

Regular City Commission Meeting

Wednesday, April 20, 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 - Items 14-19**1:15 PM - Item 20****1:30 PM - Item 21****5:00 PM - Item 31**

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

CONSENT AGENDA


(Items # 5-13)

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

OFFICE OF THE CITY CLERK


5. [R-2022-102](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of December 1, 2021.

Attachments: [12.1.2021 - Reso - Min - Regular.docx](#)
[December 1, 2021 - minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

6. [R-2022-103](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of January 19, 2022.

Attachments: [1.19.2022 - Reso - Min - Regular.docx](#)
[January 19, 2022 Minutes.pdf](#)

Strategic Plan Focus Area:  Communications & Civic Engagement

DEPARTMENT OF DESIGN & CONSTRUCTION MANAGEMENT

7. [R-2022-104](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute Local Agency Program Agreements With The Florida Department Of Transportation In Order To Receive Reimbursement Funds For The Beverly Park Sidewalk And ADA Compliance Project, The Hollywood Beach Heights And Hollywood Country Estates Sidewalks, And The ADA Compliance And Sharrow Project.

Attachments: [01-Reso LAP Agreements Final](#)
[Exhibit A-02-443944-1 COH LAP Agreement](#)
[Exhibit B-03-443976-1 COH LAP Agreement](#)
[04-R-2017-323 - Signed Reso](#)
[05-R-2021-014 - Signed Reso](#)
[TermSheetFDOTLocalFundingAgreementBeverlyPark.doc](#)
[TermSheetFDOTLocalFundingAgreementHollywoodBeachHeightsHollywoodCo](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

8. [R-2022-105](#) 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 With Langan Engineering And Environmental Services, Inc. For Professional Environmental Services Related To The Orangebrook Golf And Country Club Revitalization, A General Obligation Bond Project, In An Amount Not To Exceed \$295,000.00.


Attachments: [Resolution Environmental for Orangebrook Langan Final](#)
[ATP for Langan](#)
[Exhibit A Consultant Proposal](#)
[R-2021-208](#)
[TermSheetATPLanganOrangebrookandPoliceHQ..doc](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

COMMUNITY DEVELOPMENT DIVISION**9. [R-2022-106](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A First Amendment To The Agreement With Broward County For The Administration Of The City's First-Time Home Buyer Program In Order To Increase The Administrative Fee Funding Amount From \$139,965.50 To \$479,993.00 And Extend The Term From Two Years to Four Years.


Attachments: [Purchase Assistance Amend1 Resolution.docx](#)
[Purchase Assistance Amend1 Agreement.pdf](#)
[TermSheetFirstAmendmentBrowardCountyPurchaseAssistanceProgramAg.doc](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

PARKING DIVISION**10. [R-2022-107](#)**

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 To Gtechna USA Corporation To Provide An Integrated Parking Citation And Permit System In An Amount Not To Exceed \$242,000.00 Over A Period Of Four Years In Accordance With Section 38.41(C)(5) Of The Procurement Code (Piggyback).


Attachments: [Resolution -GTECHNA US](#)
[Draft BPA.pdf](#)
[AGREEMENT](#)
[Gtechna US Corporation attachment](#)
[Gtechna Quote .pdf](#)
[Gtechna-Piggyback List](#)

Strategic Plan Focus Area:  Public Safety

DEPARTMENT OF PARKS, RECREATION & CULTURAL ARTS**11. [R-2022-108](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Accept The Areawide Council On Aging Of Broward County, Inc. Grant In The Amount Of \$228,000.00, At No Cost To The City, To Provide Enhanced Senior Citizen Recreation Programs; Authorizing The Appropriate City Officials To Execute All Applicable Grant Documents; Amending The Fiscal Year 2022 Operating Budget (R-2021-244).

Attachments: [RESO - Areawide Council on Aging of Broward County Inc. Grant - FY2022-23, Exhibit 1.docx](#)
[Elder Grant Master Contract HM020-29-2023 signed by mayor.pdf](#)

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

POLICE DEPARTMENT**12. [R-2022-109](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Property Access Agreement With ARSC Inc. For The Purpose Of Installing, Operating And Maintaining The City's Communication Equipment For Its CCTV Project.

