

Regular City Commission Meeting

Wednesday, June 5, 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 - 21 thru 23

1:15 PM - Items - 24 thru 26

1:30 PM - Items - 27 thru 28

2:00 PM - Item - 29

4:00 PM - Item - 30

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 20)

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-2019-141](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Expenditure Of Funds In An Amount Not To Exceed \$100,000.00 Pursuant To The Existing Agreement With Weiss Serota Helfman Cole & Bierman, P.L. For FY 2019 For Legal Services In Areas Other Than Labor And Employment; Amending The Fiscal Year 2019 Adopted Operating Budget.

Attachments: [rweisswerotarevised.docx](#)
[Exhibit 1 - rweissserota.pdf](#)
[BIS 19-168.docx](#)

OFFICE OF THE CITY CLERK

6. [R-2019-142](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of December 5, 2018.
- Attachments:** [Reso Min Revised 12-05-18.docx](#)
[December 5 2018 minutes.pdf](#)
7. [R-2019-143](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of December 19, 2018.
- Attachments:** [Reso Min Revised 12-19-18.docx](#)
[December 19 2018 minutes.pdf](#)
[Hernandez conflict December 19 2018.pdf](#)
8. [R-2019-144](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of January 16, 2019.
- Attachments:** [Reso Min 01-16-19.docx](#)
[January 16 2019 minutes.pdf](#)

OFFICE OF HUMAN RESOURCES

9. [R-2019-145](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Herbert Helfen Regarding A Workers' Compensation Claim For Attorney's Fees And Costs In An Amount Not To Exceed \$5,000.00.
- Attachments:** [Resolution 2019 Herbert Helfen Attorney's Fees.doc](#)
[Helfen, Herbert DOI 102805 Attorney's Fees & Costs.pdf](#)
[BIS 19-167.docx](#)

DEPARTMENT OF FINANCIAL SERVICES

10. [R-2019-146](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending the Number and Type of the Authorized Positions and Adjusting the Assignments Of The Authorized Positions For Each Department For The Fiscal Year 2019.
- Attachments:** [PosCntrl.docx](#)
[Exhibit 1R.pdf](#)
[Exhibit 2R.pdf](#)
[BIS19-164.doc](#)
11. [R-2019-147](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Fiscal Year 2019 Adopted Budget R-2018-301 and the Fiscal Year 2019 Capital Improvement Plan.
- Attachments:** [Reso - Budget Amendment.doc](#)
[Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[FY 19 Amended Capital.pdf](#)
[BIS 19-165.doc](#)

12. [R-2019-148](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Extension Of The Line Of Credit Agreement With City National Bank, For An Additional One Year Term To Maintain A Line Of Credit Facility To Assist The City In Meeting The Costs Of Recovery In The Event Of A Disaster; Authorizing The Mayor To Execute Promissory Notes And The City Manager To Approve Draws Pursuant To The Line Of Credit Agreement.

Attachments: [01 - Resolution ELOC 2019r](#)
[02 - Extension of Line of Credit Agreement 2019r](#)
[03 - CNB ELOC Signed 20180614](#)
[04 - R-2017-156 w EXs](#)
[05 - EX A - Note for Line of Credit Agreement](#)
[06 - EX C - Draw Certificate](#)
[teremergencylineofcredit2019.doc](#)
[BIS 19-175.docx](#)

DEPARTMENT OF FIRE RESCUE & BEACH SAFETY

13. [R-2019-149](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Issuance Of A Blanket Purchase Order With The Broward Sheriff's Office For The Purchase Of Medical Supplies, Fire Equipment And Janitorial Supplies In The Estimated Amount Of \$150,000.00.

Attachments: [Res Medical Supplies Fire Equipment Janitorial Supplies.doc](#)
[Blanket Purchase Order PA600095 Medical Supplies Fire Equipment Janitorial ; Renewal Backup Medical Supplies Fire Equipment Janitorial Supplies.pdf](#)
[Term Sheet \(Best Interest\).doc](#)
[BIS 19-163.docx](#)

Requires A 5/7th Vote

PARKING DIVISION

14. [R-2019-150](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Agreement With Broward County Regarding Parking Management And Enforcement In The Hollywood North Beach Pocket Park Parking Lots.

