

Regular City Commission Meeting

Tuesday, September 14, 2021

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

Linda Sherwood, Vice Mayor - District 6

Caryl Shuham, Commissioner - District 1

Linda Hill Anderson, Commissioner - District 2

Traci Callari, Commissioner - District 3

Adam Gruber, Commissioner - District 4

Kevin Biederman, Commissioner - District 5

Dr. Wazir Ishmael, City Manager

Douglas R. Gonzales, City Attorney

Patricia A. Cerny, City Clerk

MEETING AND PUBLIC COMMENT PROCEDURE

The City of Hollywood, Florida will be conducting a Regular City Commission meeting at 1:00 PM on Tuesday, September 14, 2021 in Room 219. Due to limited public access to Hollywood City Hall, 2600 Hollywood Blvd, Room 219, because of the risk to public health, the City is offering a number of options for members of the public to view and participate in the meeting.

View Meeting Agenda:

- The September 14th agenda will be posted on the City's website at the following location: <https://hollywoodfl.legistar.com/Calendar.aspx> and will be available by the end of the business day on Thursday, September 9th.

Watch the Meeting:

- City's website: <https://www.hollywoodfl.org/WatchMeeting>
- Comcast Channel 78
- ATT U-Verse Channel 99

There are two options for the public to provide comments on Agenda Items:

- Register online to provide comments virtually via the Webex virtual meeting app. You must be able to join the meeting virtually from an internet connected device with a web camera and microphone such as a personal computer, smart phone, or tablet. Use the following link to register your attendance to provide a comment virtually: <https://www.hollywoodfl.org/FormCenter/City-Clerk-12/2Regular-City-Commission-Meeting-Public--262> or visit the City's website homepage at <https://www.hollywoodfl.org> under City News. Those who register to provide comments virtually will receive the Webex meeting link by e-mail the day before the meeting; or
- Register online to provide in-person comments during the meeting (capacity limits and social distancing requirements apply). Use the following link: <https://www.hollywoodfl.org/FormCenter/City-Clerk-12/2Regular-City-Commission-Meeting-Public--262> or visit the City's website homepage at <https://www.hollywoodfl.org> under City News.

The opportunity for public comments is available on all agenda items to be voted on by the Commission and under Citizen Comments. The opportunity for public comments is not available on Proclamations and Presentations. Public comments are limited to 3 minutes per person and time cannot be transferred. Registrations to participate in the meeting virtually or in-person must be received by 6:00 PM on Monday, prior to the City Commission Meeting.

Due to capacity limitations and social distancing requirements, in-person participation requires:

- Completion of online advance registration
- Facial covering at all times when inside City Hall
- Temperature check upon entering City Hall

Staff will direct the public to the designated seating area where they will be able to listen to the meeting. Once the meeting begins and maximum indoor capacity is reached, no other members of the public will be allowed in the designated seating area. The City Clerk will call out the names of those wishing to address the City Commission in-person, at which time they will approach the lectern and address the Commission members. In-person participants commenting on multiple items may return to the designated seating area and wait for their name to be called again.

For additional information regarding the Regular City Commission Meeting, please contact Patricia A. Cerny, City Clerk, at 954-921-3211 or via email at pcerny@hollywoodfl.org.

NOTES

The Consent Agenda is comprised of items prepared by various offices and departments in the City. These items are routine and/or non-controversial in nature, and may be voted upon by the Commission in one motion as listed below.

The regular agenda consists of items that must be discussed or that could be considered controversial, and are voted upon by the Commission individually.

Agenda items not scheduled for a specific time may be considered at any time during the meeting, at the Commission's discretion. However, time certain items will not be considered by the Commission earlier than the time listed for those items, although those items may be taken up at a later time.

The following items on this agenda are time certain items.

1:15 PM - Items 19 - 21**5:00 PM - Item 28**

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

CONSENT AGENDA

(Items # 5 - 18)

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

OFFICE OF THE CITY ATTORNEY

5. [R-2021-224](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing Payment Of Attorneys' Fees To Weiss Serota Helfman Cole & Bierman, P.L., In An Additional Amount Not To Exceed \$35,000.00 For Fiscal Year 2021, Bringing The Total Amount Authorized For Fiscal Year 2021 To \$135,000.00.

Attachments: [2021 Weiss Serota FY21 Reso.1.docx](#)

Strategic Plan Focus Area:




Financial Management & Administration

6. [R-2021-225](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The City To Join With The State Of Florida And Other Local Governmental Units As A Participant In The Florida Memorandum Of Understanding And Formal Agreements Implementing A Unified Plan; Directing The City Clerk To Provide A Copy Of This Resolution To The Florida League Of Cities And The Florida Attorney General; Authorizing The Execution Of All Documents Necessary To Effectuate The Intent Of This Resolution; Providing For Conflicts And Severability.

