Regular City Commission Meeting

Wednesday, June 20, 2018 2:00 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 Debra Case, Vice Mayor - District 1 Peter Hernandez, Commissioner - District 2 Traci Callari, Commissioner - District 3 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

<u>NOTES</u>

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.

<u>2:00 PM - Items - 14 thru 15</u> <u>2:15 PM - Item - 16</u> <u>5:00 PM - Item - 21</u>

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

CONSENT AGENDA

<u>ITEMS 5 THRU 13</u>

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. <u>R-2018-196</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Rules Of Procedure Governing City Commission Meetings.

Attachments: rrulesofconduct.doc

6. <u>R-2018-197</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Payment Of Attorneys' Fees To GrayRobinson, P.A. For Legal Services In The ICON Office Building Property Litigation And The Brandt Litigation In An Additional Amount Not To Exceed \$75,000.00, Bringing The Total Amount Authorized For FY2018 To \$175,000.00.

> <u>Attachments:</u> ragrayrobinsoniconfy2018second.doc tergrayrobinsoniconbrandt.doc BIS 18-204.docx

OFFICE OF HUMAN RESOURCES

- 7. <u>R-2018-198</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind Flood Insurance Policy With Hartford Insurance Company Of The Midwest For Flood Insurance For The City-Owned Sue Gunzburger-Washington Park Childcare Center Facility Located At 5731 Pembroke Road, For A Not To Exceed Amount Of \$1,000.00.
 - Attachments:
 Resolution For Flood Ins. For Sue Gunzburger-Washington Park.docx

 Back up for Sue Gunzburger Flood Insurance.pdf
 terinsfloodgunzburgerwashparkchildcare.doc

 BIS 18-183.doc
 BIS 18-183.doc
- 8. <u>R-2018-199</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve A Contract Extension Until December 31, 2018 To The Current Group Life And AD&D Insurance Policy With Symetra Life Insurance Company To Streamline The City's Insurance Renewal To Correspond With Other Lines Of Coverage For An Estimated City Cost Of \$90,794.67 For An Additional Six Months.
 - Attachments:
 Resolution for the extension of Symetra Life Insurance.docx

 013017 Hollywood 2017 Symetra Renewal Extension.pdf

 042417 Hollywood Symetra Life Policy Rider Classes 1-7.pdf

 terinslife.doc

 BIS 18-198r.docx

DEPARTMENT OF PUBLIC UTILITIES

- 9. <u>R-2018-200</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The State Of Florida Department Of Transportation Utility Work By Highway Contractor Agreement And The AT&T Payment Agreement; Both Agreements Are In The Estimated Amount Of \$72,000.00 For The Water Main Replacement On Hollywood Boulevard From Presidential Circle To N. 35th Avenue. (Project No. 18-5139)
 - Attachments:
 01 Resolution FDOT Contractor & AT&T Payment Agreement (5139).docx

 02 Agreement AT&T Payment Agreement (5139).pdf

 UWBHCA 6-4-2018.pdf

 Term Sheet FDOT Utility Work by Highway Contractor Agreement.doc

 Term Sheet ATT Relocation of 8 inch Water Main.doc

 BIS 18-201.doc

- 10. <u>R-2018-201</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Authorization To Proceed For Work Order No. B&C 18-02 With Brown And Caldwell For Professional Engineering And Administrative Services On An As-Needed Basis For An Amount Not To Exceed \$100,000.00; Approving An Amendment To The FY2018-FY2022 Capital Improvement Plan (R-2017-289). (Project No. 18-1327A)
 - Attachments:
 01 Resolution Brown & Caldwell ATP B&C 18-02 General Engineering (1327A

 Exhibit A TMP-2018-319 Brown & Caldwell Project 18-1327A.pdf
 04 ATP Brown & Caldwell ATP B&C 18-02 General Engineering (1327A).pdf

 O3 Proposal Brown & Caldwell ATP B&C 18-02 General Engineering (1327A).j
 Term Sheet Brown and Caldwell Work Order 18-02.doc

 BIS 18-196.doc
 Bis 18-196.doc
- 11. <u>R-2018-202</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Authorization To Proceed For Work Order No. CTA 18-02 With Craven Thompson And Associates, Inc., To Provide Professional Engineering Services For The Driftwood Septic To Sewer Conversion Phase II, In The Amount Of \$972,358.08; Amending The Approved Fiscal Year 2018 Operating Budget For The Water And Sewer Enterprise Fund (42) (R-2017-288); And Amending The Approved FY2018 - FY2022 Capital Improvement Plan (R-2017-289). (Project No. 18-7088)
 - Attachments:
 01 Resolution Craven Thompson Associates ATP CTA 18-02 for Driftwood Septic

 Exhibit 1 Driftwood Septic to Sewer Phase II.pdf
 03 ATP Craven Thompson Associates ATP CTA 18-02 for Driftwood Septic-to-04 Proposal - Craven Thompson Associates ATP CTA 18-02 for Driftwood Septi