Attachments: [hollywood north beach county city parking managment contract a.o.61918.docx](#)
[2019-05-13 - Hollywood North Beach County City Parking Management final clea](#)
[TermSheetBrowardCountyNorthBeachParkPocketParksAgreement2019.doc](#)
[BIS 19173.doc](#)

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

15. [R-2019-151](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending Resolution No. R-2017-339 Relating To The Schedule Of Fees And Charges For The Department Of Parks, Recreation And Cultural Arts; Approving Revisions to the Rate Schedule And Fee Structure.

Attachments: [ResoFees and Charges 2019-20 Revision of PRCA Fees.xlsx](#)
[Broward Cnty Exhibit1_Resolution_Fee Schedule.pdf](#)
[BIS 19-112R.docx](#)

Requires A 5/7th Vote

16. [R-2019-152](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Mullings Engineering Services, Inc. Based On City Of Boynton Beach Contract For Sod And Sod Installation Of Boggs West Field In Accordance With Section 38.46 Of The Code Of Ordinances (Cooperative Purchasing) For An Estimated Expenditure Of \$120,000.00.

Attachments: [Reso - Mullings Engineering - Boggs West.docx](#)
[Boynton Beach Coop Awarded Vendors for Sod and Installation 8.28.18.doc](#)
[Mullings Quote for Boggs West.pdf](#)
[Mullings General Liability & Worker's Comp.pdf](#)
[Mullings Auto.pdf](#)
[Term Sheet - Mullings Engineering Services, Inc..doc](#)
[BIS 19-176.docx](#)

POLICE DEPARTMENT

17. [R-2019-153](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Florida's Facial Recognition Network Memorandum Of Understanding With The Pinellas County Sheriff's Office.

Attachments: [Resolution.doc](#)
[FACES Agency Access MOU.pdf](#)
[Term Sheet.doc](#)

18. [R-2019-154](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Attached Service Quote With The Sea Tow Fort Lauderdale For The Removal Of Four Derelict Vessels.

Attachments: [Resolution.doc](#)
[1-22-19 Wreck Removal quote.pdf](#)
[BIS 19-171.docx](#)

DEPARTMENT OF PUBLIC UTILITIES

19. [R-2019-155](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order Number H&S 19-02 With Hazen And Sawyer, P.C. For Miscellaneous Professional Engineering And Administrative Services, On An As-Needed Basis, In An Amount Not-To-Exceed \$100,000.00.

Attachments: [1 Resolution 1331 - HS 19-02\(REV.\).docx](#)
[2 Authorization to Proceed for Consultant 1331 - H&S 19-0...pdf](#)
[3 Engineering & Administrative Assistance 16.pdf](#)
[4 R-2017-283 Consulting Engineering Executed.pdf](#)
[TermSheetATPHAZENSAWYERASNEEDEDBASISENGINEERINGSERVICES BIS 19-166.docx](#)

20. [R-2019-156](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving and Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order With Sulphuric Acid Trading Company Inc. For Delivery Of Sulfuric Acid In An Estimated Annual Amount Of \$430,000.00.

Attachments: [Reso Acid Deerfiled Beach 2019.doc](#)
[B00XXXX Sulphuric Acid Trading Company, Inc.doc](#)
[Piggyback Request Form - Sulphuric Acid Trading Company, Inc APPROVED.;](#)
[TermSheetBPOSULPHURICACIDCOOPERATIVEPURCH2019..doc](#)
[BIS 19-174.docx](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

21. [P-2019-39](#) A Proclamation In Recognition Of The 5th National Gun Violence Awareness Day, June 7, 2019.

Attachments: [06-05-19 Natl Gun Violence Awareness Day.docx](#)

22. [P-2019-40](#) A Proclamation In Recognition Of Pride Month, June 2019.