Attachments: [Resolution](#)
[Signed ARSC, Incorporate Property Access Agreement](#)
[Term Sheet](#)

Strategic Plan Focus Area:  Public Safety

13. [R-2022-110](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Blanket Purchase Agreement To Vetted Security Solutions For The Purchase Of Various Equipment Related To Closed Circuit Television And License Plate Readers In An Amount Not To Exceed \$325,000.00 Over A One Year Period In Accordance With Section 38.41(C)(9) Of The Procurement Code (Best Interest).

Attachments: [Resolution](#)
[Blanket Purchase Agreement](#)

Requires 5/7th vote

Strategic Plan Focus Area:  Public Safety

PUBLIC UTILITIES**13A. [R-2022-120](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ratifying The City Manager's Approval Of A Purchase Order With Southeastern Engineering Contractors, Inc. For The Emergency Replacement Of The Force Main Downstream Of Sewer Lift Station E-4 In The Lump Sum Amount Of \$283,992.00 Pursuant To Section 38.41(C)(1) Of The Procurement Code ("Emergency Purchases").

Attachments: [01 Resolution - LS E-4 Emergency FM Replacement.docx](#)
[Project Location Map - LS E-4 FM Emergency Replacement.pdf](#)
[Approved CM Memo LS E-4 Force Main Emergency Replacement.pdf](#)
[TermSheetEMERGENCYPURCHASEORDERSOUTHEASTERNFORCEMAIN](#)

Strategic Plan Focus Area:  Infrastructure & Facilities


1:00 PM PRESENTATIONS, PROCLAMATIONS AND AWARDS**14. [P-2022-14](#)**

Presentation By Congresswoman Debbie Wasserman Schultz Recognizing The Funding Of Police Body Worn Cameras Through The 2022 Community Project Funding Appropriation Request And Providing An Update On Infrastructure Funding Opportunities

Strategic Plan Focus Area:  Public Safety

15. [P-2022-15](#) A Proclamation In Recognition Of Earth Day, April, 22, 2022.
Attachments: [04-20-22-Earth Day.doc](#)
Strategic Plan Focus Area:  Resilience & Sustainability
16. [P-2022-16](#) A Proclamation In Recognition Of Arbor Day Observed on Friday, April 29, 2022.
Attachments: [04-20-22-Arbor Day2.doc](#)
Strategic Plan Focus Area:  Resilience & Sustainability
17. [P-2022-17](#) A Proclamation In Recognition Of The Guardian Ad Litem Program - April 2022.
Attachments: [04-20-22 Guardian Ad Litem.doc](#)
Strategic Plan Focus Area:  Communications & Civic Engagement
18. [P-2022-18](#) A Proclamation In Recognition Of Municipal Clerks' Week, May 1-7, 2022.
Attachments: [04-20-22- Municipal Clerks' Wk.doc](#)
Strategic Plan Focus Area:  Communications & Civic Engagement
19. [P-2022-19](#) A Proclamation In Recognition Of Eid al-Fitr Day, May 2, 2022.
Attachments: [04-20-22 -Eid Al Fitr Day.doc](#)
Strategic Plan Focus Area:  Communications & Civic Engagement

1:15 PM TIME CERTAIN ITEM


20. [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](#)
Second Reading
Advertised Public Hearing
No Changes Since First Reading
Planning Division
Strategic Plan Focus Area:  Infrastructure & Facilities

1:30 PM TIME CERTAIN ITEM - QUASI-JUDICIAL ITEM*(Rules of Procedure Attached to Agenda)***21. [R-2022-111](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Waiver, Design, And Site Plan For The Development Known As Nautilus Apartments Consisting Of 84 Residential Units Located At 3500 Washington Street. (12-DPW-59b)

Attachments: [1259b Resolution 2022 0406.doc](#)
[Exhibit A.pdf](#)
[Exhibit B.pdf](#)
[Attachment I Application Package.pdf](#)
[Attachment II Previous Ordinance and Resolutions.pdf](#)

Planning Division

Strategic Plan Focus Area:  Economic Vitality

ORDINANCE(S)**22. [PO-2022-10](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 98 Of The Code Of Ordinances Entitled "Marine And Waterway Regulations; Boats And Other Vessels" To Allow The City Manager To Approve Boat Dock Lease Agreement Terms And Conditions And To Further Authorize The City Manager Or Designee To Grant All Approvals And Renewals Of Boat Dock Lease Agreements.