Attachments: [2021 Opioid Litigation Reso.docx](#)
[Florida-Proposed-MOU.pdf](#)

Strategic Plan Focus Area:  Public Safety

OFFICE OF THE CITY MANAGER7. [R-2021-226](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Adopting a Comprehensive Debt Policy; Repealing Resolution No. R-2014-133.


Attachments: [Resolution to Adopt New Comprehensive Debt Policy.doc](#)
[Comprehensive Debt Policy.docx](#)
[GFOA_PostIssuanceCompliance2.pdf](#)
[R-2014-133.pdf](#)

Strategic Plan Focus Area:  Financial Management & Administration

OFFICE OF COMMUNICATIONS, MARKETING & ECONOMIC DEVELOPMENT8. [R-2021-227](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Expansion Of The Commercial Property Improvement Program As An Economic Development Incentive To Owners Of Privately Owned Commercial Or Industrial Buildings Located Outside Of The Beach And Downtown CRA Boundaries Within The City Of Hollywood; Approving And Authorizing The City Manager Or Designee To Execute All Agreements To Implement The Program.

Attachments: [Resolution TMP-2021-490.docx](#)
[Exhibit A CPIP 2021 Expansion Program Description](#)
[Exhibit B CPIP 2021 Expansion Agreement CDBG](#)
[Exhibit C CPIP 2021 Expansion Agreement GF](#)

Strategic Plan Focus Area:  Economic Vitality

OFFICE OF HUMAN RESOURCES

9. [R-2021-228](#) A Resolution of The City Commission of The City of Hollywood, Florida, Approving and Authorizing the Appropriate City Officials to Implement A Settlement with Charles Jones For A Workers' Compensation Claim In The Amount Of \$176,859.00.

Attachments: [Resolution 2021 Charles Jones' Workers' Compensation Settlement Final.doc](#)

Strategic Plan Focus Area:  Financial Management & Administration

DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT

10. [R-2021-229](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Engineering Services With Kimley Horn And Associates, Inc. For The Gateway And Neighborhood Signage Project, A General Obligation Bond Project, In An Amount Not To Exceed \$40,935.00.

Attachments: [Resolution - Gateway and Neighborhood Signs Kimley Horn](#)
[Kiley Horn ATP - DCM Signage](#)
[Kimley Horn Sign Struct Analysis Proposal](#)
[Kimley Horn PSA CSA contract DS 18-014](#)
[CSA Resolution R-2018-400](#)
[6. Kimley Horn COI](#)
[TermSheetATPKIMLEYHORN GATEWAY NEIGHBORHOOD SIGNAGE.doc](#)

GOB Project

Strategic Plan Focus Area:  Infrastructure & Facilities

ENGINEERING, TRANSPORTATION & MOBILITY DIVISION

11. [R-2021-230](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Consultant's Authorization To Proceed With Atkins North America, Inc. To Provide Professional Consulting Services For The Continuation Of The City Of Hollywood's Traffic Calming Program In An Amount Not To Exceed \$166,368.00.


Attachments: [RESO - TMP-2021-501.doc](#)
[Authorization to Proceed Ph 2 signed.pdf](#)
[City of Hollywood Traffic Calming Master Plan - Phase 2 PROPOSAL v2 07133](#)
[Hollywood Traffic Calming Master Plan - Phase 2 v2 071321.pdf](#)
[R-2020-056 Signed Reso.pdf](#)
[R-2018-400 Signed Reso.pdf](#)
[TermSheetATPATkinsNorthAmericaTrafficCalmingProgramPhaseII.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS**12. [R-2021-231](#)**

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, Safety Surfacing And A Shade System At 441 Linear Park, In The Amount Of \$198,941.46 Based Upon The Clay County's RFP No 18/19-2 In Accordance With Section 38.41(C)(5) Of The Procurement Code (Piggyback).


Attachments: [Reso - 441 Linear Park.docx](#)
[PO_30000006748571_PFY-2107582_0-1](#)
[441 Linear Park_purchase request package.pdf](#)
[1819-2 Clay County Award Notice.pdf](#)
[RFP No. 18 19-2 Complete Bid Submission.pdf](#)
[18 19-2 Clay County 051519 Discount spreadsheet \(6\).pdf](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

POLICE DEPARTMENT**13. [R-2021-232](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The 2021-2022 School Resource Officer Program Agreement In Local Public Elementary, Middle And High Schools With The School Board Of Broward County, Florida.


