

## **Regular City Commission Meeting**

**Wednesday, December 6, 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***

***Douglas R. Gonzales, 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.

**1:15 PM - Items - 23 thru 26**

**1:30 PM - Item - 27**

**5:00 PM - Item - 36**

**5:15 PM - Item - 29**

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 ATTORNEY**

5. [R-2017-355](#) A Resolution Of The City Commission Of The City Commission Of The City Of City Of Hollywood, Florida, Authorizing The Payment Of Attorneys' Fees To GrayRobinson, P.A. For Legal Services In The ICON Office Building Property Litigation In An Amount Not To Exceed \$100,000.00 For FY 2018.

**Attachments:** [ragrayrobinsoniconfy2018first.doc](#)  
[tergrayrobinsonicon.doc](#)  
[BIS 18-053.doc](#)

**OFFICE OF THE CITY CLERK**

6. [R-2017-356](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of April 5, 2017.

**Attachments:** [Resolution - min- 04-05-17.doc](#)  
[April 5 2017 minutes.pdf](#)

7. [R-2017-357](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of April 19, 2017.

**Attachments:** [Resolution - min- 04-19-17.doc](#)  
[April 19 2017 minutes.pdf](#)

**OFFICE OF THE CITY MANAGER**

8. [R-2017-358](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Termination Of The Various Agreements With Florida Pace Funding Agency, Florida Green Finance Authority, Clean Energy Green Corridor; And The Towns of Lantana And Mangonia Park For The Property Assessed Clean Energy (PACE) Program.

**Attachments:** [RESO\\_PACEAGREEMENTTERMINATION2017.doc](#)  
[BIS 18-024.doc](#)

*Requires A 5/7th Vote*

9. [R-2017-359](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The Tri-Rail Coastal Link (TRCL) Commuter Rail Service And A Commitment To Work With Representatives Of Florida East Coast Industries And Its Affiliates, The Florida Department Of Transportation, Broward County, The Board Metropolitan Planning Organization, And The South Florida Regional Transportation Authority To Develop A Cost Effective Rail System With A Sound Financial Plan For Providing For Capital And Operating Costs For The Extension Of The Passenger Rail Service From Northeast Miami-Dade County Into Southeast Broward County; Authorizing The City Manager To Do All Thing Necessary To Carry Out The Aims Of This Resolution; And Providing For An Effective Date.

**Attachments:** [Nov 27 draft RESOLUTION SE BROWARD COASTAL LINK COALITION\\_JE.d](#)

**DEPARTMENT OF FINANCIAL SERVICES****10. [R-2017-360](#)**

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 Interline Brands D/B/A Supplyworks, A Home Depot U.S.A. Inc. Company And The City Of Hollywood, For The Purchase Of Cleaning Supplies, Equipment, And Custodial Related Products, Services, And Solutions To Be Utilized By All City Departments And Division Offices For Uses In City Facilities For An Estimated Annual Expenditure of \$148,000.00.

**Attachments:** [Reso Supplyworks Citywide.doc](#)  
[B003077 Blanket.pdf](#)  
[Interline DBA Supplyworks BackUp.pdf](#)  
[Term Sheet - Interline Brands dba Supplyworks, a Home Depot USA, Inc..doc](#)  
[BIS 18-051.doc](#)

**OFFICE OF HUMAN RESOURCES****11. [R-2017-361](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Negotiate A Global Settlement And Release Between The City And Armando Silva For A Workers' Compensation Claim In An Amount Not To Exceed \$607,000.00.

**Attachments:** [R-2017 Resolution Armando Silva's Workers Compensation Settlement.doc](#)  
[R-2017 Exhibit 1 Armando Silva's Workers Compensation Settlement.pdf](#)  
[BIS 18045.doc](#)

**COMMUNITY DEVELOPMENT DIVISION****12. [R-2017-362](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Terminating The Housing Emergency For The Entire City Of Hollywood Boundaries That Was Declared September 6, 2017 Pursuant To Resolution No. R-2017-272.

