

Regular City Commission Meeting

Wednesday, January 15, 2020

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

Kevin Biederman, Vice Mayor - District 5

Caryl Shuham, Commissioner - District 1

Peter Hernandez, Commissioner - District 2

Traci Callari, Commissioner - District 3

Richard Blattner, Commissioner - District 4

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 - Item - 27

1:15 PM - Items - 28 thru 29

1:30 PM - Item - 30

5:00 PM - Item - 41

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 26)

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-2020-001](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Relating To A Debt Financing To Fund Certain Capital Improvement Projects Contained In The Adopted And Approved FY 2018 and FY 2020 Capital Improvement Plans; Authorizing A Declaration Of Official Intent Under U.S. Treasury Regulations With Respect To Reimbursements From The Proceeds Of The Debt Financing For Temporary Advances Made For Payment Prior To Issuance, And Related Matters.

Attachments: [Reso Declaration CIP Projects.docx](#)
[Declaration FY 18 and 20 CIP.docx](#)
[BIS 20051.docx](#)

6. [R-2020-002](#) 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 Exhibit 1-12.pdf](#)
[BIS 20-049.docx](#)

OFFICE OF THE CITY ATTORNEY

7. [R-2020-003](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Eli Polikar In The Amount Of \$75,000.00.

Attachments: [Polikar Settlement Reso.doc](#)
[BIS 20-070.docx](#)

OFFICE OF THE CITY CLERK

8. [R-2020-004](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of June 5, 2019.

Attachments: [Reso Min 6-5-19.docx](#)
[June 5 2019 minutes.pdf](#)

9. [R-2020-005](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Joint / Special City Commission / Broward County Board Of County Commissioners Meeting Minutes Of June 6, 2019.

Attachments: [Reso Min Revised Joint Special 06-06-19 June 6, 2019 Joint Meeting.pdf](#)

10. [R-2020-006](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Special City Commission Meeting Minutes Of June 12, 2019.

Attachments: [RESO-min-special 06-12-19 rev.doc](#)
[June 12, 2019 Special Meeting.pdf](#)

11. [R-2020-007](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Special City Commission Meeting Minutes Of June 19, 2019.

Attachments: [RESO-min-special 06-19-19 June 19 2019 special minutes.pdf](#)

12. [R-2020-008](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of June 19, 2019.

Attachments: [Reso Min 06-19-19.docx](#)
[June 19 2019 minutes.pdf](#)

13. [R-2020-009](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of July 3, 2019.

Attachments: [Reso Min 07-03-19 July 3 2019 minutes.pdf](#)
[Biederman Conflict July 3 2019 #32.pdf](#)
[Biederman Conflict July 3 2019 #33.pdf](#)
[Biederman Conflict July 3 2019 #35.pdf](#)

COMMUNITY DEVELOPMENT DIVISION

14. [R-2020-010](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Second Amendment To The Administrative Policies Governing Affordable Housing Programs Funded Pursuant To The Interlocal Agreement Among Broward County, The City Of Hollywood And The Hollywood Community Redevelopment Agency To Incorporate Additional Affordable Housing Initiatives.

Attachments: [Resolution - Second Amendment to Policies Second Amendment - ILA Affordable Housing Policies Nov. 2019 BIS 20-053.doc](#)

15. [R-2020-011](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Fifth Amendment To Extend The Term Of The Agreement And Increase The Total Funding For Program Years 2020-2021 And 2021-2022 From \$596,065.00 To \$815,896.00 In Order For Hope South Florida, Inc. To Continue To Provide Tenant-Based Rental Assistance TBRA To Eligible Participants In Hollywood.

Attachments: [Fifth TBRA Reso](#)
[Fifth TBRA Agreement](#)
[TermSheetHOPESOUTHTEENANTBASEDRENTALFIFTHMENDMENT.doc](#)
[BIS 20-059.doc](#)

16. [R-2020-012](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Renew The Contracts With The Pool Of Qualified Contractors For Housing Rehabilitation And Repair Services For Participants In The City's Housing Rehabilitation Program In An Estimated Annual Amount Of \$700,000.00.