 Term Sheet - Craven Thompson Work Orderphase11.doc
 BIS 18-193.doc
- 12. <u>R-2018-203</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute Amendment No. 1 To Work Order No. GLS 18-01 With Stephen H. Gibbs Land Surveyors, Inc. (D/B/A Gibbs Land Surveyors) To Provide Professional Surveying Services For The Emerald Hills Sewer Expansion Project, In The Amount Of \$21,640.00. (Project No. 18-7084E)
 - Attachments:
 01 Resolution Gibbs Land Surveyors Amendment 1 to ATP GLS 18-01 Emeral

 02 Amendment 1 Gibbs Land Surveyors Amendment 1 to ATP GLS 18-01 Emeral

 03 Draft ATP Gibbs Land Surveyors Amendment 1 to ATP GLS 18-01 Emeral

 Term Sheet Amendment No. 1 Gibbs Land Surveyors.doc

 BIS 18-200.doc

- **13.** R-2018-204 A Resolution Of The City Commission Of The City Of Hollywood, Florida. Authorizing The Appropriate City Officials То Issue Amendment No. 1 To The Authorization To Proceed For Work Order No. H&S 18-01 With Hazen And Sawyer P.C., To Provide Professional Engineering Services For Replacement Of RAS Piping And Valves From Clarifiers No. 1 And No. 2, Located At The Southern Regional Wastewater Treatment Plant, In The Lump Sum Amount Of \$23,804.00 (Project No. 17-9523).
 - Attachments:
 01 Resolution Amendment 1 to ATP H&S 18-01 RAS Piping & Valves.docx

 02 Amendment Amendment 1 to ATP H&S 18-01 RAS Piping & Valves.pdf

 03 Draft ATP Amendment 1 to ATP H&S 18-01 RAS Piping & Valves.pdf

 Term Sheet Hazen & Sawyer Amendment NO. 1 Work Order H&S 18-01.doc

 BIS 18-199.doc

2:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

- 14.P-2018-039Presentation By The Hollywood Council Of Civic Associations Of The
Pete Brewer Scholarships For Civic Involvement To Amanda Alvarez,
Daniel Cambron, William A. Ryan And Cyrus I. Taalib-Din.
- **15.** <u>P-2018-040</u> Presentation By Hilary Fine, Arts Director/Visual Arts Teacher & Department Head, To The City Commission For The Hollywood Academy Of Arts & Science Community Members Recognition Award.

2:15 PM TIME CERTAIN ITEM

16. <u>PO-2018-12</u> An Ordinance Of The City Of Hollywood, Florida, Amending Section 33.062 Of The Code Of Ordinances Regarding The Firefighters Pension Plan; Creating A New Benefit To Be Known As The Reformed Planned Retirement Benefit.

Attachments: ofirepensionreformedprb.doc

BIS 18-188.doc Office of the City Attorney Second Reading No Changes Since First Reading Advertised Public Hearing

QUASI-JUDICIAL ITEM(S)

(Rules of Procedure Attached to Agenda)

17. <u>R-2018-205</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Appeal Of A Planning And Development Board Decision Affirming The Administrative Decision Of Staff Denying The Re-Establishment Of A Non-Conforming Use (Assisted Living Facility - Coolidge Holdings LLC.) Located At 2057 Coolidge Street, In Accordance With The City's Zoning And Land Development Regulations. (17-AP-57a).

Attachments: 1757a Resolution 2018 0516.docx

<u>1757a_Attachment I.pdf</u> <u>1757a_Attachment II.pdf</u> 1757a_Attachment III.pdf

Planning Division

REGULAR AGENDA

- 18. <u>R-2018-206</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Designating The Voting Delegate For The Florida League Of Cities 2018 Annual Conference, To Be Held On August 16-18, 2018 In Hollywood, Florida.
 - <u>Attachments:</u> <u>R-fal-leg-appt.DOC</u> <u>2018 Voting Delegate Form FLC Annual Conference Hollywood.pdf</u> Office of the City Clerk
- **19.** <u>R-2018-207</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Adopting The One Year Action Plan And Projected Use Of Funds For Federal Program Year 2018-2019.
 - <u>Attachments:</u> <u>OYP Reso_Rev.docx</u> <u>Exhibit A.pdf</u> <u>BIS 18194.doc</u> Community Development Division Advertised Public Hearing
- 20. <u>R-2018-208</u> A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing An Amendment To The State Housing Initiatives Partnership Program Local Housing Assistance Plan For State Of Florida Fiscal Years 2016-2017, 2017-2018 And 2018-2019; Amending The Fiscal Year 2018 Operating Budget (R-2017-288).

<u>Attachments:</u> SHIP AMENDMENT RESOLUTION.doc Attachment A.pdf <u>Attachment B.pdf</u> BIS 18195.doc Community Development Division Advertised Public Hearing

21. <u>5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)</u>

<u>COMMENTS BY THE CITY COMMISSION, CITY ATTORNEY & CITY</u> MANAGER

- 22. Vice Mayor Case, District 1
- 23. Commissioner Hernandez, District 2
- 24. Commissioner Callari, District 3
- 25. Commissioner Blattner, District 4
- 26. Commissioner Biederman, District 5
- 27. Commissioner Sherwood, District 6
- 28. Mayor Levy
- 29. City Attorney
- 30. City Manager

31. 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 When an agenda item involves an invitation for bids, request for the subject of the item. 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 "Significant interest" means ownership of more than 5 percent of the competitive solicitation. 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 if 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