

## **Regular City Commission Meeting**

**Wednesday, June 19, 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 - 17 thru 18**

**1:30 PM - Items - 19 thru 20**

**1:45 PM - Item - 21**

**2:15 PM - Items - 22 thru 26**

**3:00 PM - Item - 27**

**4:30 PM - Item - 28**

**5:00 PM - Item - 42**

**5:10 PM - Items - 42A-42C**

- 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 16)**

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 COMMUNICATIONS, MARKETING & ECONOMIC DEVELOPMENT**

5. [R-2019-168](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Expansion Of The Commercial Property Improvement Pilot Program As An Economic Development Incentive To Property Owners Along Designated Commercial Corridors Within The City Of Hollywood To Include Additional Corridors And Allow The Use Of General Capital Outlay Fund Dollars For The Program; Approving And Authorizing The City Manager Or Designee To Execute All Agreements To Implement The Program.

**Attachments:** [Resolution-CPIP-Combined-FINAL\\_06.03.19.docx](#)  
[Exhibit A Program Description-Markup.docx](#)  
[Exhibit B CPIP Agreement CDBG\\_1.docx](#)  
[Exhibit C CPIP Agreement GF\\_1.docx](#)  
[R-2017-377.pdf](#)  
[Term Sheet - CPIP.doc](#)  
[BIS 19181.doc](#)

**ENGINEERING DIVISION**

6. [R-2019-169](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Right-Of-Way License Agreement With Young Men's Christian Association Of South Florida For Use Of The Public Right-Of-Way For Parking Adjacent To The Property Located At 3161 Taft Street For A 10 Year Term And License Fees Of \$100.00 Annually.

**Attachments:** [EN18-144.docReso.doc](#)  
[EN18-144YMCA\\_2019 Agreement.docx](#)  
[HARDING STREET-PARKING LAYOUT.pdf](#)  
[Term Sheet - ROW LICENSE AGREEMENT - YMCA.doc](#)  
[BIS 19-182.docx](#)

7. [R-2019-170](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Series Of Consultant's Authorizations To Proceed With Synamovski Romanik Saye LLC. To Provide Architectural Design Services For Interior Completion Of The Second Floor Of The City Hall Library In An Amount Not To Exceed \$195,000.00.

**Attachments:** [RESOOLDLIBRARYARCHITECTSERVICESEN-19-044 Reso AE Services ATP EN-19-044-2nd floorLibraryDesignproposal.pdf](#)  
[TermSheetATPSERIES2NDFLOORLIBRARYARCHITDESIGNSERVICES.doc](#)  
[BIS 19-191.docx](#)

8. [R-2019-171](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Parklet Revocable License Agreement With Industry Social, LLC., D/B/A The Social Room, For Placement Of A Parklet Seating Area Adjacent To The Property Located At 1916 Harrison Street Within The Public Right-Of-Way Metered Parking Spaces.

**Attachments:** [En19-076 1916 Harrison St Parklet.doc](#)  
[EN19-076 Parklet License Agreement 1916 Harrison St .docx](#)  
[1916 Harrison Survey.pdf](#)  
[TermSheetParkletRevocableLicenseAgSocialRoom.doc](#)  
[BIS 19-205R.docx](#)

9. [R-2019-172](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Parklet Revocable License Agreement With Go Bistro, For The Placement Of A Parklet Seating Area Adjacent To The Property Located At 2035 Hollywood Boulevard Within the Public Right-Of-Way Metered Parking Spaces In The Amount Of \$2,880.00.

**Attachments:** [En19-077 2035 Hollywood Blvd Parklet.doc](#)  
[EN19-077 Parklet License Agreement 2035 Hollywood Blvd.docx](#)  
[2035 Hollywood Survey.pdf](#)  
[TermSheetParkletRevocableLicenseAgGoBistro.doc](#)  
[BIS 19-206.docx](#)

10. [R-2019-173](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Dixie Highway/21st Avenue Complete Streets Project And Endorsing The Florida Department Of Transportation's Delivery Of Certain Complete Streets Projects Identified In The Broward County Metropolitan Organization Complete Streets Master Plan As A High Priority Corridor In Order To Be Included In The Florida Department Of Transportation Five-Year Adopted Work Program.