Attachments: [ORDINANCE - CHAPTER 98 - BOAT DOCKS Final 03.24.2022](#)

First Reading

Department of Parks, Recreation & Cultural Arts


Strategic Plan Focus Area:  Financial Management & Administration

REGULAR AGENDA**23. [R-2022-112](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Superior Landscaping & Lawn Services, Inc. For Construction Services Related To The Hollywood Boulevard Complete Streets Landscaping Project R17289, A Surtax Project, In A Lump Sum Amount Of \$1,138,658.36; Amending The Fiscal Year 2022 Operating Budget And Capital Improvement Plan.

Attachments: [Resolution to Award Hollywood Blvd HOLL-035](#)
[Exhibit 1.pdf](#)
[Municipal Project Construction Contract](#)
[Executed 2nd Amendment to ILA.final](#)
[ILA - HOLL-035](#)
[Packet for Bid F-4695-21-GJ Final](#)
[Superior Bid Response F-4695-21-GJ](#)
[R-2014-252](#)
[TermSheetSuperiorLandscapingBidSurtaxProject.doc](#)

Department of Design & Construction Management


Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

24. [R-2022-113](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Calling For The General Election And Special Election To Be Held On November 8, 2022; Authorizing And Directing The City Clerk To Take Certain Actions In Connection Therewith; Authorizing The Appropriate City Officials To Execute An Agreement With The Broward County Supervisor Of Elections Regarding The Election.

Attachments: [R-calling for election - 2022 and Dist 6.doc](#)
[2021 Municipal Election Agreement for Nov 8, 2022.docx](#)
[Exhibit A - for the agreement Cost Estimates 2022 - District 1,3,5 and 6 Election](#)

Office of the City Clerk


Strategic Plan Focus Area:  Communications & Civic Engagement

25. [R-2022-114](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Naming The Liberia Neighborhood Network Center Facility, Located At 2207 Raleigh Street, As The “Frankie M. Shivers And R.D. Sanders Neighborhood Network Center.”

Attachments: [Res - Officer Frankie M. Shivers amd RD Sanders.doc](#)
[Officer Frankie M. Shivers.pdf](#)
[Officer Frankie Mae Shivers.pdf](#)
[RD Sanders - article.docx](#)

Office of the City Clerk

Strategic Plan Focus Area:  Communications & Civic Engagement

26. [R-2022-115](#)

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 Work Order Number H&S 22-04 With Hazen And Sawyer, P.C. To Provide Professional Engineering Services Related To Wastewater Master Plan Update - Phase 2, In An Amount Not To Exceed \$1,804,858.00.

Attachments: [Resolution - H&S 22-04 Wastewater Master Plan Phase 2.docx](#)
[ATP - H&S 22-04 Wastewater Master Plan Phase 2.pdf](#)
[Proposal - H&S 22-04 Wastewater Master Plan Phase 2.pdf](#)
[Agreement - H&S 22-04 Wastewater Master Plan Phase 2.pdf](#)
[TermSheetATPHazenSawyerWastewaterMPPhase2..doc](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities

27. [R-2022-116](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute A Contract With Man-Con, Incorporated For Construction Services Related To Utility Replacement Along North 26th Avenue In The Amount Of \$4,094,733.00; Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order Number B&C 22-03 With Brown And Caldwell For Construction Administration Services For The Project In An Amount Not To Exceed \$193,181.00; Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Amendment No. 1 To Work Order KHA 21-04 With Kimley-Horn And Associates, Inc. For Additional Engineering Consulting Services For Drainage Improvements In An Amount Not To Exceed \$35,000.00; Amending The Fiscal Year 2022 Capital Improvement Plan.