Attachments: [RESO second extension to pool of qualified contractors reso](#)
[Departmental Renewal Memo - General Contractors for Housing Programs.pdf](#)
[TermSheetQualifiedContractorssecondrenewal.doc](#)
[BIS 20-069.docx](#)

ENGINEERING DIVISION

17. [R-2020-013](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Construction Agreement With The Florida Department Of Transportation For Proposed Improvements Along State Road A1A Between Hollywood Boulevard And Sheridan Street To Include Pedestrian Lighting, Landscaping & Irrigation, Hardscape, Aerial Facility Undergrounding, And Installation Of Traffic Signalization At The Northeast Corner Of State Road A1A And Garfield Street.

Attachments: [1 FDOT A1A Reso.docx](#)
[2 Exhibit A -Permit#2018-C-491-0007_CA.pdf](#)
[3Attachment 1 - Construction Agreement.pdf](#)
[4Attachment B - Engineers Construction Estimate.pdf](#)
[terfdotcraaia.DOC](#)
[BIS 20-068.docx](#)

PLANNING DIVISION

18. [R-2020-014](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving and Authorizing The Sustainability Advisory Committee To Solicit Donations In Support Of Their Outreach Activities, Including Funtastic Friday Celebrates Earth and Arbor Days.

Attachments: [Reso for FFCEAD Donations 2020.docx](#)

DEPARTMENT OF FIRE RESCUE & BEACH SAFETY

19. [R-2020-015](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing And Approving The Appropriate City Officials To Issue A Purchase Order To Ten-8 Fire Equipment, Inc. For The Purchase Of A Pierce Impel Base Unit Level 1 Pumper For Fire Rescue And Beach Safety In The Total Amount Of \$591,372.00 Based Upon The Florida Sheriff's Association Cooperative Bid Solicitation No. FSA18-VEF13.0.

Attachments: [Res Purchase of a Level 1 Pumper.doc](#)
[Level 1 Pumper - Hollywood -735FSA-Equipment Proposal-PDF.pdf](#)
[Piggyback Impel Pumper.pdf](#)
[FSA-Contract Terms and Conditions.pdf](#)
[Term Sheet \(Cooperative Bid\).doc](#)
[Term Sheet - Pumper \(Cooperative Bid\).doc](#)
[BIS 20-037.docx](#)

20. [R-2020-016](#) 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 Duval Ford, LLC For The Purchase Of Seven Vehicles For Fire Rescue And Beach Safety In The Total Amount Of \$218,456.00.

Attachments: [Res Purchase of 7 Ford Explorers.doc](#)
[Duval Ford Quote 2020 Ford Explorers-New Quote.pdf](#)
[Duval Bid Award FSA19-VEL27.0.pdf](#)
[R-2019-007 Executed Resolution - Vehicles.pdf](#)
[Term Sheet \(Piggyback\).doc](#)
[BIS 20-055.doc](#)

21. [R-2020-017](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue Purchase Orders To Alan Jay Chevrolet, Inc. For The Purchase Of Vehicles For Fire Rescue And Beach Safety In The Total Amount Of \$65,356.50.

Attachments: [Res Purchase of 2 Chevy Tahoes 2.doc](#)
[Alan Jay Fleet Sales Quote - 2 Chevrolet Tahoe's.pdf](#)
[2020 NJPA SOURCEWELL FLORIDA PRICE SCHEDULE v2 \(Alan Jay\).pdf](#)
[R-2019-187 Executed Resolution.pdf](#)
[Term Sheet \(Piggyback\)Alan Jay .doc](#)
[BIS 20-058.doc](#)

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS

22. [R-2020-018](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Master Equipment Lease Agreement And Documents With Wells Fargo Financial Leasing, Inc. For The Lease Of 120 2020 New E-Z-Go TXT Electric Golf Carts For \$145,152.00 For A Two Year Period, Based Upon The Region 4 Education Service Center Department Of Procurement RFP No. 16-11, In Accordance With Section 38.40(C)(5) Of The Purchasing Ordinance (Piggyback) For Use At Orangebrook Golf And Country Club.