Attachments: [06-05-19 LGBT Pride Month.doc](#)

23. [P-2019-41](#) A Proclamation In Recognition Of The Juneteenth Celebration - June 19, 2019.

Attachments: [06-05-19 Juneteenth.doc](#)

1:15 PM TIME CERTAIN ITEM(S)

24. [PO-2019-09](#) An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 92 Of The Code Of Ordinances Entitled "Animals" To Amend Section 92.19 "Owners Responsible For Actions Of Dogs" To Define An "Owner" And To Clarify Language In Section 92.20 "Running At Large".

Attachments: [ORDINANCE - Chapter 92 Owner Revisions.doc](#)
[2018 Florida Statute Ch.767.pdf](#)

*Office of the City Attorney
Second Reading
No Changes Since First Reading
Advertised Public Hearing*

25. [PO-2019-10](#) An Ordinance Of The City Of Hollywood, Florida, Creating Section 72.100 Of The Code Of Ordinances To Prohibit Parking Of Certain Vehicles On Public Property Except In Bicycle Racks, Docking Stations Or Similar Devices.

Attachments: [odocklessbikes.doc](#)

*Office of the City Attorney
Second Reading
No Changes Since First Reading
Advertised Public Hearing*

26. [PO-2019-13](#) An Ordinance Of The City Of Hollywood, Florida, Amending Section 37.01 Of The Code Of Ordinances To Reestablish One Additional Department To Be Known As The Department Of Design And Construction Management.

Attachments: [ORDESTABLISHINGDCM2019.doc](#)

*Office of the City Manager
Second Reading
No Changes Since First Reading
Advertised Public Hearing*

1:30 PM QUASI-JUDICIAL ITEM(S)

(Rules of Procedure Attached to Agenda)

27. [PO-2019-08](#) 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 At 3701 Hillcrest Drive From PUD-R (Planned Unit Development-Residential) To PD (Planned Development District); Approving The Planned Development (PD) Master Development Plan For The Subject Property; Approving A Variance; Amending The City's Zoning Map To Reflect The Change In Zoning Designation. (18-DJPVZ-04a)

Attachments: [18DJPVZ04a Ordinance HILLCREST PD TOBIN 0529 Final](#)

[EXHIBIT A.pdf](#)

[EXHIBIT B.pdf](#)

[Attachment I_March 14 2019 Planning and Development Board Staff Report.pdf](#)

*Planning Division
Second Reading
Advertised Public Hearing*

28. [R-2019-157](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Modifications, Design, And Site Plan Approval For A Planned Development Located At 3701 Hillcrest Drive. (18-DJPVZ-04a)

Attachments: [1804a Resolution 2019 0605 Draft.doc](#)

[EXHIBIT A.pdf](#)

[EXHIBIT B.pdf](#)

[Attachment I_March 14 2019 Planning and Development Board Staff Report.pdf](#)

Planning Division

2:00 PM TIME CERTAIN ITEM

29. [P-2019-42](#) Presentation By Michael Carey Of Kimley-Horn And Associates, Inc., Regarding An Update On The Rehabilitation Of The North Runway At Fort Lauderdale-Hollywood International Airport.

4:00 PM QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

30. [R-2018-333](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Site Plan Approval For A Communication Tower Located At 1200 Sheridan Street ("West Lake Park"). (18-P-49)

