

Regular City Commission Meeting

Wednesday, November 6, 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 - 25 thru 26

1:15 PM - Items - 27 thru 28

1:30 PM - Items - 29 thru 30

1:45 PM - Item - 31

- 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 24)

If a citizen wishes to comment on a specific item, he/she should submit a comment card to the City Clerk before the Commission approves the consent agenda.

OFFICE OF BUDGET & PERFORMANCE MANAGEMENT

5. [R-2019-311](#) 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 Attached Miscellaneous Appropriations Agreement With Each Organization For A Total Allocation Of Funding Not To Exceed \$180,000.00; Amending The Fiscal Year 2020 Adopted Operating Budget (R-2019-283).

Attachments: [1-FY20 Reso revised v2.docx](#)
[2-FY20 EXHIBIT 1 revised2.pdf](#)
[3-FY20 AGREEMENT REVISED.docx](#)
[4-FY20 ADDENDUM A.docx](#)
[tergrantsgeneralfund20192020.doc](#)
[5-FY 20 BIS 20-001R.docx](#)

6. [R-2019-312](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Fiscal Year 2020 Operating Budgets Of Various Funds As Adopted And Approved By Resolution R-2019-283.

Attachments: [Reso - Budget Amendment.docx](#)
[Exhibits 1 thru 8.pdf](#)
[BIS 20-017.docx](#)

OFFICE OF THE CITY ATTORNEY

7. [R-2019-313](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement Between The City Of Hollywood And Melvin Smith In The Amount Of \$225,000.00.

Attachments: [rsettlelvinsmith.doc](#)
[BIS 20-010.docx](#)

8. [R-2019-314](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Expenditure Of Funds In An Amount Not To Exceed \$85,000.00 For Legal Services Provided By Fox Rothschild LLP In FY 2019.

Attachments: [rfoxrothschild.docx](#)
[BIS 20-019.docx](#)

OFFICE OF THE CITY CLERK

9. [R-2019-315](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Changing The Regular Commission Meetings Scheduled In April And July 2020, Scheduling A Regular Commission Meeting On August 26, 2020, And Canceling The December 16, 2020 And The January 6, 2021 Commission Meetings.

Attachments: [R-DATE-reschedule-change 2020 meetings.doc](#)

OFFICE OF COMMUNICATIONS, MARKETING & ECONOMIC DEVELOPMENT

10. [R-2019-316](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With The Urban Land Institute Southeast Florida/Caribbean To Provide Pro Bono Advisory Services As Part Of A Leadership Institute Project For The Improvement Of Communities And Promotion Of Responsible Land Use And Development.

Attachments: [Reso - ULI Leadership Project.docx](#)
[ULI SEFL LP-Hollywood Engagement Letter.docx](#)
[ULI-Hollywood Leadership Project Outline.pdf](#)
[Term Sheet - ULI SEFL.doc](#)
[BIS 20-020.doc](#)

DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT

11. [R-2019-317](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Execution Of A Change Order To Purchase Order No. 50004393 With Gaia GC Construction, Inc. For Additional Site Work Related To The Installation Of The Montella Precast Restroom Building In The Amount Of \$24,430.00.

Attachments: [Montella Park change order resolution](#)
[19-09-City of Hollyw - Montella Park CO1.pdf](#)
[TermSheetChangeOrderMontellaParkRestroom..doc](#)
[BIS 20-028.docx](#)

DEPARTMENT OF DEVELOPMENT SERVICES

12. [R-2019-318](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, To Change The Name Of The "Green Team Advisory Committee" To The "Sustainability Advisory Committee."

Attachments: [Resolution Green Team Name Change 2019.docx](#)

ENGINEERING, TRANSPORTATION & MOBILITY DIVISION

13. [R-2019-319](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Easement To Florida Department Of Transportation For Maintenance Of The Mast Arm Signal Equipment To Be Located On SR A1A And Garfield Street.

Attachments: [Reso Easement Broward.doc](#)
[Exhibit A -Garfield chord Legal Description.pdf](#)
[Exhibit B-easementgarfieldbrowardcounty.doc](#)

14. [R-2019-320](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Expenditure Of \$141,815.00 For A Non-Utility Development Impact Fee Study To Be Performed By Tindale Oliver And Associates, Inc., (As Previously Approved By Resolution No. R-2019-203).

