

Regular City Commission Meeting

Wednesday, March 1, 2023

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

Adam Gruber, Vice Mayor - District 4

Caryl Shuham, Commissioner - District 1

Linda Hill Anderson, Commissioner - District 2

Traci Callari, Commissioner - District 3

Kevin Biederman, Commissioner - District 5

Idelma Quintana, 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 - Item -12

1:15 PM - Item - 13,14

1:45 PM - Item - 15

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

CONSENT AGENDA

(Items # 5-11)

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 BUDGET & PERFORMANCE MANAGEMENT

5. [R-2023-051](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The 2023 Amendment To The Interlocal Agreement With Broward County Regarding Additional Local Option Gas Tax On Motor Fuel, And The 2023 Amendment To The Interlocal Agreement With Broward County Regarding Additional Local Option Gas Tax On Motor Fuel For Transit.


Attachments: [2023 Reso FY 24 Gas Tax.docx](#)
[Exhibit 1](#)
[Exhibit 2](#)
[2023 Gas Tax Term Sheet.doc](#)

Strategic Plan Focus Area:  Financial Management & Administration

CODE COMPLIANCE DIVISION

6. [R-2023-052](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Appointing Two Special Magistrates Pursuant To Chapter 36 Of The City Of Hollywood Code Of Ordinances And Authorizing The Execution Of Retainer Agreements With The Two Special Magistrates For An Estimated Annual Expenditure Of \$18,000.00.

Attachments: [SM Contract Resolution](#)
[T Ansbro Retainer Agreement](#)
[J Secher Retainer Agreement](#)
[T Ansbro Proposal](#)
[J Secher Proposal](#)


Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

DEPARTMENT OF FIRE RESCUE & BEACH SAFETY

7. [R-2023-053](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Blanket Purchase Agreement For A Stretcher Maintenance Service Plan And Medical Supplies, On An As-Needed Basis, With Stryker Sales In An Amount Not To Exceed \$44,000.00 In Accordance With Section 38.41(C)(9) Of The City's Purchasing Ordinance (Best Interest).

Attachments: [Resolution \(Stretcher Maintenance Service Plan\).docx](#)
[PA_300000006758576_PA600656_0-3.pdf](#)
[Quote from Stryker Sales.pdf](#)
[Term Sheet \(Best Interest\).doc](#)


Requires a 5/7 Vote

Strategic Plan Focus Area:  Public Safety

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

8. [R-2023-054](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing, By Special Exception, The Participation Of The Budweiser Clydesdale Horses In The City Of Hollywood St. Patrick's Day Parade And Festival On Sunday, March 12, 2023.


Attachments: [Reso - CLYDASDALE St Patricks Day Parade 2023-final.docx](#)
[Clydesdales Facts-2023.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

DEPARTMENT OF PUBLIC UTILITIES

9. [R-2023-055](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Blanket Purchase Agreement With Nalco Water, Inc. For The Delivery And Supply Of Nalco Pc-1850t Antiscalant And 3d Trasar Technology For An Annual Amount Of \$195,000.00 Over A Three Year Period From March 11, 2023 Through March 10, 2026, In Accordance With Section 38.41(C)(2) Of The Procurement Code (Sole Source).

Attachments: [Resolution Nalco PC-1850T Antiscalant Sole Source - Copy - Copy.docx](#)
[Draft BPA 600653 Nalco PC-1850T Antiscalant.pdf](#)
[Nalco PC-1850T Sole Source NTSS-040-23 Bid Solicitation Completed.pdf](#)
[Nalco Approved COI.pdf](#)
[Term Sheet \(Sole Source\).doc 3.doc](#)

Strategic Plan Focus Area:  Financial Management & Administration

10. [R-2023-056](#) 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 No. H&S 23-03 With Hazen And Sawyer, P.C. To Provide Professional Engineering Services, In An Amount Not To Exceed \$85,724.00, For Design And Bidding Services Related To Grit Removal And Miscellaneous Equipment Repairs For Various Treatment Processes At The Southern Regional Wastewater Treatment Plant; Amending The Fiscal Year 2023 Operating Budget.

Attachments: [Resolution - H&S 23-03 Grit Removal.docx](#)
[Exhibit 1.pdf](#)
[Authorization to Proceed - H&S 23-03 Grit Removal.pdf](#)
[Proposal - H&S 23-03 Grit Removal.pdf](#)
[Renewal Letter - H&S 23-03 Grit Removal.pdf](#)
[Sunbiz Detail - H&S 23-03 Grit Removal.pdf](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

11. [R-2023-057](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue The Attached Purchase Order To Dobbs Equipment, LLC For Two 410P 4x4 Loader Backhoes In The Amount Of \$353,997.00 Over A One-Year Period, Based On The Florida Sheriffs Association Bid FSA 20-EQU 18.0: Heavy Equipment In Accordance With Section 38.41(C)(5) Of The City's Procurement Code; Amending the Fiscal Year 2023 Capital Improvement Plan (Piggyback).