**Attachments:** [Reso EN 19-079 .doc](#)  
[2014-08-05 Dixie-21st Trafficways Plan Amend revised.pdf](#)  
[BIS 19187.doc](#)

#### DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

11. [R-2019-174](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Apply For, And If Awarded, Accept The 2019/20 Florida Department Of State Cultural Facility Grant For Construction Of A New Arts Education Building To The Hollywood Art And Culture Center Facility In The Approximate Amount Of \$500,000.00; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements; Amending The Fiscal Year 2019 Operating Budget (R-2018-301).

**Attachments:** [Reso-DOSgrant.docx](#)  
[Exhibit 1-Art Culture Grant.pdf](#)  
[DOS grant app.pdf](#)  
[BIS 19198.doc](#)

12. [R-2019-175](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Kompan, Inc. In Accordance With Section 38.46 Of The Code Of Ordinances (Cooperative Purchasing) For The Purchase And Installation Of Playground Equipment, Playground Surfacing, And Shade Cover At Bicentennial Park, A General Obligation Bond Project, In The Amount Of \$229,794.33.

**Attachments:** [Reso - GOB Bicentennial Pk KOMPAN .sp65175-proposal-Bicentennial park 5.23.19](#)  
[Kompan Inc - Certificate of Insurance](#)  
[Term Sheet - Kompan Inc .doc](#)  
[BIS 19194.doc](#)

#### **POLICE DEPARTMENT**

13. [R-2019-176](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The State Plan Of Operations With The State Of Florida For The Transfer Of Personal Property To Be Used By The Police Department In Law Enforcement Activities.

**Attachments:** [Resolution.doc](#)  
[State Plan of Operations with the State of Florida Agreement.docx](#)  
[Term Sheet.doc](#)

14. [R-2019-177](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing A Donation Of Law Enforcement Forfeiture Funds Pursuant To Florida's Contraband Forfeiture Act In The Amount Of \$110,000.00 To Support Continued Safe Neighborhood And Crime Prevention Programs; Amending The Fiscal Year 2019 Operating Budget (R-2018-301).

**Attachments:** [Resolution.doc](#)  
[Exhibit 1.pdf](#)  
[Hispanic Unity of Florida, Inc. Application.pdf](#)  
[Hollywood Art and Culture Center Application.pdf](#)  
[Kids in Distress, Inc Application.pdf](#)  
[The Police Athletic League of Hollywood Inc Application.pdf](#)  
[Young Men's Christian Association of South Florida Application.pdf](#)  
[BIS 19178.doc](#)

**DEPARTMENT OF PUBLIC UTILITIES**

15. [R-2019-178](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order Number ARC 19-01 With Arcadis US, Inc. To Provide Professional Engineering Services For The Water Infrastructure Risk And Resilience Assessment, In A Lump Sum Amount Of \$149,500.00.

**Attachments:** [01 Resolution - ARC 19-01 for Water Infrastructure Risk and Resilience Assess](#)  
[02 ATP ARC 19-01 for Water Infrastructure Risk and Resilience Assessment.pdf](#)  
[03 AWIA Proposal ARC 19-01 for Water Infrastructure Resilience Assessment.r](#)  
[04 R-2017-283 - ARC 19-01 for Water Infrastructure Risk and Resilience Asses:](#)  
[TermSheetATPARCADISWATERSTRUCTURERISKASSESSMT.doc](#)  
[BIS 19-201.docx](#)

**DEPARTMENT OF PUBLIC WORKS**

16. [R-2019-179](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Purchase Order With Beach Raker, LLC For Emergency Seaweed Removal In The Amount Of \$36,000.00; Providing For A Total Cost Of \$72,000.00 To Be Shared Equally By The City and CRA.