Attachments: [Resolution Wells Fargo Lease Finance of EZGO Golf Carts](#)
[Master Lease - City of Hollywood E-Z-GO LS-4174652](#)
[Addendum - City of Hollywood E-Z-GO](#)
[Piggyback Request Form - E-Z-Go 2 Year 11.7.19](#)
[Term Sheet - Wells Fargo - Golf Carts - Orangebrook.doc](#)
[BIS 20-067.docx](#)

POLICE DEPARTMENT

23. [R-2020-019](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Agreements For Traffic Control With The Communities At Harbor Islands.

Attachments: [Resolution.doc](#)
[Admiral Cove Townhomes at Harbor Islands Traffic Control Agreement.pdf](#)
[Commodore Estates at Harbor Islands Traffic Control Agreement.pdf](#)
[Edgewater at Harbor Islands Traffic Control Agreement.pdf](#)
[Grand Harbor at Harbor Islands Traffic Control Agreement.pdf](#)
[Harbor Islands Property Owners Association Traffic Control Agreement.pdf](#)
[Harbor Pointe at Harbor Islands Traffic Control Agreement.pdf](#)
[Harborside at Harbor Islands Traffic Control Agreement.pdf](#)
[Harborview at Harbor Islands Traffic Control Agreement.pdf](#)
[The Estates at Harbor Islands Traffic Control Agreement.pdf](#)
[Term Sheet.doc](#)

DEPARTMENT OF PUBLIC UTILITIES

24. [R-2020-020](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With Greenberg Traurig, P.A., For Legal Services In Utilities Matters, In An Amount Not To Exceed \$200,000.00 For FY 2020.

Attachments: [01 Reso - GreenbergTraurig FY2020 Final.doc](#)
[02 47440536_v 2_FY 20 Legal Services Eng Agree.PDF](#)
[TermSheetProfServLegalGreenbergTraurigUtilities.doc](#)
[BIS 20-056R.doc](#)

25. [R-2020-021](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order To Condo Electric Motor Repair, Corp. For Electric Motor And Pump Repair Services In An Estimated Annual Amount Of \$220,000.00 Based Upon The City Of Plantation's Solicitation No. ITB-062-17 Pursuant To Section 38.40(5) Of The City Of Hollywood's Purchasing Ordinance.

Attachments: [01 Reso - BPO Condo Electric Motor Repair Corp. - City of Plantation.doc](#)
[02 BPO Condo Electric Motor Repair Corp. Form signed 12-5-19.pdf](#)
[03 Executed Agreement - Condo Electric Motor & City of Plantation.pdf](#)
[04 Authorization Letter - Condo Electric Motor Repair Piggyback.pdf](#)
[TermSheetBPOCONDOELECTRICPIGGYBACK .doc](#)
[BIS 20-057.doc](#)

DEPARTMENT OF PUBLIC WORKS

26. [R-2020-022](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order With W.W. Grainger, Inc. For Facilities Maintenance, Repair, And Operating Supplies Citywide, Based Upon Sourcewell's RFP No. 121218 In Accordance With Section 38.40(C)(5) Of The City's Purchasing Ordinance (Piggyback) For An Estimated Annual Expenditure Of \$135,000.00.

Attachments: [REV RESO WW Grainger.docx](#)
[Sourcewell RFP 121218 Facility MRO_0.pdf](#)
[Grainger Contract No. 121218.pdf](#)
[Grainger Piggyback Form.pdf](#)
[TermSheetBPOGRAINGERPIGGYBACK_.doc](#)
[BIS 20-054.docx](#)

1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS

27. [P-2020-01](#) Presentation By Joshua Kittinger, Human Resources Officer, Of Employees Hired September 1, 2019 Through December 31, 2019.