**Attachments:** [ResoHousingEmergencyTermination\\_Dec2017 revised.docx](#)

**ENGINEERING DIVISION****13. [R-2017-363](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order To Sherlock Tree Company, Inc., And The City Of Hollywood To Trim Existing Trees From The Florida East Railway West Landscape Easement As Required For Safe Railway Traffic In The Amount Of \$102,628.00; and approving an amendment to the Fiscal Year 2018 Capital Improvement Program, as set forth in Exhibit A.

**Attachments:** [EN18-026 FEC Tree Trimming Reso.docx](#)  
[Exhibit A Trees.pdf](#)  
[EN18-026 Sherlock Tree Company.pdf](#)  
[TermSheetOdysseyBestInterest2017.doc](#)  
[BIS 18055.doc](#)

*Requires A 5/7th Vote*

**DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS****14. [R-2017-364](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Miscellaneous Appropriations Grant Agreement Between The City Of Hollywood And The Hollywood Art And Culture Center, Inc., For The Provision Of Cultural Services Through Visual Arts, Performing Arts And Educational Programming, In The Amount Of \$100,000.00.

**Attachments:** [Reso \\$100K ARTCULTURECENTER 2017-2018.docx](#)  
[HACC Misc App Agrmnt 2017\\_100k.docx](#)  
[2017-18 HACC Scope of Services - 100k Addendum A.docx](#)  
[termaccmiscellanapp20152016.doc](#)  
[BIS 18-056.doc](#)

**15. [R-2017-365](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Agreement Between The City Of Hollywood And The Hollywood Art And Culture Center, Inc., For The Purpose Of Coordinating And Managing Cultural Arts Programming Services At Hollywood Central Performing Arts Center In The Amount Of \$70,000.00.

**Attachments:** [Reso HACCHCPAC2017-\\$70K 11.21.2017.doc](#)  
[HACC-HCPACAGR 2017-\\$70K 11.21.2017.doc](#)  
[TERMACCHPAC2015AGREEMENTNEW.doc](#)  
[BIS 18-054.doc](#)

*Requires A 5/7th Vote*

**POLICE DEPARTMENT****16. [R-2017-366](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Supporting The 2017 "Joint Position Statement Of The Broward County Chiefs Of Police Association And Fire Chief Association Of Broward County Consolidated E911 Communications System", And Providing For Distribution And An Effective Date.

**Attachments:** [Resolution.doc](#)  
[Exhibit A -Joint Position Statement Memorandum.pdf](#)

17. [R-2017-367](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Expenditure Of Federal Law Enforcement Forfeiture Funds (Treasury) Pursuant To The Federal Comprehensive Crime Control Act Of 1984 For The Purchase Of One (1) Police Canine In An Amount Not To Exceed \$15,000.00; Amending The Fiscal Year 2018 Adopted Operating Budget (R-2017-288) For The Law Enforcement Forfeiture Fund 12, Revising Operating Revenues, Authorizing Budgetary Adjustments, Expenditures, And Transfers As Detailed In Exhibit 1; And Authorizing The Department Of Financial Services To Establish Account(s) As May Be Needed.

**Attachments:** [Resolution.docx](#)  
[Exhibit 1.pdf](#)  
[BIS 18048.doc](#)

#### DEPARTMENT OF PUBLIC UTILITIES

18. [R-2017-368](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Amendment No. 1 To The Authorization To Proceed For Work Order No. CTA 17-01 Between Craven Thompson & Associates, Inc. And The City Of Hollywood To Provide Professional Engineering Services For Design And Construction Services Related To Flowmeter And By-Pass Piping Servicing Sanitary Sewer Lift Station W-14 Rehabilitation Project, In A Lump Sum Amount Of \$15,200.00 (Project No. 16-8063).