Attachments: [Resolution.doc](#)
[City of Hollywood IF Study - Scope and Budget.pdf](#)
[Contract Impact Fee Study Agreement 2 .docx](#)
[R-2019-203 RFQ.pdf](#)
[R-2019-230 Funding.pdf](#)
[BIS 20-024.docx](#)

DEPARTMENT OF FIRE RESCUE & BEACH SAFETY**15. [R-2019-321](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Issuance Of A Blanket Purchase Order With The Broward Sheriff's Office For The Purchase Of Medical Supplies, Fire Equipment And Janitorial Supplies In The Estimated Amount Of \$150,000.00.

Attachments: [Res BSO Medical Fire and Janitorial Supplies 2019-2020.doc](#)
[BSO Executed Release and Waiver Liability Form.pdf](#)
[BSO - BPO Med-Jan Backup.pdf](#)
[Term Sheet \(Best Interest\).doc](#)
[BIS 20-013.docx](#)

Requires A 5/7th Vote

POLICE DEPARTMENT**16. [R-2019-322](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The First Amendment To Agreement With FLSC, LLC To Provide A Textile Recycling And Collection Services Program.

Attachments: [First Amendment to Franchise Agreement Resolution.doc](#)
[First Amendment to Franchise Agreement.docx](#)
[Term Sheet Amendment to Agreement.doc](#)
[BIS 20-003.doc](#)

17. [R-2019-323](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Parameters Of The Community Endowment Trust Fund In Accordance With Chapter 109 Of The City Of Hollywood Code Of Ordinances Relating To The Textile Recycling Collection Bin Program; Amending The Fiscal Year 2020 Adopted Operating Budget (R-2019-283).

Attachments: [Resolution & Exhibit A - Amendment to Community Endowment Trust Fund.doc](#)
[Exhibit B - Community Endowment Trust.pdf](#)
[BIS 20-004.doc](#)

18. [R-2019-324](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying The Submission Of An Application To The Florida Department Of Law Enforcement To Receive The FY 2019-2020 State Financial Assistance Identity Theft And Fraud Grant Programs Funds For The Investigation Of Personal Identification Information Theft And Fraud; Authorizing The Appropriate City Officials To Accept, If Awarded, The Grant In An Approximate Amount Of \$10,000.00; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements; Amending The Fiscal Year 2020 Operating Budget (R-2019-283) If Awarded.

Attachments: [19-11-06 - Identity Theft Reso Exhibit 1.pdf](#)
[Backup](#)
[BIS 20-006.doc](#)

19. [R-2019-325](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order Renewing The Agreement With Kemp Group International Corporation For School Crossing Guard Services In An Estimated Annual Amount Of \$394,095.00.

Attachments: [Resolution-Renewal \(1 year\)](#)
[School Crossing Guard Services - Backup](#)
[Crossing Guards Term Sheet.doc](#)
[BIS 20-008.docx](#)

20. [R-2019-326](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The 2019-2020 School Resource Officer Program Agreement In Local Public Elementary, Middle And High Schools With The School Board Of Broward County, Florida.

Attachments: [Resolution.doc](#)
[SRO Program Agreement.pdf](#)
[Term Sheet.doc](#)
[BIS 20-015R.docx](#)

DEPARTMENT OF PUBLIC UTILITIES**21. [R-2019-327](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Professional Consulting Engineering Firms And Authorizing The Appropriate City Officials To Negotiate A Consultant Services Agreement With The Highest Ranked Firm For Construction Administration Services Related To The Drilling Of Deep Injection Wells No. 3 And No. 4 Located At The Southern Regional Wastewater Treatment Plant, As Identified In The 2007/2008 Wastewater System Master Plan.