Attachments: [1849 P Resolution 2019 0605.docx](#)
[EXHIBIT A.pdf](#)
[EXHIBIT B.pdf](#)
[Attachment I Planning and Development Board Staff Report and Backup.pdf](#)
[Attachment II Supplemental Application Package.pdf](#)
[Attachment III Supplemental Applicant Package Alternate Site.pdf](#)
[Attachment IV CIRC Hotel Analysis \(CIRC, CFE Architects\).pdf](#)
[Attachment V \(a\) Broward County Commission Agenda Item 2019 0108.pdf](#)
[Attachment V \(b\) Restrictions OR44349-665.pdf](#)
[Attachment V \(c\) Chapter 164 Initiation of Conflict.pdf](#)
[Attachment V \(d\) Broward County Commission Agenda Item 2019 0129.pdf](#)
[Attachment V \(e\) Broward County Commission Agenda Item 2019 0212.pdf](#)
[Attachment V \(f\) Broward County Commission Agenda Item 2019 0226.pdf](#)
[Attachment V \(g\) Communications Tower Location Plan B.pdf](#)
[Attachment V \(h\) CIRC Hotel Feasibility Study Report and Appendices \(KCI\).pc](#)
[Attachment V \(i\) Evaluation of CIRC Hotel Feasibility Study Report \(GM Selby I](#)
[Attachment V \(j\) CIRC Hotel Feasibility Study Summary \(KCI, Mission Critical, I](#)
[Attachment V \(k\) Evaluation of RF Layout at the CIRC Hotel \(GM Selby Inc\) an](#)
[Attachment V \(l\) Broward County Commission Agenda Item 2019 0416.pdf](#)
[Attachment V \(m\) Response to Broward County Comments \(GM Selby Inc\).pdf](#)
[Attachment V \(n\) Broward County Commission Agenda Item 2019 0507.pdf](#)
[Attachment V \(o\) Evaluation of County Commission Comments \(GM Selby Inc\)](#)
[Attachment V \(p\) Site Plan Review Standard.pdf](#)
[Attachment V \(q\) Telecommunication Facilities in OSR Land Use .pdf](#)
[Attachment V \(r\) Joint Meeting for Dispute RE Tower Location.pdf](#)
[Attachment V \(s\) May 30, 2019 Overall Height Clarification Letter.pdf](#)

Planning Division

Continued From The December 19, 2018 Meeting

ORDINANCE(S)

31. [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: [genemployeecba2019final.docx](#)
[BIS 19-172.docx](#)

Office of the City Attorney

First Reading

Requires A 5/7th Vote

QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

32. [R-2019-158](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Apply For, And If Awarded, Accept Federal Funds From The Federal Emergency Management Agency Through The Hazard Mitigation Grant For Two New Generators; Authorizing 25% Of The Required Matching Funds To Be Allocated From Contingencies; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements; Amending The Fiscal Year 2019 Adopted Operating Budget And Capital Improvement Plan, If Awarded.

Attachments: [Reso FEMA GENERATOR IRMA.docx](#)
[Exhibit 1 HMGP Generators and Grant match .pdf](#)
[BIS 19-179.docx](#)

Public Utilities

REGULAR AGENDA

33. [P-2019-43](#) Presentation By Jaime Hernandez, Emergency Management Coordinator, To Provide An Update On The City Of Hollywood’s State Of Hurricane and General Emergency Readiness.

34. [R-2019-159](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Lanzo Construction Co., Florida, For Construction Services Related To (I) The Water Main Replacement Program - Hollywood Boulevard To Sheridan Street Between N. Federal Highway (US-1) And N. 21st Avenue, And (II) The Royal Poinciana Limited Sewer Expansion, In The Total Amount Of \$22,867,926.25; Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order No. TTH 19-02 With Tetra Tech, Inc. For Additional Limited Engineering Services During Construction For The Project In The Amount Of \$293,063.00; Amending The Fiscal Year 2019 Capital Improvement Plan Budget.

