

# **Regular City Commission Meeting**

**Wednesday, March 2, 2022**

**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***

***Caryl Shuham, Vice Mayor - District 1***

***Linda Hill Anderson, Commissioner - District 2***

***Traci Callari, Commissioner - District 3***

***Adam Gruber, 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 - Item 20 - 21**

**1:15 PM - Item 22 - 23**

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

**CONSENT AGENDA**

**(Items # 5 - 19)**

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 AND PERFORMANCE MANAGEMENT**

5. [R-2022-049](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Fiscal Year 2022 Operating Budgets Of Various Funds As Adopted And Approved By Resolution R-2021-244; Amending The Fiscal Year 2022 Capital Improvement Plan As Adopted And Approved By Resolution R-2021-245.

**Attachments:** [Reso-Budget Amendment.docx](#)  
[Exhibits 1 - 8.pdf](#)

Strategic Plan Focus Area:




Financial Management & Administration

**OFFICE OF THE CITY CLERK**


6. [R-2022-050](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of October 6, 2021.

**Attachments:** [10.6.2021 - Reso - Min - Regular.docx](#)  
[October 6, 2021 minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement


7. [R-2022-051](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of October 20, 2021.

**Attachments:** [10.20.2021 - Reso - Min - Regular.docx](#)  
[October 20, 2021 minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

8. [R-2022-052](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of November 3, 2021.

**Attachments:** [11.3.2021 - Reso - Min - Regular.docx](#)  
[November 3, 2021 minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

9. [R-2022-053](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of November 17, 2021.

**Attachments:** [11.17.2021 - Reso - Min - Regular.docx](#)  
[November 17, 2021 minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

**OFFICE OF THE CITY MANAGER**

10. [R-2022-054](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept, If Awarded, The 2021 Hazard Mitigation Grant Program For A City Hall Hardening Project; Further Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents And Agreements.

**Attachments:** [HMPG Reso](#)  
[2021 COVID HMGP Application - Hollywood Final](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT****11. [R-2022-055](#)**

A Resolution of The City Commission Of The City of Hollywood, Florida, Rejecting The Sole Proposal Submitted By Hedrick Brothers Construction Co., Incorporated, For Phase I Construction Manager At Risk Pre-Construction Services Related to The Hollywood Beach Golf Course And Clubhouse/Community Center Project, Located At 1600 Johnson Street.

**Attachments:** [Resolution to Authorize CMAR RFQ Rejection \(FINAL\)](#)  
[EXHIBIT A - PROPOSAL](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**ENGINEERING, TRANSPORTATION & MOBILITY DIVISION****12. [R-2022-056](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute The Johnson Street Railroad Crossing License Agreement With Florida East Coast Railroad Company.

**Attachments:** [Reso - Johnson Street FEC Crossing post-legal v03.docx](#)  
[348.27 \(+1410\) - Johnson Street - DOT 272584V - FEC-FDOT - License Agreeer](#)  
[TermSheetFECLICENSEAGREEMENTJOHNSONSTREET.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**13. [R-2022-057](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Vacation Of A 10' Storm Sewer Easement Within Lots 27 And 28, Block 4 Of The "Hollywood Golf Estates Section Two" Plat And Dedication Of A New 10' Storm Sewer Easement.


**Attachments:** [EN22-020 Reso 1102 Washington Street FINAL LEGAL REVISED FEBRUAR12](#)  
[Exhibit A - Existing easement to be relocated.pdf](#)  
[Exhibit B - Proposed 10' Storm Sewer Easement doc.pdf](#)  
[1102 Washington Permanent Easement Agreement-new easement dedication.r](#)  
[1102 Washington St Site Plan.pdf](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**DEPARTMENT OF FINANCIAL SERVICES****14. [R-2022-058](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Updating The Comprehensive Schedule Of Fees.

**Attachments:** [01 Reso - FY 2022 Comprehensive Schedule of Fee](#)  
[02 Exhibit A -Comprehensive Schedule of Fees FY 2022](#)

Strategic Plan Focus Area:  Financial Management & Administration

**15. [R-2022-059](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Updating The Current Investment Policy.

**Attachments:** [01 Reso Investment Policy Update](#)  
[02 Investment Policy Hollywood 2022](#)

Strategic Plan Focus Area:  Financial Management & Administration

**DEPARTMENT OF PUBLIC UTILITIES****16. [R-2022-060](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Supplemental Services Agreement With Aclara Technologies, LLC. To Diagnose, Repair, Remove, And Replace Advanced Metering Infrastructure System Components At Approximately 840 Water Service Locations In The City In An Estimated Amount Of \$97,050.54 Based Upon Section 38.41(C)(9) Of The Procurement Code (Best Interest); Amending The Fiscal Year 2022 Adopted Operating Budget.