Attachments: [Reso FSA Loader Backhoe Piggyback 1-5-23rev.docx](#)
[Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Draft PO 30000006748571 PFY-2301432 0.pdf](#)
[FSA Piggyback Request Form signed by Vin and Coy.pdf](#)
[FSA Piggyback Checklist - Legistar.pdf](#)
[FSA Contract.pdf](#)
[Hollywood 23 410P Cab Ext Standard frt bkt no forks 11-11-22.doc](#)
[Hollywood 23 410P Cab Ext Standard frt bkt with C clamp forks 11-8-22.doc](#)
[COI Approved.pdf](#)
[COI Approval Email.pdf](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

12. [P-2023-012](#) A Proclamation In Recognition Of Irish American Heritage Month - March 2023.

Attachments: [03-01-23-Irish American Heritage.docx](#)


Strategic Plan Focus Area:  Communications & Civic Engagement

1:15 PM TIME CERTAIN ITEM(S)

13. [P-2023-013](#) Presentation By Charles Flaxman, Chair, Regarding The Annual Report For The Emerald Hills Safety Enhancement Board.

Strategic Plan Focus Area:  Communications & Civic Engagement

14. [P-2023-014](#) Presentation By Jill Weisberg, Chair, Regarding The Annual Report For The Artwork Selection Committee.


Strategic Plan Focus Area:  Communications & Civic Engagement

1:45 PM TIME CERTAIN ITEM(S)15. [R-2023-028](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Firms To Provide Services Related To The Orangebrook Golf Course Redevelopment, A General Obligation Bond Project, Through A Public-Private Partnership; Authorizing The Appropriate City Officials To Negotiate An Agreement With One Of The Four Ranked Firms.

Attachments: [Orangebrook Resolution.docx](#)
[P3 Notice.pdf](#)
[Evaluation Form \(02-13-2023\).pdf](#)
[CBRE Analysis \(02-09-2023\).pdf](#)
[E2L BAFO.pdf](#)
[Ernie Els BAFO.pdf](#)
[GCF-PPG BAFO.pdf](#)
[Green Lynx BAFO.pdf](#)

Office Of Procurement & Contract Compliance
Continued From the January 18, 2023 Meeting

Strategic Plan Focus Area:  Economic Vitality

QUASI-JUDICIAL ITEM(S)


(Rules of Procedure Attached to Agenda)

16. [R-2023-058](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The “Victory at Hollywood” Plat, Being In The City Of Hollywood, Broward County, Florida, Located At 901 South State Road 7.

Attachments: [1 EN23-053- Resolution Victory at Hollywood plat_ \(002\).doc JB edits legal revi](#)
[3 Exhibit A VICTORY AT HOLLYWOOD plat_ 2023-01-19.pdf](#)
[4 Exhibit B \(024-MP-22\) Response to LOO DRR.pdf](#)

Engineering Division

Strategic Plan Focus Area:  Economic Vitality


REGULAR AGENDA

17. [R-2023-059](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing Nine To Eleven Regular Members To The Charter Review Committee.

Attachments: [2023 Reso Charter Review Committee.doc](#)
[Abeo Manning.pdf](#)
[Aimee Schmalzle.pdf](#)
[Alex Recio.pdf](#)
[Allain Mcguffie.pdf](#)
[Andrew Ruffner.pdf](#)
[Ann Ralston.pdf](#)
[Catherine Uden.pdf](#)
[Christine Corbo.pdf](#)
[Dale Bruschi.pdf](#)
[Guy Simani.pdf](#)
[Karen Albertson.pdf](#)
[Kathlem Drabik Dibona.pdf](#)
[Lee Gottlieb.pdf](#)
[Mary Siobhan McLaughlin.pdf](#)
[Mitchell Anton.pdf](#)
[Rick Goldman.pdf](#)
[Robert Vargas.pdf](#)
[Samuel Berens.pdf](#)
[Sandra Einhorn.pdf](#)
[Steven Rich.pdf](#)
[Suzanne Gunzburger.pdf](#)
[Theresa Fortnash.pdf](#)
[Thomas Lander.pdf](#)
[Walter Collins.pdf](#)
[BOARD GRID VOTE - Charter Review.docx](#)

Office Of The City Clerk

Staff Request Continuance To The April 4, 2023 Meeting.

Strategic Plan Focus Area:  Communications & Civic Engagement

18. [R-2023-060](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing City Commission Members As The Voting And Alternate Voting Delegates For The Broward County League Of Cities For 2023 - 2024.

Attachments: [R-bro-leg-appt.DOC](#)

Office Of The City Clerk


Strategic Plan Focus Area:  Communications & Civic Engagement

19. [R-2023-061](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Continuance/Sunsetting Of The Following Advisory Boards: Affordable Housing Advisory Committee; African American Advisory Council; Artwork Selection Advisory Committee; Education Advisory Committee; General Obligation Bond Oversight Advisory Committee; Marine Advisory Board; Parks, Recreation & Cultural Arts Advisory Board; Sustainability Advisory Committee; And The Young Circle Artspark Advisory Board.

