

Regular City Commission Meeting

Wednesday, December 19, 2018

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.

1:15 PM - Items - 16 thru 18**1:45 PM - Item - 19****2:00 PM - Item - 20****5:00 PM - Item - 24**

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 15)

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-2018-396](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Jean Suarez, Individually And As Personal Representative Of The Estate Of Daniel Tyson, In The Amount Of \$750,000.00, No More Than \$175,000 Of Which Will Be Paid By The City.

Attachments: [Suarez Settlement Reso rev.docx](#)
[BIS 19-052.docx](#)

OFFICE OF THE CITY MANAGER

6. [R-2018-397](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Termination For Convenience Of The Agreement With Regions Security Services, Inc. For Uniformed, Armed And Unarmed Security Guard Services.

Attachments: [regionssecurity.doc](#)
[Termination email.pdf](#)
[BIS 19-053.doc](#)

7. [R-2018-398](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order With Pro Secur Inc. For Uniformed, Armed And Unarmed Security Guard Services - Citywide For An Estimated Annual Expenditure Of \$384,194.00.

Attachments: [rprosecur.doc](#)
[F-4551-17-PB ProSecur.pdf](#)
[tersecurityguard.doc](#)
[BIS 19-054.doc](#)

8. [R-2018-399](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order With Arrowmail Presort Co., Inc. To Provide Presort Mail & Fulfillment Services, Including Daily And Bulk Mail Services, In An Estimated Annual Amount Of \$146,210.00.

Attachments: [Revised ResArrowmailPresort.doc](#)
[Presort Mail Tabulation Packet for 1712-018 Arrowmail.pdf](#)
[Contract Renewal Evaluation Form.pdf](#)
[ArrowMail - Piggyback Request Form.pdf](#)
[ArrowMail Certificate.pdf](#)
[termailservices.doc](#)
[BIS 19-055.doc](#)

ARCHITECTURE & URBAN DESIGN DIVISION

9. [R-2018-400](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Consulting Firms And Authorizing The Appropriate City Officials To Execute Continuing Services Agreements With The Five (5) Highest Ranked Firms To Provide Professional Engineering Services For Civil / Landscape Architecture / Planning Projects.

Attachments: [Resolution-REVISED.doc](#)
[CONTINUING CONTRACTAG DS 18-014 Contract Book .docx](#)
[Atkins.pdf](#)
[Bermello Ajamil.pdf](#)
[Chen Moore.pdf](#)
[Craven Thompson.pdf](#)
[Kimley Horn.pdf](#)
[EN DS18-014 RFQ - Oral & Initial Criteria \(ALL\)Final .pdf](#)
[TermSheetCivilLandscapeArchEngineerRankingCCNA.doc](#)
[BIS 19-030R.docx](#)

DEPARTMENT OF DEVELOPMENT SERVICES**10. [R-2018-401](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Interlocal Agreement For Broward County Staff Services In Connection With Hearings Before The Unsafe Structures Board.

Attachments: [Reso ILA.docx](#)
[Agreement Unsafe Structures.pdf](#)
[TermSheetBwdCountyILAUNSAFESTRUCTURE2018..doc](#)
[BIS 19-062.doc](#)

DEPARTMENT OF FINANCIAL SERVICES**11. [R-2018-402](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving General Fund Agency Grants To Certain Non-Profit Organizations Providing Social Services To City Of Hollywood Residents; Authorizing The Appropriate City Officials To Execute The Appropriate Miscellaneous Appropriations Agreement With Each Organization For A Total Allocation Of Funding Not To Exceed \$180,000.00; Amending The Fiscal Year 2019 Adopted Operating Budget (R-2018-301); And Further Authorizing The Department Of Financial Services To Create Accounts As Needed To Appropriate And Disburse Grant Funding.

Attachments: [2-FY19 RESOLUTION GF GRANT PROGRAM.docx](#)
[3-FY19 EXHIBIT 1 GF GRANTS .pdf](#)
[4-FY19 REIMBURSEMENT AGREEMENT.docx](#)
[5-FY19 PERFORMANCE AGREEMENT.docx](#)
[06-FY19 ADDENDUM A.docx](#)
[7-FY19 BIS 19-031.docx](#)
[tergrantsgeneralfund20182019.doc](#)

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS**12. [R-2018-403](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Field Turf For The Turf Repairs At Hollywood West Sports Park For An Estimated Expenditure Of \$52,342.50; Approving an Amendment to The Fiscal Year 2019 Capital Improvement Program.

Attachments: [Reso - Turf Repair - BlvdHgt Budget.docx](#)
[Exhibit A Hollywood West Turf.pdf](#)
[Hollywood West Sourcewell NJPA Proposal 9 2018.pdf](#)
[Term Sheet - Field Turf.doc](#)
[BIS 19-057.doc](#)

POLICE DEPARTMENT**13. [R-2018-404](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order With GL Distributors, Inc. For The Purchase Of Ballistic Body Armor For The Police Department In The Amount Of \$63,000.00.

Attachments: [Res GL Distrubutors-2018.doc](#)
[GL Distributors - BPO.pdf](#)
[GL Distributors - Backup.pdf](#)
[BIS 19033.doc](#)

DEPARTMENT OF PUBLIC UTILITIES**14. [R-2018-405](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order With Aclara Technologies LLC. For The Purchase Of Star Fixed Network Automatic Meter Reading System Single Port And Dual Port Meter Transmission Units For An Estimated Annual Expenditure Of \$138,138.00.