Attachments: [01 Reso - DEEP INJECTION WELLS NO. 3 AND NO. 4 Construction Admin. S](#)
[02 RFQ Agreement - DEEP INJECTION WELLS NO. 3 AND NO. 4 Construction](#)
[03 RFQ Scores - DEEP INJECTION WELLS NO. 3 AND NO. 4 Construction Ad](#)
[04 BrownAndCaldwell RFQ Submittal - DEEP INJECTION WELLS NO. 3 AND I](#)
[05 Hazen and Sawyer RFQ Submittal DEEP INJECTION WELL NO. 3 AND NO](#)
[06 RFQ Withdrawing Letter LS Sims - DEEP INJECTION WELLS NO. 3 AND N](#)
[07 LS Sims RFQ Submittal DEEP INJECTION WELLS NO. 3 AND NO. 4 Const](#)
[08 Resolution R-2019-246 \(Executed\) - DEEP INJECTION WELLS NO. 3 AND](#)
[TermTermSheetRankingFirmsandContractCCNAdeepinjectionwells.doc](#)
[BIS 20-021.docx](#)

22. [R-2019-328](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Cunano Builders Corporation For Construction Services Related To Stormwater Pump Station Number One Partial Roof Replacement And Re-Roofing In The Amount Of \$106,675.00; Approving An Amendment To The Fiscal Year 2020 Capital Improvement Program.

Attachments: [01 Resolution - Cunano Builders Corp. Roof Replacement and Re-Roofing at S](#)
[2 'Exhibit A' SW-01 Partial Roof Replacement and Re-Roofing.pdf](#)
[3 Bid Tabulation Form Letter Size - 11046 .pdf](#)
[4 19-11046 - Notice of Intent to Award.pdf](#)
[5 Cunano Builders 11046 - 00500 Contract.pdf](#)
[Cunano Builders Corporation bid.pdf](#)
[TermSheetCunanoBuildersBidStormwaterPumpsstationroofreplacement.doc](#)
[BIS 20007.docx](#)

23. [R-2019-329](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With GPE Engineering And General Contractor Corp. For Construction Services Related To The Wilson Street Parking Improvements In The Amount Of \$199,681.16; Approving An Amendment To The Fiscal Year 2020 Capital Improvement Program.

Attachments: [1 Resolution - GPE Engineering - Wilson Street Parking.docx](#)
[2 Exhibit A - Wilson Street Site Plan.pdf](#)
[3 Exhibit B - Parking and Drainage Wilson Street Parking.pdf](#)
[4 Bid Tabulation Form Letter Size - Wilson Street Parking 11045 .pdf](#)
[5 Notice of Intent to Award Wilson Street Parking 11045.docx.pdf](#)
[6 GPE Engineering & General Contracting Bid - Wilson Street Parking 11045.pc](#)
[7 GPE Engineering 00500 Contract Wilson Street Parking.pdf](#)
[TermSheetGPEENGINEERINGANDGENERALCONTRACTORCORPBIDWILS](#)
[BIS 20009.docx](#)

DEPARTMENT OF PUBLIC WORKS

24. [R-2019-330](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue Blanket Purchase Orders To Goodyear Auto Service, Fleet Tire Truck And Auto, And Boulevard Tire Center For The Purchase Of Tires And Related Services Based Upon The Florida Sheriff's Association Contract No. FSA19-TRS21.0 (Piggyback) For An Estimated Annual Expenditure Of \$300,000.00.

Attachments: [Automobile Truck and Equipment Tire Reso \(004\).docx](#)
[Goodyear Tires Piggybacking](#)
[Fleet Tires Piggybacking](#)
[Boulevard Tire Piggybacking](#)
[Fire Rescue Tires GoodYear Service Center.pdf](#)
[Fire Rescue Tires Boulevard Tire Center.pdf](#)
[FSA Contract](#)
[TermSheetGoodyearFleetTireetcFSAPiggyback..doc](#)
[BIS 20-005.docx](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

25. [P-2019-77](#) A Proclamation In Recognition Of Veterans Day, November 11, 2019.

Attachments: [11-06-19 Veterans Day Nov 2019.doc](#)

26. [P-2019-78](#) Presentation By Samantha Baker, Program Coordinator, Broward County Department Of Environmental Protection And Growth Management, To City Of Hollywood Resident Elaine Cooper, For Placing 2nd In The Broward Water Partnership's "Conservation Pays" Environmental Conservation Competition.