Attachments: [Resolution](#)
[SRO Program Agreement](#)
[Term Sheet](#)

Strategic Plan Focus Area:  Public Safety

14. [R-2021-233](#)

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 Axon Enterprise Inc. For The Purchase Of 250 Tasers And Associated Equipment In An Amount Not To Exceed \$785,988.65 Based Upon The Sole Source Provision In Section 38.41(C)(2) Of The Procurement Code.


Attachments: [Resolution](#)
[PO #PFY-2108017.pdf](#)
[Axon Enterprise, Inc Taser 7 Agreement](#)
[NTSS-031-21 Axon - Taser Model 7](#)
[Term Sheet](#)

Strategic Plan Focus Area:  Public Safety

DEPARTMENT OF PUBLIC WORKS**15. [R-2021-234](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Amendment Number 10 To The State Of Florida Department Of Transportation Landscape Inclusive Maintenance Memorandum Of Agreement For Maintaining The Landscape Improvements On State Road A1A From Arizona Street To Sheridan Street.


Attachments: [Reso - MMOA Landscape.docx](#)
[Exhibits -Hollywood_SRA1A_Amend#10_19-L-491-00016 marpdf - Copy - Copy Inclusive MOA.pdf](#)
[Term Sheet - FDOT MMOA Amendment 10.doc](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

DEPARTMENT OF PUBLIC UTILITIES**16. [R-2021-235](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Accepting The United States, Housing And Urban Development Department, Rebuild Florida Community Development Block Grant-Mitigation General Planning Support Program Funding Through The State Of Florida Department Of Economic Opportunity For Floodplain Management Plan In The Amount Of \$400,000.00; Approving And Authorizing The Appropriate City Officials To Execute All Agreements And Documents Relating To The Grant; Amending The Fiscal Year 2021 Operating Budget And Capital Improvement Plan.

Attachments: [01 Resolution - SW Flood Plain CDBG-MIT.docx](#)
[02 Exhibit 1 – SW Flood Plain CDBG-MIT.pdf](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

17. [R-2021-236](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials to Execute A Contract With Ric-Man International, Inc. For Construction Services Related To The 30 Inch Raw Water Main Repair At The Water Treatment Plant In An Amount Not To Exceed \$257,800.00, Inclusive Of Contingency Funds; Authorizing The City Manager Or Designee To Utilize Contingency Funds For Undefined Conditions, If Necessary And Justified, In An Amount Not To Exceed \$75,000.00.


Attachments: [RESORICMANFINAL.docx](#)
[02 Contract - Ric-Man WTP 30 Inch Raw Water Main Repair.pdf](#)
[03 Bid Tabulation - Ric-Man WTP 30 Inch Raw Water Main Repair.pdf](#)
[04 Bid Recommendation Letter - .pdf](#)
[05 Ric-Man Bid Package - Ric-Man WTP 30 Inch Raw Water Main Repair.pdf](#)
[06 The Stout Group LLC Bid Package - Ric-Man WTP 30 Inch Raw Water Main](#)
[07 Giannetti Contracting Corp. Bid Package - Ric-Man WTP 30 Inch Water Main](#)
[08 Metro Equipment Service Inc. Bid Package - Ric-Man WTP 30 Inch Water Main](#)
[TermSheetRicManWaterMainRepairBid.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

18. [R-2021-237](#)

A Resolution Of The City Commission Of The City of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue A Blanket Purchase Agreement With Cathedral Corporation For The Second Renewal of Blanket Purchase Order No. B003181 For Utility Bill Print And Mailing Services In An Estimated Annual Amount of \$263,658.58.

Attachments: [01 Resolution - Cathedral Corporation Renewal 2021 Revised.doc](#)
[Cathedral Corp Draft BPO B003181 Revised.pdf](#)
[Departmental Renewal Memo - Cathedral Corporation Renewal 2021.pdf](#)
[Hernando County Renewal Letter – Cathedral Corporation Renewal 2021.pdf](#)
[Vendor Renewal Letter - Cathedral Corporation Renewal 2021.pdf](#)
[Cathedral Corporation Certificate of Insurance.pdf](#)
[TermSheetCathedralCorpUtilityBillPrintMailServices2ndrenewal.doc](#)

Strategic Plan Focus Area:  Economic Vitality

1:15 PM TIME CERTAIN ITEM(S)**19. [PO-2021-15](#)**


An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 99 Of The Code Of Ordinances Entitled “Municipal Beach” To Amend The Days And Hours Of Access To The Dog Beach.