**Attachments:** [1 Resolution - Sanitary Sewer Lift Station W-14 Rehab Amend No. 1 ATP CTA 17-01](#)  
[2 ATP CTA 17-01 Amend #1- Sanitary Sewer Lift Station W-14 Rehab Amend No. 1 ATP CTA 17-01](#)  
[3 ATP CTA 17-01 - Sanitary Sewer Lift Station W-14 Rehab Amend No. 1 ATP CTA 17-01](#)  
[4 Proposal - Sanitary Sewer Lift Station W-14 Rehab Amend No. 1 ATP CTA 17-01](#)  
[5 R-2017-015 Craven Thompson Sanitary Sewer Lift Station W-14.pdf](#)  
[Term Sheet - Craven Thompson, Work Order 17-01.doc](#)  
[BIS 18-046.doc](#)

19. [R-2017-369](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue An Authorization To Proceed For Work Order No. H&S 18-01 Between Hazen And Sawyer P.C., And The City Of Hollywood To Provide Professional Engineering Services For The Return Activated Sludge (RAS) Pump Station No. 1 Rehabilitation, Located At The Southern Regional Wastewater Treatment Plant In The Lump Sum Amount Of \$74,466.00 (Project No. 17-9523).

**Attachments:** [1 Resolution - RAS Pump Station No. 1 Rehabilitation ATP H&S 18-01 \(Hazen & Sawyer\)](#)  
[2 ATP - RAS Pump Station No. 1 Rehabilitation ATP H&S 18-01 \(Hazen & Sawyer\)](#)  
[3 Proposal - RAS Pump Station No. 1 Rehabilitation ATP H&S 18-01 \(Hazen & Sawyer\)](#)  
[4 R-2017-283 Ranking Engineering Consulting Companies Water & Wastewater](#)  
[Term Sheet - Hazen & Sawyer Work Order H&S 18-01.doc](#)  
[BIS 18-040.doc](#)

**20. [R-2017-370](#)**

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. B&V 18-01 Between Black & Veatch Corporation And The City Of Hollywood To Develop And Implement Automation And SCADA Improvements For Optimization Of The Influent Distribution, Oxygenation Trains, Return Activated Sludge, Wasted Activated Sludge, And Deep Injection Well Systems And Processes At The Southern Regional Wastewater Treatment Plant, In The Lump Sum Amount Of \$299,460.00; And Approving An Amendment To The Fiscal Year 2018 Capital Improvement Program, As Set Forth In Exhibit A (City Project No. 18-9416a).

**Attachments:** [1 Resolution - Automation and SCADA Improvement ATP B&V 18-01 \(Black & Veatch\)](#)  
[2 Exhibit A - Automation and SCADA Improvement ATP B&V 18-01 \(Black & Veatch\)](#)  
[3 ATP - Automation and SCADA Improvement ATP B&V 18-01 \(Black & Veatch\)](#)  
[4 Proposal - Automation and SCADA Improvement ATP B&V 18-01 \(Black & Veatch\)](#)  
[Term Sheet - Black & Veatch Work Order 18-01.doc](#)  
[BIS 18-049.doc](#)

**DEPARTMENT OF PUBLIC WORKS****21. [R-2017-371](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Orders Between The Following Six (6) Vendors: Diamond R Fertilizer, Siteone Landscape Supply LLC, Residex LLC, Helena Chemical Company, Howard Fertilizer Company, Inc., And Harrell's LLC And The City Of Hollywood For The Supply Of Various Fertilizers And Related Chemicals For The Combined Annual Amount Not To Exceed \$73,000.00.

**Attachments:** [Reso Fertilizer Co-Op.doc](#)  
[BPO'S FERTILIZER.pdf](#)  
[BACK-UP FERTILIZERS.pdf](#)  
[Revised PRCA Back-Up for fertilizer.pdf](#)  
[Term Sheet - Fertilizers.doc](#)  
[BIS 18-042.doc](#)

**22. [R-2017-372](#)**

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 Zimy Electronics, Inc And The City Of Hollywood For The Required Purchase, Installation, Repair, Maintenance And Monitoring Services For The Citywide Fire Alarm, Burglar Alarm And Access Control Systems For An Estimated Annual Expenditure Amount Of \$198,600.00.