**Attachments:** [Resolution Seaweed Removal.doc](#)  
[PO 30000006748571 ORD50006062 0.pdf](#)  
[Beach Cleaning Service Agreement Hollywood -1.pdf](#)  
[terbeachraker.doc](#)  
[BIS 19-202.docx](#)

**1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS**

17. [P-2019-44](#) Presentation By The Hollywood Council Of Civic Associations Of The Pete Brewer Scholarships For Civic Involvement To Luchiano Perez, Derod Deal And Jacquelyn Noval.
18. [P-2019-45](#) Presentation Of The "Charles F. Vollman Certificate Of Appreciation" Award By The Hollywood Council Of Civic Associations To Rachel Silber.

**1:30 PM TIME CERTAIN ITEM(S)**

19. [PO-2019-11](#) An Ordinance Of The City Of Hollywood, Florida, Amending Article 5 Of The Zoning And Land Development Regulations Entitled "Development Review Process" By Amending Section 5.3.I. Entitled "Design Procedures" To Revise The Design Criteria. (19-T-02)

**Attachments:** [PO-2019-11 Memo.pdf](#)  
[1902\\_Ord DESIGNREVIEWCRITERIASECONDREADING.doc](#)  
[Attachment I February 7, 2019 Planning and Development Board Staff Report.r](#)

*Second Reading*  
*Advertised Public Hearing*  
*Planning Division*

20. [PO-2019-12](#) An Ordinance Of The City Of Hollywood, Florida, Amending Article 4 Entitled "Schedule Of District, Use And Setback Regulations" By Amending Sections 4.1 And 4.2 To Clarify The Suitability Of Non-Conforming Lots; Amending Section 4.22 To Include Additional Standards Relating To Temporary Trailers And Similar Structures; Amending Section 4.3. To Provide For Additional Standards Relating To Carports; Providing For A Repealer Provision And A Severability Clause. (18-T-51)

**Attachments:** [PO-2019-12 Memo.pdf](#)  
[18T51ARTICLE4NONCONFORMINGLOTSCARPORTSETALSECONDREADING Attachment I December 13, 2018 Planning and Development Board Staff Repo](#)

*Second Reading*  
*Advertised Public Hearing*  
*Planning Division*

**1:45 PM TIME CERTAIN ITEM**

21. [P-2019-46](#) Presentation By Gretchen Cassini, Assistant County Administrator, Regarding The Surtax Process.

**2:15 PM TIME CERTAIN ITEM(S)**

22. [R-2019-180](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying And Authorizing The Appropriate City Officials To Execute The 2018 - 2020 Collective Bargaining Agreement With The American Federation Of State, County And Municipal Employees, Local 2432, General Bargaining Unit.

**Attachments:** [Resolution 2018-2020 AFSCME Collective Bargaining Agreement - General Summary of Changes 2018-2020 AFSCME General.pdf](#)  
[2018-2020 AFSCME General CBA CLEAN.pdf](#)  
[BIS 19188.doc](#)

*Office of Human Resources*

23. [R-2019-181](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying And Authorizing The Appropriate City Officials To Execute The 2018 - 2020 Collective Bargaining Agreement With The American Federation Of State, County And Municipal Employees, Local 2432, Professional Bargaining Unit.