Attachments: [ORDINANCE - Chapter 99 Municipal Beach - DOG BEACH- final 08.2.2021](#)

Second Reading

No Changes Since First Reading

Department of Parks, Recreation & Cultural Arts

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

20. [PO-2021-16](#)

An Ordinance Of The City Hollywood, Florida, Amending Chapter 151, “Buildings”, Of The Hollywood Code Of Ordinances To Update The Procedures For The Building Safety Inspection Program.

Attachments: [Ordinance Chapter 151 Amendment 40 Year Building O-2010-32.pdf](#)

Second Reading

Advertised Public Hearing

No Changes Since First Reading

Building Division

Strategic Plan Focus Area:  Public Safety

21. [P-2021-51](#)

Presentation By Kenzot Jasmin, P.E., FDOT D-4 Consultant Management, To Provide An Update On The I-95 Project Development & Environment Study.

Attachments: [FDOT I 95 PD&E presentation.pdf](#)

Engineering Division


Strategic Plan Focus Area:  Infrastructure & Facilities

QUASI-JUDICIAL ITEM(S)*(Rules of Procedure Attached to Agenda)***22. [R-2021-238](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The “RD Stirling” Plat, Being In The City Of Hollywood, Broward County, Florida, And Generally Located East Of Interstate 95 Along The South Side Of Stirling Road.

Attachments: [1 EN21-097 Resolution RD Stirling Plat legal reviewed.doc](#)
[3 Exhibit A-RD STIRLING - Full Plat for Mylar.pdf](#)
[4 Exhibit B-BC \(029-MP-20\) Response to LOO.pdf](#)
[5 Conceptual Site Plan.pdf](#)

Engineering Division

Strategic Plan Focus Area:  Economic Vitality


ORDINANCE(S)**23. [PO-2021-17](#)**

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 Requirements Related To Accessory Structures And Manufactured Homes; Providing For A Repealer Provision And A Severability Clause.

Attachments: [01 Ordinance - Chapter 154 - Manufactured Homes Amendment.DOCX](#)

First Reading

Department of Public Utilities


Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

REGULAR AGENDA**24. [R-2021-239](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing One Elected Official And Designating One Elected Official As The Designee To The Affordable Housing Advisory Committee.

Attachments: [AHAC Appointment Reso.docx](#)

Community Development Division

Strategic Plan Focus Area:  Communications & Civic Engagement

25. [R-2021-240](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind The Policies For Excess Workers' Compensation Insurance, General Liability, Auto Liability, Statutory Accidental Death And Dismemberment Insurance, Crime Insurance, Cyber Liability, Pollution/Environmental Insurance, Active Shooter, Vessel Pollution, Drone Insurance, Medical Professional Liability, Tank Pollution Liability, Water Craft Marine Hull, Marina Operators Legal Liability Insurance, And Flood Insurance For An Amount Not To Exceed Of Approximately \$1,500,759.08, For Which Quotes Were Solicited By Aon Risk Services, Inc. Of Florida.

Attachments: [Resolution 2022 Renewal of Various Insurance Products.doc](#)
[Back up - 2022 Renewal of Various Insurance Products.pdf](#)


Office of Human Resources

Strategic Plan Focus Area:  Financial Management & Administration

26. [P-2021-52](#)

Presentation By Jose Cortes, Director Of Design And Construction Management, Regarding The Police Department Headquarters Site Location.

Department of Design & Construction Management

Strategic Plan Focus Area:  Public Safety

27. [R-2021-241](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying The Execution By The Appropriate City Officials Of A Disclaimer Required For The As Is Purchase Of A High Water Rescue Unit For The Fire Department.

Attachments: [Resolution- Disclaimer for Purchase of High Water Rescue Vehicle.doc](#)
[Eastern Surplus & Equipment DISCLAIMER for High Water Rescue Vehicle.pdf](#)

Department of Fire Rescue & Beach Safety

Strategic Plan Focus Area:  Public Safety

28. 5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)

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

- 29. Commissioner Biederman, District 5
- 30. Vice Mayor Sherwood, District 6
- 31. Commissioner Shuham, District 1
- 32. Commissioner Anderson, District 2
- 33. Commissioner Callari, District 3
- 34. Commissioner Gruber, District 4
- 35. Mayor Levy
- 36. City Attorney
- 37. City Manager
- 38. ADJOURNMENT

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, City Manager, Assistant City Manager(s), City Attorney, Deputy City Attorney, and the director and assistant director(s) of each City department/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, City Manager, Assistant City Manager(s), City Attorney, Deputy City Attorney, and the director and assistant director(s) of each City department/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 five 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