**Attachments:** [reso - ZimyElectronics ONE YEAR EXTENSION 11.14.17.doc](#)  
[B002761.pdf](#)  
[Zimy Back Up.pdf](#)  
[Term Sheet - Zimy Electronics, Inc..doc](#)  
[BIS 18-052.doc](#)

*Requires A 5/7th Vote*

**1:15 PM TIME CERTAIN ITEM(S)**

23. [PO-2017-22](#) An Ordinance Of The City Of Hollywood, Florida, Repealing Section 70.05 Of The Code Of Ordinances Entitled "Combat Auto Theft Program."

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

*Second Reading*

*No Changes Since First Reading*

*Advertised Public Hearing*

24. [PO-2017-23](#) An Ordinance Of The City Of Hollywood, Florida, Vacating An Approximate 105 Foot Portion Of An Alley Within Block 4 Of The Plat Of Broward Manor Of Hollywood, Generally Located North Of Pembroke Road And West Of South 19th Avenue, As More Specifically Described In Exhibit "A" Attached Hereto; Providing For A Severability Clause; A Repealer Provision, And An Effective Date. (VA-15-01)

**Attachments:** [VACATIONORDINANCEBROWARDMANOROCTOBER2017.doc](#)

[Exhibi A-1921 Pembroke alley vacation area Survey Sketch.pdf](#)

[Exhibit B-1921 Pembroke alley easement and widening area.pdf](#)

[3 Location Map.pdf](#)

[6 Ownership.pdf](#)

*Second Reading*

*No Changes Since First Reading*

*Advertised Public Hearing*

**1:15 PM QUASI-JUDICIAL ITEM(S)**

*(Rules of Procedure Attached to Agenda)*

25. [PO-2017-24](#) An Ordinance Of The City Of Hollywood, Florida, Waiving The 10 Acre Minimum Acreage Requirement For A Planned Development District Pursuant To Section 4.15.E.1 Of The Zoning And Land Development Regulations; Changing The Zoning Designation Of The Property Generally Located On The Northeast Corner Of State Road 7 And Griffin Road From SR 7 CCD-RC (State Road 7 Commercial Corridor Resort Commercial Sub-Area) To PD (Planned Development) District; Approving The Planned Development Master Plan For The Subject Property (Hereinafter Known As "441 ROC Master Development Plan"); And Amending The City's Zoning Map To Reflect The Change In Zoning Designation. (17-DPVZ-21)

**Attachments:** [1721\\_Ordinance\\_2017\\_1115.doc](#)

[EXHIBIT A.docx](#)

[EXHIBIT B.pdf](#)

[ATTACHMENT I.pdf](#)

[ATTACHMENT II.pdf](#)

*Second Reading*

*No Changes Since First Reading*

*Advertised Public Hearing*

26. [R-2017-373](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Modifications From The Off-Street Parking And Landscaping Requirements, Sign Variances And Setback Variance, Design, And Site Plan Approval For The Construction Of A Mixed-Use Planned Development (PD) Known As "441 Roc" Generally Located On The Northeast Corner Of State Road 7 And Griffin Road; And Providing An Effective Date. (17-DPVZ-21)

**Attachments:** [1721 Resolution 2017 1206.doc](#)

**1:30 PM TIME CERTAIN ITEM**

27. [R-2017-374](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Allocation Of Up To Eight (8) Bonus Hotel Density Rooms From The "Hollywood Beach Hotel Room Pool" Pursuant To The City's Comprehensive Plan And Zoning And Land Development Regulations For A 31 Room Hotel With Accessory Uses Known As The "Riptide Hotel", Located At 2300 And 2325 North Surf Road, As More Specifically Described In The Attached Exhibit "A"; And Providing For An Effective Date. (16-CMPV-73)

**Attachments:** [1673 CC Resolution 2017 1206.doc](#)  
[EXHIBIT A.pdf](#)  
[EXHIBIT B.pdf](#)  
[Attachment I.pdf](#)

**QUASI-JUDICIAL ITEM**

*(Rules of Procedure Attached to Agenda)*

28. [R-2017-375](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The "Griffin Centre" Plat, Being In The City Of Hollywood, Broward County, Florida, Generally Located North of Griffin Road, East of State Road 7. (P-17-06)

