommendation Letters - F-4707-22-OT FEMA Generator Upgrade.pdf](#)
[Bidder Evaluation Form - Zabatt - F-4707-22-OT FEMA Generator Upgrade.pdf](#)
[Sunbiz Detail - F-4707-22-OT FEMA Generator Upgrade.pdf](#)
[TermSheetZabattConstructionSvcGenerators.doc](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

29. [R-2022-339](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Blanket Purchase Agreement With Mythics, Inc. For Oracle Licenses And Managed Services Over A Period Of Two Years, With An Estimated First Year Cost Of \$1,130,184.00 And An Estimated Second Year Cost Not To Exceed \$1,100,000.00, In Accordance With Section 38.41(C)(5) Of The Procurement Code (Piggyback).

Attachments: [2022 Reso Mythics ERP Agreement - Final Edits2.docx](#)
[Blanket Purchase Agreement](#)
[Piggyback Form](#)
[Piggyback Checklist](#)
[R190801 Original Contract](#)
[R190801 Contract Renewal](#)
[Statement of Work](#)
[Quote for Saas Licenses](#)
[Estimate for Technical Licenses](#)
[2022 Mythics ERP Term Sheet.doc](#)

Department of Information Technology

Strategic Plan Focus Area:  Infrastructure & Facilities

30. [R-2022-340](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order To ETR, LLC For Three 2024 Freightliner M2 Custom Horton Advanced Life Support Ambulances In The Amount Of \$1,185,321.00, Based Upon The Florida Sheriffs Association Contract FSA20-VEF14.01 Ambulances & Other Equipment, In Accordance With Section 38.41(C)(5) Of The Procurement Code (Piggyback).

Attachments: [Resolution\(ETR\).docx](#)
[Draft PO PO_30000006748571_PFY-2300177_0.pdf](#)
[Piggyback Request Form for ETR LLC.pdf](#)
[Piggyback Checklist for ETR LLC \(002\).pdf](#)
[FSA Contract Award Letter FSA20-VEF14.01 Ambulances Other Equipment.p](#)
[Invitation to Bid FSA20-VEF14.0 .pdf](#)
[Quote from ETR \(M2 Horton Type I\).pdf](#)
[ETR LLC SPEC GROUP 3 AMENDED PRICE ADJUSTMENTS 6.15.22.pc](#)
[Warranty Information for Horton.pdf](#)
[Build Specifications and Options.pdf](#)
[Term Sheet \(Piggyback\).doc](#)

Department of Fire Rescue & Beach Safety

Strategic Plan Focus Area:  *Public Safety*

31. [R-2022-341](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Renew Blanket Purchase Agreement No. PA600319 For A One-Year Term With MBR Construction, Inc. For Sidewalk Construction Services In An Amount Not To Exceed \$2,501,545.00 In Accordance With Section 38.49(C)(1) Of The Procurement Code (Renewals).

Attachments: [Resolution - MBR - PNC2120194B1 sk review 9.21.22.docx](#)
[Draft PA_30000006758576_PA600319_3.pdf](#)
[Award Letter.pdf](#)
[TermSheetMBRPiggybackSidewalksRenewal_.doc](#)


Engineering Division

Strategic Plan Focus Area:  *Infrastructure & Facilities*

32. [R-2022-342](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriations For Certain Fiscal Year 2023 Special Event And Media/Marketing Promotional And Advertising Buys In An Amount Not To Exceed \$855,000.00; Approving And Authorizing The Appropriate City Officials To Execute Agreements With Various Non-Profit Organizations And Event Producers To Produce City-Sponsored Special Events; Approving And Authorizing The Appropriate City Officials To Execute Agreements With Various Media/Marketing Firms To Promote And Advertise City-Sponsored Events And Initiatives; Amending The Fiscal Year 2023 Operating Budget And Capital Improvement Plan.

Attachments: [City-CRA Special Events v5.doc](#)
[Exhibits 1-4 clean.pdf](#)

Office of the City Manager

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

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

33. Commissioner Gruber, District 4
34. Commissioner Biederman, District 5
35. Commissioner Sherwood, District 6
36. Vice Mayor Shuham, District 1
37. Commissioner Anderson, District 2
38. Commissioner Callari, District 3
39. Mayor Levy
40. City Attorney
41. City Manager
42. 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 Division of Engineering/Transportation & Mobility, Azita Behmardi, ADA Coordinator/City Engineer, five business days in advance at 954-921-3251 (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, City Manager, Assistant City Manager(s), City Attorney, Deputy City Attorney, and the director and assistant director(s) of each City department/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, City Manager, Assistant City Manager(s), City Attorney, Deputy City Attorney, and the director and assistant director(s) of each City department/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 five percent of the value of the land.

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

Please silence all cell phones prior to entering the meeting.

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

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

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

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

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

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

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

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

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

quasi-judicial hearing.

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

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

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

V. Party Intervenors.

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

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

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

VI. Conduct of Hearing.

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

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

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

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

E. The order of proof shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. Rules of Evidence.

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

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

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

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

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

XII. Transcription of hearing.

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

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

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

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

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

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

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

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