**Attachments:** [Resolution 2018-2020 AFSCME Collective Bargaining Agreement - Professional Summary of Changes 2018-2020 AFSCME Professional.pdf](#)  
[2018-2020 AFSCME Professional CBA CLEAN.pdf](#)  
[BIS 19189.doc](#)

*Office of Human Resources*

24. [R-2019-182](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying And Authorizing The Appropriate City Officials To Execute The 2018 - 2020 Collective Bargaining Agreement With The American Federation Of State, County And Municipal Employees, Local 2432, Supervisory Bargaining Unit.
- Attachments:** [Resolution 2018-2020 AFSCME Collective Bargaining Agreement - Supervisory Summary of Changes 2018-2020 AFSCME Supervisory.pdf](#)  
[2018-2020 AFSCME Supervisory CBA CLEAN.pdf](#)  
[BIS 19190.doc](#)
- Office of Human Resources*
25. [R-2019-183](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Hold Harmless Agreement Indemnifying AFSCME, Local 2432, And The General Employees Pension Board For Claims Arising Out Of Correction Of Scrivener's Error.
- Attachments:** [raindemnityafscmeandpensionbd.doc](#)  
[aindemnitylocal 2432andpensionbd.docx](#)  
[terindemnifyafscmeandpensionbd.doc](#)
- Office of the City Attorney*
26. [PO-2019-14](#) An Ordinance Of The City Of Hollywood, Florida, Amending Section 33.025 Of The Code Of Ordinances Entitled "Employees' Retirement Fund", Incorporating Changes To The Pension Plan Recently Negotiated With AFSCME, Local 2432, Including Restoration Of Benefits Reduced When The City Declared Financial Urgency; Requiring Disability Retirees To Submit Federal Income Tax Returns Without Supporting Schedules; Providing For Codification, Severability And Conflict.
- Attachments:** [PO-2019-14 Memo.pdf](#)  
[ogenemployeeeba2019\(drg\).docx](#)  
[BIS 19-172.docx](#)
- Second Reading*  
*Advertised Public Hearing*  
*Office of the City Attorney*

**3:00 PM TIME CERTAIN ITEM**

27. [P-2019-47](#) Presentation By Michael D. Futterman, Partner In Charge, Marcum LLP, To The City Of Hollywood, Fiscal Year 2018 Comprehensive Annual Financial Report And Fiscal Year Audit Results.

**4:30 PM TIME CERTAIN ITEM**

28. [P-2019-48](#) Presentation By Vice Mayor Callari And The Youth Ambassador Program To Say Farewell To The Senior Members And To Award Them With A Scholarship Check For Their Participation In The Hollywood Youth Ambassador Program.

**QUASI-JUDICIAL ITEM(S)**

*(Rules of Procedure Attached to Agenda)*

29. [R-2019-184](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving An Amendment To The Plat Restriction Notation On The "Margaritaville At Hollywood" Plat To Change The Proposed Number Of Hotel Rooms From 349 To 369. (P19-06)

**Attachments:** [1 EN 19-068 Reso.doc](#)  
[4 Margaritaville Plat Amendment Current Plat.pdf](#)  
[3 Margaritaville Plat Amendment R-2012-039.pdf](#)

*Engineering Division*

30. [R-2019-185](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Allocation Of Up To 20 Additional Bonus Hotel Density Rooms From The "Hollywood Beach Hotel Room Pool" Pursuant To The City's Comprehensive Plan To Allow A Total Of 369 Rooms For The Margaritaville Hollywood Beach Resort Project; Amending The Site Plan To Reflect This Change.

**Attachments:** [1919 Resolution 2019 0605 Draft.doc](#)  
[EXHIBIT A.pdf](#)  
[EXHIBIT B.pdf](#)  
[Attachment I Application Package.pdf](#)

*Planning Division*

**ORDINANCE(S)**

31. [PO-2019-15](#) An Ordinance Of The City Of Hollywood, Florida, Repealing Section 133.30 Of The Code Of Ordinances Entitled "Discharging Firearms".

**Attachments:** [Ordinance Repeal of Chapter 133.30.doc](#)

*First Reading*

*Police Department*

**REGULAR AGENDA**

32. [P-2019-49](#) Presentation By Anne Hotte, Executive Director, Hollywood Chamber Of Commerce, On The Chamber's Recent Activities.
33. [P-2019-50](#) Presentation By Shelly Spivack, Friends Of Broward Homeless/Homeless Initiative, Regarding The Homeless Task Force.
34. [P-2019-38](#) Presentation And Update By Derik Alexander, Police Major, Regarding The Hollywood Police Athletic League Program.
35. [P-2019-51](#) Presentation By David Strauss, Acting Chief Of Police Of The Hollywood Police Department, Regarding A New Policy For Facial Recognition.