Attachments: [R-sunset.doc](#)

Office Of The City Clerk

Strategic Plan Focus Area:  Communications & Civic Engagement

20. [R-2023-062](#)


A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Previously Adopted Fiscal Year 2021-2022 Annual Action Plan To Approve A Special Grant Allocation Of HOME Investment Partnerships Program - American Rescue Plan Funds Made Available To The City To Provide Homelessness Assistance And Supportive Services To Qualifying Populations In The Amount Of \$1,915,134.00, From The United States Department Of Housing And Urban Development.

Attachments: [Reso TMP-2023-084DB 2.22.23.docx](#)

[Hollywood HOME-ARP Allocation Plan \(02.16.2023\) DB FINAL.pdf](#)

Advertised Public Hearing

Community Development Division

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

21. [R-2023-063](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The State Revolving Fund Clean Water Program Loan Application For \$12,393,719.00 Including Capitalized Interest And Loan Service Fees For Funding Of The Ocean Outfall Regulatory Compliance Phase II - Deep Injection Wells Nos. 3 And 4 Pump Station Project; Authorizing The Appropriate City Officials To Execute A Loan Agreement For The Funding; Establishing Pledged Revenues; Designating Authorized Representatives; Providing Assurances; Amending The Fiscal Year 2023 Capital Improvement Plan.

Attachments: [Resolution- SRF Funding FDEP WW0604C0 for DIWs Pump Station.docx](#)
[Exhibit 1 - Funding for SRF Pump Station at SRWWTP.pdf](#)
[Exhibit 2.pdf](#)
[R-2019-094 Ocean Outfall SRF Loan Application.pdf](#)
[R-2019-244 deep well.pdf](#)
[R-2021-159 State Revolving Fund Clean Water.pdf](#)
[R-2021-161 State Revolving Fund Drinking Water Program.pdf](#)
[R-2022-069 Cardinal Contractor Deep Injection Wells No. 3 and No. 4 B&C 22-\(](#)
[R-2022-283 FY 2023 Operating Budget.pdf](#)
[R-2022-284 Five Year 2023-2027 CIP.pdf](#)

Department Of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

22. [R-2023-064](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida Authorizing The State Revolving Fund Drinking Water Program Loan Application For \$18,395,671.00 Including Capitalized Interest And Loan Service Fees For Funding Of The Ocean Outfall Regulatory Compliance Phase II - Deep Injection Wells Nos. 3 And 4 Pump Station Project; Authorizing The Appropriate City Officials To Execute A Loan Agreement For The Funding; Establishing Pledged Revenues; Designating Authorized Representatives; Providing Assurances; Amending The Fiscal Year 2023 Capital Improvement Plan.

Attachments: [Resolution - Additional SRF Funding DW0604D0 - Phase II.docx](#)
[Exhibit 1 - Funding for SRF Pump Station at SRWWTP.pdf](#)
[Exhibit 2 - Funding for SRF DW0604D0 DIW Pump Station at SRWWTP.pdf](#)
[R-2019-094 Ocean Outfall SRF Loan Application.pdf](#)
[R-2019-244 deep well.pdf](#)
[R-2021-159 State Revolving Fund Clean Water.pdf](#)
[R-2021-161 State Revolving Fund Drinking Water Program.pdf](#)
[R-2022-069 Cardinal Contractor Deep Injection Wells No. 3 and No. 4 B&C 22-\(](#)
[R-2022-283 FY 2023 Operating Budget.pdf](#)
[R-2022-284 Five Year 2023-2027 CIP.pdf](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

23. [R-2023-065](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Establishing The Large User Rate For Sewage Treatment And Disposal By The Large Users Of The Southern Regional Wastewater Treatment Plant Including Broward County, Dania Beach, Hallandale Beach, Miramar, Pembroke Park, And Pembroke Pines At \$3.20 Per Thousand Gallons Of Wastewater Received For The Fiscal Year 2023.

Attachments: [Resolution- Large User Rate Change.docx](#)
[Large User Agreement- Dania version.pdf](#)
[FY 2023 Large User Rate Report.pdf](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

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

24. Commissioner Quintana, District 6
25. Commissioner Shuham, District 1
26. Commissioner Anderson, District 2
27. Commissioner Callari, District 3
28. Vice Mayor Gruber, District 4
29. Commissioner Biederman, District 5
30. Mayor Levy
31. City Attorney
32. City Manager
33. ADJOURNMENT

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

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

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

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

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

Persons with disabilities who require reasonable accommodations to participate in City programs and/or services may call the Division of Engineering/Transportation & Mobility, Azita Behmardi, ADA Coordinator/City Engineer, five business days in advance at 954-921-3251 (voice). If an individual is hearing or speech impaired, please call 1-800-955-8771 (V-TDD).

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

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

Please silence all cell phones prior to entering the meeting.

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

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

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

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

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

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

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

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

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

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

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

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

V. Party Intervenors.

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

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

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

VI. Conduct of Hearing.

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

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

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

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

E. The order of proof shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. Rules of Evidence.

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

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

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

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

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

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

XII. Transcription of hearing.

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

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

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

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

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

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

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

R-2016-334, 11/2/2016