1:15 PM TIME CERTAIN ITEM(S)

28. [PO-2019-27](#) An Ordinance Of The City Of Hollywood, Florida, Amending Section 4.6 C. Of Article 4 Of The Zoning And Land Development Regulations Entitled "Beach Community Redevelopment Districts" To Revise The Parking Dimensions For Properties Within The Beach District. (19-T-51)

Attachments: [1951 Ordinance 2019 1120.doc](#)
[Attachment I Spetember 12,2019 Planning and Development Board Staff Repo](#)

Second Reading
No Changes Since First Reading
Advertised Public Hearing
Planning Division

29. [PO-2019-28](#) An Ordinance Of The City Of Hollywood, Florida, Amending The Zoning And Land Development Regulations To Establish Distance Separation Requirements And Supplemental Use Regulations Relating To Self-Storage Facilities; Providing A Severability Clause. (19-T-52)

Attachments: [P-19-21.pdf](#)
[1952 Ordinance 2020 0115.doc](#)
[Attachment I September 12, 2019 Planning and Development Board Staff Repo](#)

Second Reading
Advertised Public Hearing
Planning Division

1:30 PM TIME CERTAIN ITEM

30. [P-2020-02](#) Presentation By Nicole Sharp, Broward County Natural Resources Administrator, To Provide An Update On Beach Renourishment, Sand By-Pass, And Beach Erosion Management.

QUASI-JUDICIAL ITEM

31. [R-2020-023](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The "Hollywood Crossings" Plat, Being In The City Of Hollywood, Broward County, Florida, And Generally Located At The Southwest Corner Of Hollywood Boulevard And State Road 7. (P-19-05)

Attachments: [RESOHOLLYWOODCROSSINGSPLAT1 EN20-015 Reso-Hollywood Crossing Exhibit A - 65824-Hollywood Crossings Full Plat Dec 1.19.pdf](#)
[Exhibit B Hollywood Crossing \(017-MP-19\) RLO - Copy.pdf](#)
[SITE PLAN - 9.04.19.PDF](#)

Engineering Division

ORDINANCE(S)

32. [PO-2020-01](#) An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 154 Of The Code Of Ordinances Entitled "Flood Damage Prevention" To Revise The Regulations To Be In Conformance With FEMA's Model Floodplain Management Ordinance And The Florida Building Code; Providing For A Repealer Provision; A Severability Clause. An Effective Date.

Attachments: [CHAPTER154FLOODDAMAGEAMENDMENTCLEANVERSION1NOV122019.I](#)

First Reading

Department of Public Utilities

33. [PO-2020-02](#) An Ordinance Of The City Of Hollywood, Florida, Amending The City's Comprehensive Plan By Changing The Land Use Designation For Property Located At 1940 N. 30th Road And 1954 N. 30th Road From The Land Use Designation Of Industrial To General Business; Amending The City's Land Use Map To Reflect The Changes. (19-L-48)

Attachments: [1948 CC Ordinance 2020 0115.doc](#)

[Exhibit A.pdf](#)

[Attachment I November 14, 2019 Planning and Development Board Staff Repo](#)

First Reading

Planning Division

REGULAR AGENDA

34. [P-2020-03](#) Presentation By Shelly Spivak, The Homeless Task Force Chair, And City Staff On The City's Homeless Initiatives.
35. [P-2020-04](#) Presentation By Anthony Grisby, Interim Community Development Manager, On The Status Of Projects Resulting From The Interlocal Agreement Among Broward County, The City Of Hollywood And The City of Hollywood Community Redevelopment Agency Regarding Funding for Affordable Housing (ILA).