Attachments: [1 Resolution Lanzo & Tetra Tech WO for WMRP & Sewer Expansion.doc](#)
[2 Exhibit A REV](#)
[3 Authorization to Proceed 5124 - TTH 19-02.pdf](#)
[4 00500 Contract 5124 and 7077.pdf](#)
[5 R-2017-246.pdf](#)
[6 R-2014-278.pdf](#)
[7 R-2017-284.pdf](#)
[8 R-2018-233 Project 5124 SRF.PDF](#)
[9 R-2018-235 Project 7077 SRF.PDF](#)
[10 Lanzo Construction Company.pdf](#)
[11 David Mancini & Sons, Inc.pdf](#)
[12 Giannetti Contracting Corporation.pdf](#)
[13 Man Con Incorporated Bid.pdf](#)
[14 Reynolds Construction.pdf](#)
[15 Ric-Man Construction.pdf](#)
[16 Ric-Man Int'l Inc.pdf](#)
[terlanzowatermainreplaceandsewerexpand.doc](#)
[terttratechwatermainreplaceandsewerexpand.doc](#)
[BIS 19-177.docx](#)

Public Utilities

35. [R-2019-160](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Renew The Existing Contract With Envirowaste Services Group, Inc. For The Gravity Sewer System Condition Assessment, Renewal, And Replacement Program (Also Known As Inflow/ Infiltration Reduction Program Level Two) - Excavated Point Repairs, As Identified In The 2007/2008 Wastewater System Master Plan, In The Amount Of \$1,166,705.00.

Attachments: [1 7081A Resolution Rev.docx](#)
[2 Contract Extension Letter 7081A.pdf](#)
[3 R-2017-073 \(Executed\).pdf](#)
[4 R-2018-108 \(Executed\).pdf](#)
[TermSheetEnvirowasterenewal2019](#)
[7081 Proposal Bid Form 4 Pages.pdf](#)
[7081 Signed Contract 0500.pdf](#)
[BIS 19-162.docx](#)

Public Utilities

36. [R-2019-161](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Southeastern Engineering Contractors, Inc. For Construction Services Related To Sanitary Sewer Lift Station W-14 Rehabilitation Located At 5596 Monroe Street In The Amount Of \$2,395,072.00; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

Attachments: [Resolution 8063 Southeastern Engineering.docx](#)
[2 Exhibit A.pdf](#)
[3 Contract 8063.pdf](#)
[4 Authorization to Proceed 8063 - CTA 17-01 Amend 1 Executed.pdf](#)
[5 R-2017-015 \(Executed\).pdf](#)
[7 Bid Opening Check List W-14 8063.pdf](#)
[8 V Engineering & Consulting Corp - Bid package.pdf](#)
[9 Intercounty Engineering Inc. - Bid Package.pdf](#)
[10 Southeastern Engineering Contractors, Inc..pdf](#)
[TermSheetSoutheasternEngineeringLiftStationW14MonroeStreet](#)
[BIS 19-161.docx](#)

Public Utilities

37. [R-2019-162](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Local Housing Assistance Plan For Fiscal Years 2019 Through 2022 Pursuant To The State Housing Initiatives Partnership Program Act; Authorizing Appropriate City Officials To Execute All Documents Required For The Local Housing Assistance Plan For Fiscal Years 2019 Through 2022; Authorizing Appropriate City Officials To Transmit The Local Housing Assistance Plan For State Of Florida Fiscal Years 2019 Through 2022 To The Florida Housing Finance Corporation.

Attachments: [Revised LHAP Resolution \(003\)](#)
[LHAP 2019-2022](#)
[BIS 19-170.docx](#)

Community Development Division
Advertised Public Hearing

38. [R-2019-163](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Accepting The Affordable Housing Advisory Committee Report For Fiscal Year 2019 And Approving The Affordable Housing Advisory Committee Recommendations.

Attachments: [Revised AHAC Rec Reso](#)
[Exhibit A - 2019 PDF AHAC Recommendations](#)
[BIS 19-169.docx](#)

Community Development Division
Advertised Public Hearing

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

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

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

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

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

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

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

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

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

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

Please silence all cell phones prior to entering the meeting.

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

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

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

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

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

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

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

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

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

quasi-judicial hearing.

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

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

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

V. Party Intervenors.

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

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

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

VI. Conduct of Hearing.

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

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

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

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

E. The order of proof shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. Rules of Evidence.

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

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

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

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

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

XII. Transcription of hearing.

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

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

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

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

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

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

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

R-2016-334, 11/2/2016