1:15 PM QUASI-JUDICIAL ITEM(S)

(Rules of Procedure Attached to Agenda)

27. [PO-2019-16](#) An Ordinance Of The City Of Hollywood, Florida, Amending Ordinance No. O-76-25, The Hillcrest PUD Ordinance, As Amended By Resolution R-81-56, Ordinance Nos. O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11, O-2016-10, O-2016-14, And Ordinance O-2017-09 In Order To Modify The Final Site Plan To Reflect And Document The One Acre Land Swap With Pulte Home Company, LLC And 1100 Hillcrest Drive, LLC. (Prek-10 Charter School). (13-J-01b)

Attachments: [1301b Ordinance 2019 0828.docx](#)
[Exhibit A 1301b Boundary Survey Labeled.pdf](#)
[Exhibit B 1301b Conditions.pdf](#)
[Attachment I 1301b Application.pdf](#)
[Attachment II O-2013-11 and O-2016-14.pdf](#)

Second Reading

No Changes Since First Reading

Advertised Public Hearing

Planning Division

28. [PO-2019-17](#)

An Ordinance Of The City Of Hollywood, Florida, Amending Ordinance No. O-76-25, The Hillcrest PUD Ordinance, As Amended By Resolution R-81-56, Ordinances O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34, O-2009-38, O-2013-11, O-2016-10 And O-2017-09, By Amending Exhibit "A" Of O-2017-09 To Modify Certain Conditions Relating To An Existing FPL Easement; Further Amending Exhibit "B", The Hillcrest PUD-R Modified Site Plan (Previously Amended By Ordinance No. O-2016-10) Relating To The 645 Residential Units And Amenities, Including But Not Limited To The Golf Course. (15-JPZ-44c)

Attachments: [P-19-17 memo.docx](#)
[1544c Ordinance 2019 1106 rev.doc](#)
[Exhibit A 1544c Conditions.pdf](#)
[Exhibit B 1544c Site Plan rev.pdf](#)
[Exhibit C 1544c Legal Description Plats 1&2.pdf](#)
[Attachment I 1544c Application.pdf](#)
[Attachment II O-2017-09.pdf](#)

Second Reading
Advertised Public Hearing
Planning Division

1:30 PM TIME CERTAIN ITEM(S)**29. [PO-2018-15](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending The City's Adopted Comprehensive Plan By Amending The Land Use Element To Establish The Diplomat Activity Center Land Use Category; Amending The Future Land Use Element Map To Reflect Said Changes; And Providing For An Effective Date. (18-L-08)

Attachments: [Memo P-18-15.pdf](#)
[1808 CC Ordinance LU Element 2018 0829](#)
[Exhibit A.pdf](#)
[Attachment I](#)
[Attachment II Proposed Draft Broward County Ordinance and Amendment Rep](#)

Second Reading
Advertised Public Hearing
Planning Division

30. [PO-2018-16](#)

An Ordinance Of The City Of Hollywood, Florida, Amending The City's Comprehensive Plan By Changing The Land Use Designation For Property Located At 3555 S. Ocean Drive From The Land Use Designation Of Medium/High Residential And General Business To Activity Center (Diplomat Activity Center); Amending The City's Land Use Map To Reflect Said Changes. (18-L-08)

Attachments: [Memo P-18-16.pdf](#)
[1808 CC Ordinance Diplomat LU to DAC 2018 0829](#)
[Exhibit A](#)
[Attachment I](#)
[Attachment II Proposed Draft Broward County Ordinance and Amendment Rep](#)

Second Reading
Advertised Public Hearing
Planning Division

1:45 PM TIME CERTAIN ITEM**31. [R-2019-331](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Making Findings And Designating As A Brownfield Area Within The City Of Hollywood, Real Property Located At 2118 Adams Street, Hollywood, FL 33020, And Identified By Folio No. 514216210070, Pursuant To Section 376.80(2)(C), Florida Statutes, For The Purpose Of Rehabilitation, Job Creation And Promoting Economic Redevelopment; Authorizing The City Of Hollywood To Notify The Florida Department Of Environmental Protection Of Said Designation; Providing An Effective Date.