36. [R-2019-186](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Designating The Voting Delegate For The Florida League Of Cities 2019 Annual Conference, To Be Held On August 15 Through 17, 2019, In Orlando, Florida.

**Attachments:** [R-fal-leg-appt.DOC](#)  
[2019 Voting Delegate Memo.pdf](#)

*Office of the City Clerk*

37. [R-2019-187](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending Resolution No. R-2018-387; Substituting Projects Listed On The GOB Police And Fire Public Safety Facilities, Technology And Equipment Project List.

**Attachments:** [ramend2018387.doc](#)

*Office of the City Attorney*

**38. [R-2019-188](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Issuance By Public Sale Of Not To Exceed \$70,000,000.00 In Aggregate Principal Amount Of City Of Hollywood, Florida General Obligation Bonds, Series 2019, To Pay Costs Of A Portion Of The Project Described Herein, And Pay Costs Of Issuance; Providing That Such General Obligation Bonds Shall Constitute General Obligations Of The City And That The Full Faith, Credit And Taxing Power Of The City Shall Be Irrevocably Pledged For The Payment Of The Principal Of And The Interest On Such General Obligation Bonds; Making Certain Covenants And Agreements In Connection Therewith; Providing Certain Details Of Such Bonds And For A Public Sale Of Such Bonds; Delegating To Director Of Financial Services Authority To Determine Final Details Of Such Bonds And Public Sale Subject To Limitations, To Accept Bid Or Bids Resulting In Lowest True Interest Cost Determined In Accordance With Official Notice Of Sale, To Award Bonds To Lowest Responsive Bidder Or Bidders, To Qualify Such Bonds For Municipal Bond Insurance; Selecting A Paying Agent And Registrar; Approving Form, Distribution And Use Of Official Notice Of Sale; Approving Form, Execution And Delivery Of Such Bonds, Establishing Funds And Accounts For Such Bonds; Agreeing To Comply With Certain Requirements Under Internal Revenue Code Of 1986, As Amended; Covenanting To Provide Continuing Disclosure In Connection With Such Bonds In Accordance With Securities And Exchange Commission Rule 15c2-12 And Approving The Form Of And Authorizing The Execution And Delivery Of A Disclosure Dissemination Agent Agreement And Appointing A Disclosure Dissemination Agent; Authorizing A Book Entry Registration System For Such Bonds; Authorizing Certain Officials And Employees To Take All Action Necessary In Connection With Issuance And Sale Of Such Bonds; And Providing For Severability.

**Attachments:** [42567263 v 7 Bond Resolution City of Hollywood 2019 GOB.DOC](#)  
[43068558 v 4 Exhibit A Official Notice of Sale Hollywood GO Bonds 2019.docx](#)  
[43090971 v 4 Exhibit B Summary Notice of Sale 2019 G.O..docx](#)  
[gob2019 Exhibit C bond form.doc](#)  
[BIS 19-199R.docx](#)

*Financial Services*

39. [R-2019-189](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The First Amendment To The Master Services Agreement With Comcast Commercial Services, LLC. For The Continued Operation And Maintenance Of The City's Institutional Network For A Five Year Term At An Annual Estimated Amount Of \$360,000.00, Plus An Added 15 Percent For Future Installations, Upgrades And Miscellaneous Costs In An Estimated Amount Of \$2,000,000.00.

