

# **Regular City Commission Meeting**

**Wednesday, July 3, 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****1:10 PM - Item - 24****1:20 PM - Item - 25****1:30 PM - Item - 26****2:00 PM - Item - 27****5:00 PM - Item - 38**

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 CLERK**

5. [R-2019-195](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of February 6, 2019.

**Attachments:** [Reso Min 02-06-19.docx](#)  
[February 6 2019 minutes.pdf](#)

6. [R-2019-196](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of February 20, 2019.

**Attachments:** [Reso Min 02-20-19](#)  
[February 20 2019 minutes.pdf](#)

7. [R-2019-197](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Special City Commission Meeting Minutes Of February 27, 2019.

**Attachments:** [RESO-min-special 02-27-19](#)  
[February 27 2019 special minutes.pdf](#)

#### **OFFICE OF HUMAN RESOURCES**

8. [R-2019-198](#) 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 Child Care Center Facility, Located At 5731 Pembroke Road, For A Not To Exceed Amount Of \$910.00.

**Attachments:** [Resolution For 2019 Flood Insurance For Sue Gunzburger, Washington Park Child Care Center Facility, Located At 5731 Pembroke Road, For A Not To Exceed Amount Of \\$910.00](#)  
[Backup for 2019 Flood Insurance for Sue Gunzburger, Washington Park Child Care Center Facility, Located At 5731 Pembroke Road, For A Not To Exceed Amount Of \\$910.00](#)  
[BIS 19-218.docx](#)

9. [R-2019-199](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With Life Extension Clinics, Inc. D/B/A Life Scan Wellness Centers To Provide Annual Health Screening Physicals For Fire, Police, General, Professional, Supervisory And Non-Represented Personnel Including Additional Tests And Vaccines As Needed For A Three Year Term In An Amount Not To Exceed 110% Of \$450,000.00.

**Attachments:** [Life Scan Resolution2019](#)  
[Packet for Bid RFP-4615-19-PB.pdf](#)  
[RFP # 4615-19-PB Life Scan](#)  
[terlifescan.doc](#)  
[BIS 19-219.pdf](#)

**DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT****10. [R-2019-200](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Bliss Products And Services, Inc. For The Purchase And Installation Of Playground Equipment And Playground Surfacing At David Park, A General Obligation Bond Project, In The Amount Of \$147,945.00 Based Upon The School District of Manatee County's Bid No. MCSD No. 16-0025-MR In Accordance With Section 38.40(C)(5) Of The Purchasing Ordinance (Piggyback).

**Attachments:** [Reso - GOB David Pk Comm Cntr BLISS Q# 47532 DAVID PARK RENOVATION](#)  
[David Pk Comm Ctr Playground Layout](#)  
[Bliss - Certificate of Insurance](#)  
[SDMC No. 16-0025-MR Bliss](#)  
[Term Sheet - Bliss Products and Services Inc .doc](#)  
[BIS 19-210.docx](#)

*General Obligation Bond*

**11. [R-2019-201](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Top Line Recreation, Inc. For The Purchase And Installation Of Playground Equipment, Playground Surfacing, And Shade System At Joe DiMaggio Park, A General Obligation Bond Project, In The Amount Of \$260,996.73, Based Upon The School District Of Osceola County's Bid No. SDOC-16-B-087-LH In Accordance With Section 38.40(C)(5) Of The Purchasing Ordinance (Piggyback).

**Attachments:** [Reso - GOB Joe DiMaggio Pk TOP LINE](#)  
[TLRQ3015-05 06.19.2019](#)  
[Joe Dimaggio Park Layout](#)  
[SDOC-16-B-087-LH RENEWAL](#)  
[Osceola Schools Bid SDOC-16-B-087-LH](#)  
[TOPLINE HOLLYWOOD AI-AUTO](#)  
[TOPLINE HOLLYWOOD COI-AUTO](#)  
[TOPLINE HOLLYWOOD COI-LIABILITY](#)  
[TOPLINE HOLLYWOOD COI-WC](#)  
[Term Sheet - Top Line Recreation, Inc..doc](#)  
[BIS 19-223.pdf](#)

*General Obligation Bond*

**12. [R-2019-202](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order With Rep Services, Inc. For The Purchase And Installation Of Playground Equipment, Playground Surfacing, And Shade Cover At Montella Park, A General Obligation Bond Project, In The Amount Of \$248,658.05, Based Upon The City Of St. Petersburg's Contract Purchase Agreement No. 211701 In Accordance With Section 38.40(C)(5) Of The Purchasing Ordinance (Piggyback).