36. [R-2020-024](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Amendment To The Existing AST Master Services Agreement And Related Ordering Documents For The Oracle Enterprise Resource Planning Software (Previously Approved By Resolution No. R-2017-265), In Order To Purchase An Oracle Community Development Suite Software To Replace Outdated Software For The Building Division In The Department Of Development Services In An Amount Not To Exceed \$559,975.00 For The First Year; Declaring That It Is In The Best Interest Of The City To Waive Competitive Bidding Pursuant To Section 38.40(C)(8) Of The Purchasing Ordinance.
- Attachments:** [RESO for Oracle.doc](#)
[2020: Amended MSA - SOW - Ordering Doc - Fees.pdf](#)
[2017 Master Services Agreement - Ordering Document.pdf](#)
[TermSheetOracleAmendmentASTMSABestInterest.doc](#)
[BIS 20026.docx](#)
- Requires A 5/7th Vote*
Department of Development Services
37. [R-2020-025](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Establishing A Mission And Vision And Approving A Citywide Strategic Plan.
- Attachments:** [resstratplanapproval.doc](#)
[final_StrategicPlan-Hollywood.pdf](#)
- Office of the City Manager*
38. [R-2020-026](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Agreement With Brown And Caldwell Corporation To Provide Construction Administration/Management Services For The Drilling Of Deep Injection Wells No. 3 And No. 4 At The Southern Regional Wastewater Treatment Plant, In An Amount Not To Exceed \$3,298,684.00.
- Attachments:** [01 Resolution 19-9119 B&C Deep Injection Wells No. 3 and No. 4.docx](#)
[BROWN AND CALDWELL RFQ AGREEMENT rev1.pdf](#)
[02 B&C Fee Proposal CAS 120319.pdf](#)
[03 Resolution R-2019-246 \(Executed\).pdf](#)
[04 Resolution R-2019-327 \(Executed\).pdf](#)
[TermSheetBrownCaldwellAdministrativeServDeepInjectionWells.doc](#)
[BIS 2065R-.doc](#)
- Department of Public Utilities*

39. [R-2020-027](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Renew The Existing Agreement With Biosolids Distribution Services, LLC. For Removal And Disposal Of Biosolids In An Estimated Annual Expenditure Of \$1,550,000.00.

Attachments: [01 RESO - Biosolid Distribution Services, LLC Renewal Agreement.docx](#)
[02 Departmental Renewal Memo - Biosolids Distribution Services, LLC_rev1.pdf](#)
[03 BPO B001579 Biosolid Distribution Services, LLC.pdf](#)
[04 Vendor Renewal Letter - Biosolids Distribution Services, LLC.PDF](#)
[TermSheetBiosolidsrenewal2020.doc](#)
[BIS 20-061.docx](#)

Department of Public Utilities

40. [R-2020-028](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The City Manager Or Designee To Seek Loan Proposals During Fiscal Year 2020 To Borrow Funds In A Principal Amount Not To Exceed \$11,700,000.00 To Finance Capital Improvement Projects In Fiscal Year 2020.

Attachments: [Bank Loan Resolution](#)
[BIS 20060.docx](#)

Department of Financial Services

41. **5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**

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

42. Commissioner Sherwood, District 6

43. Commissioner Shuham, District 1

44. Commissioner Hernandez, District 2

45. Commissioner Callari, District 3

46. Commissioner Blattner, District 4

47. Vice Mayor Biederman, District 5

48. Mayor Levy

49. City Attorney

50. City Manager

51. 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 give a reasonable opportunity to refute or respond to the communication.

IV. Witnesses and Supporting Materials. At least eight City business days before a

quasi-judicial hearing.

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

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

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

V. Party Intervenors.

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

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

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

VI. Conduct of Hearing.

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

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

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

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

E. The order of proof shall be as follows:

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

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

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

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

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

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

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

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

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

10. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to the final Party Intervenor and staff comments and recommendations (maximum of three minutes).

G. The City Attorney or legal advisor will advise the City Commission or Board as to the

applicable law and the factual findings that must be made to approve or deny the application.

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

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

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

IX. Rules of Evidence.

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

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

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

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

XI. Continuances and Deferrals. The City Commission or Board shall consider requests for continuances made by City staff, the Applicant, the Appellant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission or Board, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the City Commission or Board may continue the matter to a time certain to allow for such research or review.

XII. Transcription of hearing.

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

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

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

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

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

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

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

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