**Attachments:** [Comcast Agreement Reso 2019](#)  
[Comcast 1st amendment.pdf](#)  
[tercomcast.doc](#)  
[BIS 19-180.docx](#)

*Information Technology*  
*Requires A 5/7th Vote*

40. [R-2019-190](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Architectural/Engineering Firms And Authorizing The Appropriate City Officials To Negotiate And Execute A Professional Services Agreement With The Highest Ranked Firm to Provide Architectural/Engineering Programing And General Consulting Services For The Police Headquarters Project.

**Attachments:** [RESOARCHENGINEERSERVICESRANKINGPOLICESTATIONEN 19-074.doc](#)  
[Professional Services Agreement 2019.pdf](#)  
[En19-074 -POL 19-012 RFQ - Oral & Initial Criteria Ranking \(ALL\)Final .pdf](#)  
[RFQ - Architectural Consultant 2019.pdf](#)  
[TermSheetArchitectEngineeringProgandDesignPoliceHeadquartersGOBProject](#)  
[BIS 19-196.docx](#)

*Engineering Division*

41. [R-2019-191](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Interlocal Agreement With The City Of Miramar, Florida To Satisfy Hollywood's Reuse System Obligation Under The Ocean Outfall Legislation In The Amount Of \$7,000,000.00; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

**Attachments:** [01 Reso - Reuse Interlocal Agreement with City of Miramar.doc](#)  
[03 Exhibit A Miramar ILA for Reuse.pdf](#)  
[02 Reuse Interlocal Agreement with City of Miramar.pdf](#)  
[TermSheetMiramarILAVirtualReuse.doc](#)  
[BIS 19-186.docx](#)

*Public Utilities*

42. **5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**

**5:10 PM TIME CERTAIN ITEM(S)****42A. [R-2019-192](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Execution Of An Interlocal Agreement With Broward County Regarding The Placement Of A Tower In West Lake Park Or An Antenna System On Top Of The Circ Residences For The P25 Communication System.

**Attachments:** [Reso City-County Tower ILA.docx](#)  
[Exhibit A - 2019-06-18 ILA Revised \(clean\).docx](#)  
[BIS 19-214.docx](#)  
[Broward County Presentation 06-18-19.pdf](#)

*Office of the City Attorney*

**42B. [R-2019-193](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing An Estimated Expenditure Not To Exceed \$261,176.00 For The City's Efforts To Evaluate Circ As A Viable Alternative Site To West Lake Park For The Placement Of P25 Equipment; Amending The Fiscal Year 2019 Adopted Operating Budget (R-2018-301).

**Attachments:** [Reso City-County ILA Funding.docx](#)  
[Exhibit 1 ILA City-County Funding.pdf](#)  
[GM Selby Agreement.pdf](#)  
[GM Selby Invoices as of 05-08-2019.pdf](#)  
[GM Selby continuing services.pdf](#)  
[BIS 19-215R.docx](#)

*Development Services*

**42C. [R-2019-194](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Rescinding Its June 5, 2019 Decision To Deny The Site Plan Request For A Communication Tower Located At 1200 Sheridan Street ("West Lake Park") Set Forth In Resolution No. R-2018-333.

**Attachments:** [rescinding res communication tower .doc](#)  
[R-2018-333](#)

*Office of the City Attorney*

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

**43. Commissioner Hernandez, District 2**

**44. Vice Mayor Callari, District 3**

**45. Commissioner Blattner, District 4**

**46. Commissioner Biederman, District 5**

**47. Commissioner Sherwood, District 6**

**48. Commissioner Shuham, District 1**

**49. Mayor Levy**

**50. City Attorney**

**51. City Manager**

**52. ADJOURNMENT**

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

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

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

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

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

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

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

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

Please silence all cell phones prior to entering the meeting.

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

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

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

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

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

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

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

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

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

quasi-judicial hearing.

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

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

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

#### V. Party Intervenors.

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

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

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

#### VI. Conduct of Hearing.

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

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

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

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

E. The order of proof shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. Rules of Evidence.

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

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

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

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

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

XII. Transcription of hearing.

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

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

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

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

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

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

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

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