**Attachments:** [Reso - GOB Montella Pk REP SERVICES, INC.](#)  
[Montella Park playground proposal](#)  
[16574 - RSI COI 2018-2019](#)  
[City of St. Petersburg Contract Purchase Agreement 211701\\_0\\_US](#)  
[Term Sheet - Rep Services, INC. \\_GOB.doc](#)  
[BIS 19-224.pdf](#)

*General Obligation Bond*

**ENGINEERING DIVISION****13. [R-2019-203](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Negotiate And Execute An Agreement With The Highest Ranked Firm To Provide Development Impact Fee Study Services For Varied Proposed Non-Utility Development Impact Fees.

**Attachments:** [EN 19-069 Resolution RFQ Impac Fee Consultant .doc](#)  
[RFQ-4604-19-PB Development Impact Fee.pdf](#)  
[RFQ-4604-19-PB Impact Fee Study Agreement .docx](#)  
[RFQ-4604-19-PB Tindale Oliver Response ReSubmittal.pdf](#)  
[RFQ 4604-19-PB Submittal Raftelis.pdf](#)  
[RFQ 4604-19-PB Development Impact Fee Calculations Evaluation Matrix 4.1.1](#)  
[RFQ 4604-19-PB Development Impact Fee Calculations Oral and Final Ranking](#)  
[TermSheetDevelopmentImpactFeeStudyRFQranking2019.doc](#)  
[BIS 19203.pdf](#)

**14. [R-2019-204](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Maintenance Memorandum Of Agreement With The Florida Department Of Transportation Regarding The Traffic Signal To Be Installed At Garfield Street And A1A.

**Attachments:** [EN19-075 Reso MMORdotmaintainpolegarfielda1a.doc](#)  
[En19-075 Attachment1.pdf](#)  
[TermSheetFDOTMaintenanceMemoAgreementTrafficSignalGarfieldStreet.doc](#)  
[BIS 19220.pdf](#)

**DEPARTMENT OF INFORMATION TECHNOLOGY****15. [R-2019-205](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve The Purchase Of ManageEngine Software, Including OpManager, Service Desk Plus And Desktop Central With One Year Of Maintenance From Northwind Ventures Inc., Utilizing GSA Contract # 47QTCA19D009H, For An Estimated Amount Of \$95,000.00 And In Accordance With Section 38.40(C)(5) Of The Code Of Ordinances (Piggyback).

**Attachments:** [Res ManageEngine final](#)  
[GSA NORTHWIND CONTRACT](#)  
[Hollywood GSA 52319 Quote](#)  
[ternorthwind.doc](#)  
[BIS 19-208.docx](#)

**16. [R-2019-206](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve The Purchase Of Fortinet Network Equipment, Software And Professional Services With Five Years Of Maintenance From SHI For An Estimated Amount Of \$340,000.00 Based Upon The City Of Meza, AZ Contract Number 2018011-02 And In Accordance With Section 38.40(C)(5) Of The Code Of Ordinances (Piggyback).

**Attachments:** [Fortinet Reso](#)  
[ashiinternational.pdf](#)  
[SHI Quote-17273414.pdf](#)  
[tershiinternational.doc](#)  
[BIS 19-207.docx](#)

**DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS****17. [R-2019-207](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Agreement With The Port Everglades Rowing Club, D/B/A Hollywood Rowing Club, For Operation Of A Rowing Program From Holland Park.

**Attachments:** [Reso - Hlwd Rowing Club Mgmnt Agreement 2019](#)  
[Hollywood Rowing Club Mgmnt Agreement 2019](#)  
[Exhibit B\\_HRC Floating Dock - Straight Line Depreciation\\_2019](#)  
[TermSheetPortEvergladesRowingClub2019.doc](#)  
[BIS 19-200R.docx](#)

**DEPARTMENT OF PUBLIC UTILITIES****18. [R-2019-208](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue An Authorization To Proceed For Work Order Number B&C 19-03 With Brown And Caldwell For Engineering Consultant Services Pertaining To Regulatory Compliance And Permitting On An As Need Basis, In An Amount Not To Exceed \$100,000.00; Approving An Amendment To The Fiscal Year 2019 Capital Improvement Program.