**Attachments:** [EN18-027ResoROC441Plat.doc](#)  
[Exhibit A Griffin Centre Plat.pdf](#)  
[Griffin Centre BC Dev Rev Report.pdf](#)

**5:15 PM TIME CERTAIN ITEM****29. [PO-2017-25](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending The Zoning And Land Development Regulations By Amending Section 4.6 Entitled "Regional Activity Center, Downtown And Beach Community Redevelopment Districts" To Create Transit Oriented Corridor Districts; Establishing Permitted Uses, Development Regulations, Development Standards, Definitions For New Uses; Establishing Development And Parking Standards City-Wide Within Various Articles Of The Zoning And Land Development Regulations; Repealing Section 4.20; Changing The Zoning Designation Of Certain Properties Within Transit Oriented Corridor (TOC), With The Exception Of Properties Zoned Government Use, As More Particularly Described In Exhibit "A" Attached Hereto; And Amending The City's Zoning Map To Reflect The Change In Zoning Designations; And Providing For An Effective Date. (15-TZ-56).

**Attachments:** [1556 Ordinance 2017 1115.docx](#)  
[Exhibit A.pdf](#)  
[Exhibit B.pdf](#)  
[Appendix Diagrams.pdf](#)  
[Attachment I.pdf](#)

*Second Reading*

*No Changes Since First Reading*

*Advertised Public Hearing*

**REGULAR AGENDA****30. [R-2017-376](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind The Renewal Policies For Primary And Excess Property Insurance, Flood Insurance, Public Officials Liability Insurance, Boiler And Machinery Insurance, And Terrorism Insurance For A Not To Exceed Amount Of \$1,931,250.00, For Which Quotes Were Solicited By Arthur J. Gallagher Risk Management Services.

**Attachments:** [Reso Insurance Renewals](#)  
[HRPremiumSummary.pdf](#)  
[terinspr.DOC](#)  
[BIS 18-050.doc](#)

**31. [R-2017-377](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Commercial Property Improvement Pilot Program As An Economic Development Incentive To Property Owners Along Designated Commercial Corridors In Low And Moderate Income Areas Of Hollywood, Florida.

**Attachments:** [Resolution COH CPIP Program-final.docx](#)  
[Exhibit A Revision -TMP-2017-660](#)  
[Exhibit B Commercial Facade Improvement Program Agreement.docx](#)  
[Term Sheet template.doc](#)  
[BIS 18-057.doc](#)

32. [R-2017-378](#) 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 Development Agreement Among The City Of Hollywood, The Hollywood CRA And H3 Hollywood, LLC; And Proving For An Effective Date.  
**Attachments:** [rahollywoodstation2damendment.docx](#)  
[agreement.docx](#)
33. [R-2017-379](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Obtain Temporary Professional Services To Support The City Of Hollywood ERP Effort E.D.G.E. (End Duplication Gain Efficiency) Project Requiring Professional Consultants And Subject Matter Experts For An Annual Amount Not To Exceed \$1,500,000.00 And Amending The Fiscal Year 2018 Adopted Operating Budget (R-2017-288), As Detailed In The Attached Exhibit 1.  
**Attachments:** [rerpprofessionalservices.doc](#)  
[Exhibit 1.pdf](#)  
[tertempproferp.doc](#)  
[BIS 18-059.doc](#)
34. [R-2017-380](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing A Vice Mayor For A One Year Term.  
**Attachments:** [R-vm-appt.doc](#)
35. [P-2017-059](#) Presentation By Brian Rademacher, Corridor Redevelopment Manager, Regarding The Federal Highway Shuttle Options.
36. **5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**

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

- 37. Commissioner Case, District 1
- 38. Commissioner Hernandez, District 2
- 39. Vice Mayor Callari, District 3
- 40. Commissioner Blattner, District 4
- 41. Commissioner Biederman, District 5
- 42. Commissioner Sherwood, District 6
- 43. Mayor Levy
- 44. City Attorney
- 45. City Manager
- 46. ADJOURNMENT

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

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

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

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

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

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

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

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

Please silence all cell phones prior to entering the meeting.

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

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

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

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

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

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

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

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