Attachments: [Resolution & Exhibits A & B First Reading-CRA Parcel \(V1\).docx](#)
[Notice.docx](#)

Development Services
Advertised Public Hearing

ORDINANCE(S)**32. [PO-2019-24](#)**

An Ordinance Of The City Of Hollywood, Florida, Creating Section 31.05 Of The Code Of Ordinances To Require The Electronic Filing Of Campaign Finance Reports With The City Clerk.

Attachments: [ocampaignfinanceelectronicfiling.doc](#)

First Reading
Office of the City Clerk

33. [PO-2019-25](#)

An Ordinance Of The City Of Hollywood, Florida, Vacating A Portion Of The Platted Alley Lying Within Block 8 Of The Plat Of "Hollywood South Side Addition"; Providing A Severability Clause And Repealer Provision. (VA-19-01)

Attachments: [Ordinance - Fiori Village.doc](#)
[Exhibit A - Sketch and Legal Fiori Village Alley Vacation.pdf](#)
[Exhibit B - Sketch and Legal Fiori Village Alley Dedication.pdf](#)
[Fiori Village Site Plan.pdf](#)

First Reading
Engineering, Transportation & Mobility Division

REGULAR AGENDA**34. [R-2019-332](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking The Responses To The City's Publication Of A Notice That Competing Proposals Would Be Accepted For The Development Of A Mixed-Use, Mixed-Income Project To Be Located On A City Owned Parcel Of Land Between Fillmore And Polk Streets Along North 21st Avenue In Response To The Receipt Of An Unsolicited Proposal, And Authorizing The Appropriate City Officials To Execute An Interim Agreement And Negotiate A Comprehensive Agreement With Housing Trust Group, LLC As The Highest-Ranked Firm; Authorizing The Appropriate City Officials To Execute Lease Agreements With University Station I, LLC And University Station II, Ltd, Affiliates Of Housing Trust Group, LLC, And To Provide Local Government Area Of Opportunity Funding In The Form Of A Cash Loan In An Amount Not To Exceed \$783,250.00.

Attachments: [Resolution University Station P3-FINAL.docx](#)
[University Station - HTG - Interim Agreement - FINAL.pdf](#)
[GROUND LEASE - University Station I - FINAL.pdf](#)
[Local Government Verification of Contribution Loan Form.pdf](#)
[GROUND LEASE - University Station II - FINAL.pdf](#)
[Eval Committee Summary - University Station Proposals.pdf](#)
[HTG-P3 Submittal-University Station.PDF](#)
[Pinnacle-P3 Submittal-University Station.pdf](#)
[teruniversitystationp3.doc](#)
[BIS 20-022.doc](#)

Office of Communications, Marketing & Economic Development

35. [R-2019-333](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Apply For And If Awarded, Accept The Broward Metropolitan Planning Organization's Complete Streets And Other Localized Initiatives Program Award, In An Amount Not To Exceed \$6,000,000.00 To Implement Complete Streets And Other Localized Initiatives Projects Relating To Filling In Sidewalk Networks And Other Pedestrian Safety Improvements Specifically For The Following Areas: 1) Sheridan Park & Hollywood Acres Sidewalk Network Infill; And 2) Sidewalk Construction Infill In Area Bordered By State Road 7 To The East, N. 64th Avenue To The West, Hollywood Boulevard To The South, And Johnson Street To The North (Johnson Street West Of SR7 Sidewalk Network); And If Successfully Awarded, Committing The City To Provide Matching Funds In The Estimated Amount Of 12% Of The Total Cost For Project Contingencies Together With The Applicable Operating And Maintenance Costs Once The Projects Are Completed; Further Authorizing The Appropriate City Officials To Execute Any And All Applicable Program Documents And Agreement(s); And Endorsing The Florida Department Of Transportation Delivery Of The Proposed Projects.

Attachments: [EN20-005 Resolution CSLIP 2019 revised.doc](#)
[BIS 20025.docx](#)

Engineering, Transportation & Mobility Division

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

- 36. Vice Mayor Callari, District 3**
- 37. Commissioner Blattner, District 4**
- 38. Commissioner Biederman, District 5**
- 39. Commissioner Sherwood, District 6**
- 40. Commissioner Shuham, District 1**
- 41. Commissioner Hernandez, District 2**
- 42. Mayor Levy**
- 43. City Attorney**
- 44. City Manager**
- 45. 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.

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