**Attachments:** [01 Resolution \(Rev\).docx](#)  
[02 ATP B&C 19-03 Professional and Engineering Services.pdf](#)  
[04 Exhibit A \(Rev.\)B&C 19-03 Professional and Engineering Services.pdf](#)  
[03 Proposal B&C 19-03 Professional Engineering Services As-Needed.pdf](#)  
[05 R-2017-283 - B&C 19-03 Professional Engineering Services.pdf](#)  
[TermSheetATPBrownandCaldwellEngineeringServRegulatoryCompandPermitti](#)  
[BIS 19-222R.docx](#)

**19. [R-2019-209](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve A Blanket Purchase Order With Craig A. Smith & Associates For Underground Utility Location Services In An Estimated Annual Amount Of \$300,000.00, Based Upon The Town Of Pembroke Park, Florida's RFP And In Accordance With Section 38.40(C)(5) Of The Code Of Ordinances (Piggyback).

**Attachments:** [RESOBPOUTILITYLOCATORCRAIGSMITHPIGGYBACK 6.18.19 \(002\).doc](#)  
[BPO Craig A. Smith & Associates.docx](#)  
[Piggyback Request Craig. A. Smith.pdf](#)  
[TermSheetBPOUTILITYLOCATIONSERVICESPIGGYBACKCRAIGSMITH.doc](#)  
[BIS 19-221.pdf](#)

**DEPARTMENT OF PUBLIC WORKS****20. [R-2019-210](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue A Purchase Order To Stingray Chevrolet For The Purchase Of 20, 2020 Chevrolet Tahoe Police Rated Utility Patrol Vehicles For A Total Amount Of \$774,120.00 Based Upon the Florida Sheriff's Association Bid No. FSA18-VEH26.0 In Accordance With Section 38.40(C)(5) Of The Purchasing Ordinance (Piggyback).

**Attachments:** [Resolution Fleet Police Vehicle Purchase 2019.doc](#)  
[2020 Tahoe Stingray Chevrolet Quote.pdf](#)  
[TermSheetPOSTINGRAYVEHICLES2019 .doc](#)  
[BIS 19-216R.pdf](#)

**1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS****21. [P-2019-52](#)**

Presentation By Josie Bacallao, Chief Executive Officer Of Hispanic Unity, On Certificates Of Appreciation To The City Commission As Volunteer Income Tax Assistance (VITA) Champions.

22. [P-2019-53](#) Presentation By Gregory Stuart, Executive Director Of The Broward Metropolitan Organization, To Recognize Commissioner Richard Blattner For His Service As Chairman Of The Broward Metropolitan Planning Organization.
23. [P-2019-54](#) Presentation By Patricia Antrican, Hollywood Council Of Civic Associations, Recognizing Cliff Germano For His Years Of Civic Involvement.

**1:10 PM TIME CERTAIN ITEM**

24. [P-2019-55](#) Presentation By Leslie Brown, Broward School District Chief Of Portfolio Division, As A Follow-up To The December 10, 2018 Commission Workshop.

**1:20 PM TIME CERTAIN ITEM**

25. [R-2019-211](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving A Memorandum Of Understanding With The District Board Of Trustees Of Broward College, Florida, For Workforce Development Including Higher Educational, Technical And Occupational Training For Hollywood Residents.

**Attachments:** [2019.06.19 Reso-Broward College Clean.docx](#)  
[MOU City of Hollywood-FINAL.docx](#)  
[2019.06.19 COH\\_BCUP Appendix A.docx](#)  
[Term Sheet - Broward College MOU.doc](#)

*Office of Communications, Marketing & Economic Development*

**1:30 PM QUASI-JUDICIAL ITEM**

*(Rules of Procedure Attached to Agenda)*

26. [R-2019-212](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Site Plan Approval Of A Communication Tower At 1200 Sheridan Street. (18-P-49)