**Attachments:** [01 RESO - Aclara Field WorkAMIINSTALLATION Best Interest.docx](#)  
[Exhibit 1.xlsx](#)  
[Aclara Supplemental Services Agreement.pdf](#)  
[Aclara Field Services SOW.pdf](#)  
[Aclara Quote Field Services.pdf](#)  
[Aclara COIs.pdf](#)  
[TermSheetACLARAAMISYSTEMBESTINTEREST.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**17. [R-2022-061](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Local Funding Agreements With The Florida Department Of Transportation To Fund The Design Of Four Stormwater Pump Stations Located On State Road A1A In An Estimated Amount Of \$770,468.00, And Approving And Authorizing The Execution Of An Interlocal Agreement With The Hollywood Community Redevelopment Agency For Reimbursement To The Department of Public Utilities For The Cost Of Funding The Design Of Three Stormwater Pump Stations Located Within The CRA Beach District In An Estimated Amount Of \$578,763.00.

**Attachments:** [00 Resolution - A1A Pump Station FDOT LFA Final.docx](#)  
[LFA for approval and execution 448576.1 Hollywood rev 12-22 New.pdf](#)  
[LFA for approval and execution 448574.1 Hollywood rev 12-20.pdf](#)  
[LFA for approval and execution 448577.1 rev 12-20.pdf](#)  
[ILA - Interlocal Agreement Pump Stations 020122-revised No Markup.doc](#)  
[TermSheetFDOTLocalFundingAgreementFranklinStdesignpumpstation.doc](#)  
[TermSheetFDOTLocalFundingAgreementA1AShermantoSheridanpumpstation.](#)  
[TermSheetFDOTLocalFundingAgreementA1ABouganvillaHarrisonpumpstation.](#)  
[TermSheetILACRACITYPUMPSTATIONFUNDING.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**18. [R-2022-062](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Blanket Purchase Agreement With Ferguson Enterprises, LLC. For The Purchase Of Neptune Meters In An Estimated Annual Amount Of \$350,000.00 Pursuant To Section 38.41(C)(2) Of The Procurement Code ("Sole Source").

**Attachments:** [01 Resolution - BPO for Neptune Meters from Ferguson Enterprises LLC 2.7.22 Draft Blanket Purchase Agreement.pdf](#)  
[NTSS-028-22 Ferguson Sole Source Justification.pdf](#)  
[Ferguson Certificate Of Insurance.pdf](#)  
[TermSheeFergusonNeptuneMetersNESOLESOURCE-11151coh.doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**DEPARTMENT OF PUBLIC WORKS****19. [R-2022-063](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Sustainability Advisory Committee To Solicit Donations In Support Of Their Outreach Activities, Including Funtastic Friday Celebrates Earth And Arbor Days.

**Attachments:** [Reso - Sustainability Advisory Committee Donations 2022 FINAL.docx](#)

Strategic Plan Focus Area:  Resilience & Sustainability

**1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS****20. [P-2022-07](#)**

A Proclamation In Celebration Of Elsie Johns.

**Attachments:** [03-02-2- Johns, Elsie.doc](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

**21. [P-2022-08](#)**

Presentation By David E. Keller, Director, Financial Services Department, To The City of Hollywood, Of The Achievement For Excellence In Procurement Award, Given By The National Procurement Institute.

Strategic Plan Focus Area:  Financial Management & Administration

**1:15 PM TIME CERTAIN ITEM****22. [PO-2022-03](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending Section 31.02 Of The Code Of Ordinances Entitled "Election Procedures" To Update The District Boundaries For The Election Of City Commissioners.

**Attachments:** [Ord 2021 Decennial Redistricting.doc](#)  
[Alternative 1D.pdf](#)  
[Hollywood Redistricting Report\\_Final-Revised\\_01312022.pdf](#)  
[Hollywood Redistricting Report-final report.pdf](#)  
[Alternative 1A.pdf](#)  
[Alternative 1B.pdf](#)  
[Alternative 1C.pdf](#)  
[Alternative 2A.pdf](#)  
[Alternative 2B.pdf](#)  
[Alternative 2C.pdf](#)

*Second Reading*

*Advertised Public Hearing*

*Office of the City Clerk*

*Strategic Plan Focus Area:*  *Communications & Civic Engagement*

**23. [R-2022-064](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving/Denying The Appeal Of Stephanie Grutman Zauder, A Lobbyist, Regarding The Fine For Lack Of Timely Submittal Of Lobbyist Annual Statement.

**Attachments:** [Reso Appealing Delinquent Lobbyist fee.docx](#)  
[Info from Ms Zauder regarding appeal Jan 31, 2022.pdf](#)  
[Stephanie Grutman Zauder dated Feb 8, 2022.pdf](#)

*Office of the City Clerk*

*Strategic Plan Focus Area:*  *Financial Management & Administration*

**QUASI-JUDICIAL ITEM(S)**

*(Rules of Procedure Attached to Agenda)*

**24. [R-2022-065](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering A Certificate Of Appropriateness For Design And Site Plan For An Addition To The Art And Culture Center Located At 1650 Harrison Street. (20-CP-39)