Attachments: [01 Resolution - BPO with Aclara for Single & Dual Network MTUs.doc](#)
[BPO Aclara Technologies LLC Revised.pdf](#)
[Aclara Technologies LLC Back-up.pdf](#)
[TERMSHEETACLARASOLESOURCE2018.DOC](#)
[BIS 19-049.doc](#)

15. [R-2018-406](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Environmental Products Of Florida For The Purchase Of A 2019 Vactor Model 2100 Plus Sewer Cleaner For An Estimated Expenditure Of \$464,267.00.

Attachments: [Revised Reso - Enviro Products of Florida - Vactor Truck](#)
[Exhibit A - TMP 2018-701.pdf](#)
[Environmental Products of Florida Piggyback Request Form.pdf](#)
[Term Sheet - Environmental Products of Florida.doc](#)
[BIS 19-051.doc](#)

1:15 PM TIME CERTAIN ITEM(S)**16. [R-2018-407](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Naming Rotary Field 1 Located At Rotary Park, 3150 Taft Street, To "Ernie Hartman Field".

Attachments: [Res - Ernie Hartman Field.doc](#)
[Policy for Naming ReNaming R-2017-076 3-15-2017.pdf](#)

Office of the City Clerk

17. [R-2018-408](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Billboard Agreement With Outfront Media, LLC., For The Replacement Of A Billboard Located At 2801 Greene Street.

Attachments: [Reso Outfront Billboard.docx](#)
[Exhibit A Outfront Agreement.pdf](#)
[TERMSHEETOUTFRONTMEDIAREVISEDDEC112018.docx](#)

Department of Development Services

18. [R-2018-409](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Billboard Agreement With Blue Rooster Media, LLC., For The Replacement Of A Billboard Located At 2930 Hollywood Boulevard.

Attachments: [Reso Blue Rooster Billboard\(3\).docx](#)
[Exhibit A Blue Rooster Agreement \(3\).pdf](#)
[TERMSHEETJAYCEESBRMREVISEDDEC112018.docx](#)

Department of Development Services

1:45 PM TIME CERTAIN ITEM

19. [P-2018-069](#) Presentation By William Grey, Project Manager, Florida Department Of Transportation (FDOT), On Hollywood Boulevard Complete Streets Construction.

2:00 PM QUASI-JUDICIAL ITEM

(Rules of Procedure Attached to Agenda)

20. [R-2018-333](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Site Plan For A Communication Tower Located At 1200 Sheridan Street; And Providing An Effective Date. (18-P-49)

Attachments: [1849 Resolution 2018 1017.docx](#)
[EXHIBIT A.pdf](#)
[EXHIBIT B.pdf](#)
[Attachment I.pdf](#)

Planning Division

Continued From The November 7, 2018 Meeting

REGULAR AGENDA

21. [R-2018-365](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering A Consent Decree Settlement With Greenbriar Apartment/Motel, Inc.

Attachments: [RESOSETTLEMENTGREENBRIAR \(3\).doc](#)
[Rev Consent Decree.doc](#)

Office of the City Attorney

Continued From The December 5, 2018 Meeting

22. [R-2018-410](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Quitclaim Deeds For The Sale Of City-Owned Timeshare Interests Known As Unit 20, Weeks 31 And 32, In The Resort Facility Of Hollywood Sands Resort, Parcel Id No. 514212CJ9998, Said Property Located At 2404 North Surf Road, And Condominium Parcel 306, Unit Week 12, In The Resort Facility Of Hollywood Beach Hotel And Towers, Parcel Id No. 514213BD0130, Said Property Located At 301 Harrison Street, Subject To Approval By The Electorate At A Referendum To Be Held On March 12, 2019; And Providing For An Effective Date.

Attachments: [Reso_referendatimeshares_REV 2 \(2\).docx](#)
[EXHIBIT A_Rev2.docx](#)
[EXHIBIT B_Rev2.docx](#)
[EXHIBIT C_Rev2.docx](#)

Community Development Division

23. [R-2018-411](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue Purchase Orders To Stingray Chevrolet, Duval Ford, LLC., Alan Jay Chevrolet, Inc., Rechten International Truck, Inc., And Alan Jay Toyota For The Purchase Of 36 Vehicles For A Total Amount Of \$1,616,695.50.

Attachments: [Resolution Fleet Vehicle Purchase 2018.doc](#)
[Vehicle Purchases Breakdown - PD PW IT ESD PR .pdf](#)
[Alan Jay Chevy1 Piggybacking Request Form.pdf](#)
[Alan Jay Chevy2 Piggybacking Request Form.pdf](#)
[Alan Jay Chevy3 Piggybacking Request Form.pdf](#)
[Alan Jay Toyota1 Piggybacking Request Form.pdf](#)
[Duval Ford LLC1 Piggybacking Request Form.pdf](#)
[Duval Ford LLC2 Piggybacking Request Form.pdf](#)
[Duval Ford LLC3 Piggybacking Request Form.pdf](#)
[Rechten1 Piggybacking Request Form.pdf](#)
[Rechten2 Piggybacking Request Form.pdf](#)
[Stingray Chevy.pdf](#)
[TermSheetPurchaseMultipleVehpigback2018..doc](#)
[BIS 19-059.doc](#)

Department of Public Works

24. 5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)

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

- 25. Vice Mayor Callari, District 3**
- 26. Commissioner Blattner, District 4**
- 27. Commissioner Biederman, District 5**
- 28. Commissioner Sherwood, District 6**
- 29. Commissioner Shuham, District 1**
- 30. Commissioner Hernandez, District 2**
- 31. Mayor Levy**
- 32. City Attorney**
- 33. City Manager**
- 34. 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 given 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