**Attachments:** [1849\\_P\\_Resolution\\_2019\\_0703.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 Section 6.23.pdf](#)  
[Attachment IV Resolution R-2019-194.pdf](#)  
[Submittal Package From City Staff.pdf](#)  
[Applicant Submittal Package.pdf](#)

*Planning Division*



**2:00 PM TIME CERTAIN ITEM****27. [R-2019-213](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Term Sheet With Park Road Development, LLC, The Highest Ranked Firm, For The Redevelopment Of Approximately 30 Acres Of City-Owned Property Designated As The Park Road Redevelopment Project, And Authorizing The Negotiation Of A Land Development And Disposition Agreement With The City And Park Road Development, LLC, Consistent With The Term Sheet And The Park Road Development Opportunity RFP-4585-18-PB.

**Attachments:** [RESO-Park Road Redevelopment Term Sheet.docx](#)  
[Park.Road\\_COH\\_Term.Sheet\\_FINAL.pdf](#)  
[BIS 19225.pdf](#)

*Office of Communications, Marketing & Economic Development*

**REGULAR AGENDA****28. [R-2019-214](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Setting The Proposed ("Not To Exceed") Millage Rate Pursuant To Section 200.065 (2)(b), Florida Statutes, And Setting The Date, Time And Place At Which A Public Hearing Will Be Held To Consider The Proposed Millage Rate And Tentative Budget.

**Attachments:** [Reso - Not to Exceed Final.docx](#)  
[BIS 19-160.pdf](#)

*Department of Financial Services*

**29. [R-2019-215](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Relating To The Provision Of Fire Rescue Services, Facilities And Programs In The City Of Hollywood, Florida; Establishing The Estimated Assessment Rate For Fire Rescue Assessments For The Fiscal Year Beginning October 1, 2019; Directing The Preparation Of An Assessment Roll; Authorizing A Public Hearing And Directing The Provision Of Notice Thereof; Providing For Conflicts; Providing For Severability; And Providing An Effective Date.

**Attachments:** [01 Reso Fire Rescue Assess FY2020](#)  
[02 APPENDIX A - Fire Rescue Incident Rpt Situation Codes](#)  
[03 APPENDIX B - Fire Rescue Property Use Codes](#)  
[04 APPENDIX C - Fire Rescue Apportionment Method](#)  
[05 APPENDIX D - Fire Rescue Rate Schedule](#)  
[06 APPENDIX E - Fire Rescue Notice To Be Published](#)  
[07 APPENDIX F - Fire Rescue Trim Notice](#)  
[08 BIS 19-212R.docx](#)

*Department of Financial Services*

**30. [R-2019-216](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Relating To The Provision Of Fire Inspection Services In The City Of Hollywood, Florida; Establishing The Estimated Assessment Rates For Fire Inspection Assessments For The Fiscal Year Beginning October 1, 2019; Directing The Preparation Of An Assessment Roll; Authorizing A Public Hearing And Directing The Provision Of Notice Thereof; Providing For Conflicts; Providing For Severability; And Providing An Effective Date.

**Attachments:** [01 Reso Fire Inspection FY2020](#)  
[02 APPENDIX A - Fire Inspection Rates](#)  
[03 APPENDIX B - Fire Inspection Notice To Be Published](#)  
[04 APPENDIX C - Fire Inspection Sample TRIM Notice](#)  
[BIS 19-213.docx](#)

*Department of Financial Services*

**31. [R-2019-217](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Relating To The Levying And Collecting Of A Non-Ad Valorem Assessment For The Costs Of Abating Nuisances Occurring On Real Property That Are Prohibited Under The City's Code Of Ordinances; Establishing The Estimated Assessment Amounts To Be Included On The Annual Property Tax Bills Of The Affected Property Owners Who Have Had Remedial Work Performed On Their Properties By The City; Directing The Preparation Of An Assessment Roll; Authorizing A Public Hearing And Directing The Provision Of Notice Thereof; Providing For Conflicts; Providing For Severability; And Providing An Effective Date.

**Attachments:** [01 Prelim Assess Reso Nuisance Abate FY2020](#)  
[02 Appendix A - Parcels Assessed](#)  
[03 Appendix B - Notice To Be Published](#)  
[04 Appexndix C - Sample TRIM Notice](#)  
[BIS 19-211.docx](#)

*Department of Financial Services*

**32. [R-2019-218](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing A Technical Revision To The State Housing Initiatives Partnership Program Local Housing Assistance Plan For The State Of Florida Fiscal Years 2016-2017, 2017-2018 And 2018-2019; Amending The Fiscal Year 2019 Operating Budget.