**Attachments:** [2039 Resolution 2021 0707.doc](#)  
[Exhibit A.pdf](#)  
[Exhibit B.pdf](#)  
[Attachment I Part I.pdf](#)  
[Attachment I Part II.pdf](#)  
[Attachment I Part III.pdf](#)  
[Attachment I Part IV.pdf](#)  
[Attachment I Part V.pdf](#)

*Planning Division*

*Strategic Plan Focus Area:*  *Infrastructure & Facilities*

**ORDINANCE(S)****25. [PO-2022-05](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending The City's Adopted Comprehensive Plan By Amending The Land Use Element To Establish Certain Permitted Uses In Areas Designated Open Space And Recreation; Amending The Future Land Use Element Map To Reflect The Changes. (21-T-41)

**Attachments:** [2141 Ordinance & Exhibit A 2022 0302.DOC](#)  
[Attachment I September 21 PDB Staff Report and Backup.pdf](#)

*First Reading*

*Planning Division*

*Strategic Plan Focus Area:*  *Infrastructure & Facilities*

**26. [PO-2022-04](#)**

An Ordinance Of The City Commission Of The City Of Hollywood, Florida, Amending Chapter 99 Of The Code Of Ordinances; Prohibiting Tents; Amending Distance Requirements For Canopies; Prohibiting Bicycles Greater Than 48 Inches Wide; Prohibiting Recumbent Tricycles; Establishing Beach Closing Hours.

**Attachments:** [Ordinance-2nd First Reading](#)

*First Reading*

*Police Department*


*Strategic Plan Focus Area:*  *Public Safety*

**REGULAR AGENDA****27. [R-2022-066](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing City Commission Members As The Voting And Alternate Voting Delegates For The Broward County League Of Cities For 2022 - 2023.

**Attachments:** [R-bro-leg-appt.DOC](#)

*Office of the City Clerk*


*Strategic Plan Focus Area:*  *Communications & Civic Engagement*

**28. [R-2022-067](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Continuance/Sunsetting Of The Following Advisory Boards: Affordable Housing Advisory Committee; African American Advisory Council; Artwork Selection Advisory Committee; Education Advisory Committee; General Obligation Bond Oversight Advisory Committee; Marine Advisory Board; Neighborhood Watch Advisory Board; Parks, Recreation & Cultural Arts Advisory Board; Sustainability Advisory Committee; And The Young Circle Artspark Advisory Board.

**Attachments:** [R-sunset.doc](#)

Office of the City Clerk


Strategic Plan Focus Area:  Communications & Civic Engagement

**29. [R-2022-068](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Repealing Resolution No. R-2020-221 And Amending Resolution Nos. R-2003-139 And R-2008-121 To Amend The Annual License Fee Pursuant To Section 98.051(B) Of The Code Of Ordinances For The Construction And Maintenance Of Private Boat Dock Facilities Upon City Property For Leases Entered Into Or Renewed After September 1, 2020.

**Attachments:** [RESO REPEALING R2020-221 and amending annual license fee.docx](#)  
[2019 Northlake Southlake Rental Appraisal.pdf](#)  
[Boat dock lease meeting\\_08.11.pdf](#)  
[R-2020-221 Private Dock Fee.pdf](#)

Department of Parks, Recreation & Cultural Arts

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

**30. [R-2022-069](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Cardinal Contractors, Inc. For Construction Services Related To Deep Injection Wells No. 3 And No. 4 Pump Station In The Amount Of \$112,299,970.00; Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order Number B&C 22-02 With Brown And Caldwell For Additional Services To Provide Construction Administration Services For This Project For An Amount Not To Exceed \$5,179,402.00.

**Attachments:** [Resolution - Deep Injection Wells Pump Station.docx](#)  
[Contract – SRWWTP IWs Pump Station.pdf](#)  
[Award Recommendation Letter – SRWWTP IWs Pump Station .pdf](#)  
[Bid Tabulation – SRWWTP IWs Pump Station .pdf](#)  
[Bid Proposal – SRWWTP IWs Pump Station.pdf](#)  
[Agreement - SRWWTP IWs Pump Station.pdf](#)  
[Memo CM-20-016 -SRWWTP IWs Pump Station.pdf](#)  
[Consultant Proposal – SRWWTP IWs Pump Station.pdf](#)  
[ATP - SRWWTP IWs Pump Station.pdf](#)  
[R-2021-159 SRF Clean Water - SRWWTP IWs Pump Station.pdf](#)  
[R-2021-161 SRF Drinking Water -SRWWTP IWs Pump Station.pdf](#)  
[RFQ - SRWWTP IWs Pump Station.pdf](#)  
[TermSheetCardinalContractorsconstructionservicesbid.doc](#)  
[TermSheetATPBrownCaldwelladmsvcdeepinjectionwell..docx](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

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

31. Commissioner Anderson, District 2

32. Commissioner Callari, District 3

33. Commissioner Gruber, District 4

34. Commissioner Biederman, District 5

35. Commissioner Sherwood, District 6

36. Vice Mayor Shuham, District 1

37. Mayor Levy

38. City Attorney

39. City Manager

#### **40. 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, 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.

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