Attachments: [Resolution - Utility Replacement along N 26th Ave.docx](#)
[Exhibit 1 - Utility Replacement Along N 26th Ave.pdf](#)
[Exhibit 2 - Utility Replacement Along N 26th Ave.pdf](#)
[ATP B&C Work Order No.B&C 22-03 - Utility Replacement Along N 26 Ave.pdf](#)
[ATP KHA 22-01 Amend. No. 1 - Utility Replacement Along N 26 Ave.pdf](#)
[Contract - Utility Replacement Along N 26th Ave.pdf](#)
[Award Recommendation Letter - Utility Replacement Along N 26th Ave.pdf](#)
[Bid Tabulation - Utility Replacement Along N 26th Ave.pdf](#)
[GPE Bid Proposal - Utility Replacement Along N 26th Ave.pdf](#)
[Man-Con Incorporated Bid Proposal - Utility Replacement Along N 26th Ave.pdf](#)
[Comtech Engineering Bid Proposal - Utility Replacement Along N 26th Ave.pdf](#)
[Brown&Caldwell Proposal- Utility Replacement Along N 26th Ave.pdf](#)
[Kimley-Horn Proposal- Utility Replacement Along N 26th Ave.pdf](#)
[TermSheetManConConstructionSvcUtilityReplacement.doc](#)
[TermSheetATPBrownCaldwelladminsvcutilityreplacementl..doc](#)
[TermSheetATPKIMBERLYHORNDrainageImprovementProjectutilityprojnorth26](#)

Department of Public Utilities

Strategic Plan Focus Area:  Infrastructure & Facilities


28. [R-2022-117](#)

A Resolution Of The City Commission Of The City Of Hollywood Florida, Approving The Local Housing Assistance Plan For Fiscal Years 2022 Through 2024 Pursuant To The State Housing Initiatives Partnership Program Act; Authorizing The Appropriate City Officials To Execute All Documents Required For The Local Housing Assistance Plan For Fiscal Years 2022 Through 2024; Authorizing The Appropriate City Officials To Transmit The Local Housing Assistance Plan For State Of Florida Fiscal Years 2022 Through 2024 To The Florida Housing Finance Corporation.

Attachments: [Local Housing Assistance Plan 2022-2024 Reso.docx.doc](#)
[SHIP Local Housing Assistance Plan .pdf](#)

Community Development Division

Advertised Public Hearing

Strategic Plan Focus Area:  Quality of Life & Strong Neighborhoods

29. [R-2022-118](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A Blanket Purchase Agreement With AT&T Corp. For The Purchase Of Cellular Telephone Minutes, Data Plan Services, Products And Related Equipment For Various Departments In An Estimated Amount Of \$1,083,333.00 Over A Period Of 52 Months (Piggyback).

Attachments: [Resolution](#)
[Draft of PA600477](#)
[AT&T Piggyback Form](#)
[Piggyback Checklist](#)
[DMS Contract](#)
[AT&T Term Sheet.doc](#)

Department of Information Technology

Strategic Plan Focus Area:  Infrastructure & Facilities

30. [R-2022-119](#)

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Blanket Purchase Agreement With Cellco Partnership d/b/a Verizon Wireless For The Purchase Of Cellular Telephone Minutes, Data Plan Services, Products, And Related Equipment For Various Departments In An Estimated Amount Of \$1,690,000.00 Over A Period Of 52 Months (Piggyback).

Attachments: [Resolution](#)
[Draft Purchase Agreement](#)
[Piggyback Form](#)
[Piggyback Checklist](#)
[DMS Contract](#)
[Term Sheet](#)

Department of Information Technology

Strategic Plan Focus Area:  Infrastructure & Facilities

31. 5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)

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

- 32. Commissioner Biederman, District 5
- 33. Commissioner Sherwood, District 6
- 34. Vice Mayor Shuham, District 1
- 35. Commissioner Anderson, District 2
- 36. Commissioner Callari, District 3
- 37. Commissioner Gruber, District 4
- 38. Mayor Levy
- 39. City Attorney
- 40. City Manager
- 41. 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 Division of Engineering/Transportation & Mobility, Azita Behmardi, ADA Coordinator/City Engineer, five business days in advance at 954-921-3251 (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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