**Attachments:** [RESOSHIPAMENDMENT2019REV3.doc](#)  
[SHIP Amendment Exhibit 1](#)  
[SHIP Amendment Exhibit 2](#)  
[BIS 19183.docx](#)

*Community Development Division*

**33. [R-2019-219](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The One Year Action Plans For Federal Fiscal Years 2011-2012, 2016-2017, 2017-2018 And 2018-2019 To Allocate \$168,498.84 Of Community Development Block Grant Funds And \$199,830.28 Of Home Investment Partnerships Act Funds And To Re-Allocate \$186,501.16 Of Community Development Block Grant Funds And \$29,776.35 Of Home Investment Partnerships Act Funds Reserved For Community Housing Development Organizations; Amending The Fiscal Year 2019 Adopted Operating Budget (R-2018-301) For The Special Programs Fund (Fund 111).

**Attachments:** [RESOOYPAmendFEDERALPROGRAMSYEARS2011ETCMAY302019REV2 Exhibit 1 - One Year Action Plan Amendment rev.pdf](#)  
[BIS 19184.doc](#)

*Community Development Division  
Advertised Public Hearing*

**34. [R-2019-220](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Hollywood HOME Program Agreement Between Liberia Economic And Social Development, Inc. And The City Of Hollywood For The Construction Of A Single Family Home At Lots 12 And 13 Of Block 18, Liberia 1-34 In The Liberia Neighborhood Using Home Investment Partnership Act Community Housing And Development Organization Set-Aside Funds In An Amount Not To Exceed \$109,734.15.

**Attachments:** [RESOLESCHDOSINGLEFAMILYHOME2019\\_3.doc](#)  
[CHDO Agreement\\_REV 2.pdf](#)  
[CHDO Qual. Checklist](#)  
[TermSheet-LESCHDOSINGLEFAMILY2019.DOC](#)  
[BIS 19197.doc](#)

*Community Development Division*

**35. [R-2019-221](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Adopting A Five Year Consolidated Plan For Federal Program Years 2019/2020-2023/2024, And One Year Action Plan And Projected Use Of Funds For Federal Program Year 2019/2020.

**Attachments:** [Con Plan - One Year Plan Reso.doc](#)  
[Exhibit A - Five Year Plan.pdf](#)  
[Exhibit B - FY 2019-2020 CDBG HOME.pdf](#)  
[BIS 19185.doc](#)

*Community Development Division  
Advertised Public Hearing*

**36. [R-2019-222](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Architectural/Engineering Firms And Authorizing The Appropriate City Officials To Negotiate And Execute An Agreement With The Highest Ranked Firm To Provide Architectural/Engineering Design Services For The Police Headquarters Project.

**Attachments:** [EN19-084 Reso PD Design RankingGOB2019.doc](#)  
[Architectural-Engineering Consultant 2019 Contract.pdf](#)  
[RFQ - Architectural Consultant 2019.pdf](#)  
[POL 19-013 RFQ - Oral & Initial Criteria \(ALL\)FinalRev1 .pdf](#)  
[TermSheetArchitectEngineeringProgandDesignPoliceHeadquartersGOBProject BIS 19-217.docx](#)

*Engineering Division*

**37. [R-2019-167](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Revising The Monthly Sanitation Fee For Collection And Disposal Services Provided By The Environmental Services Division Of The Public Works Department.

**Attachments:** [RESO Solid Waste Fee Adjustment.docx](#)  
[BIS 19-204.docx](#)

*Continued From The June 19, 2019 Meeting*

*Staff Recommends Continuance To The August 28, 2019 Meeting*

*Department of Public Works*

**38. 5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**

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

- 39. Vice Mayor Callari, District 3**
- 40. Commissioner Blattner, District 4**
- 41. Commissioner Biederman, District 5**
- 42. Commissioner Sherwood, District 6**
- 43. Commissioner Shuham, District 1**
- 44. Commissioner Hernandez, District 2**
- 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 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