

# **Regular City Commission Meeting**

**Wednesday, December 2, 2020**

**1:00 PM**

## **City of Hollywood**



Hollywood City Hall  
2600 Hollywood Blvd  
Hollywood, FL 33020  
<http://www.hollywoodfl.org>

**Commission Chambers Room 219**

### ***CITY COMMISSION***

***Josh Levy, Mayor***

***Kevin Biederman, Vice Mayor - District 5***

***Caryl Shuham, Commissioner - District 1***

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

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

***Adam Gruber, Commissioner - District 4***

***Linda Sherwood, Commissioner - District 6***

***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 Wednesday, December 2, 2020 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 December 2nd Agenda will be posted on the City's website at the following location: <https://hollywoodfl.legistar.com/Calendar.aspx>
- The Agenda will be available on the City's website by the end of the business day on Thursday, November 25th.

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:

- Submit comments via an online fillable form to be read into the record during the meetings; or
- Register online to provide in-person comments during the meeting (capacity limits and social distancing requirements apply)
- Use the following link to register your in-person attendance or to submit a public comment: <https://www.hollywoodfl.org/FormCenter/City-Clerk-12/2Regular-City-Commission-Meeting-Public--207>

Submitted comments are limited to a 400 word maximum. Both submitted comments and registrations to participate in the meeting in-person must be received by 6:00 PM on Tuesday, 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 enter the Commission Chambers and address the Commission members. When finished, speakers should exit City Hall. 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](mailto: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 17 thru 19**

**5:00 PM - Items 28 thru 29**

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

### **CONSENT AGENDA**

**(Items # 5 thru 16)**

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

#### **OFFICE OF BUDGET & PERFORMANCE MANAGEMENT**

- 5. [R-2020-306](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Relating To A Debt Financing To Fund Certain Capital Improvement Projects Contained In The Amended And Approved FY 2021 Capital Improvement Plan, Authorizing A Declaration Of Official Intent Under U.S. Treasury Regulations With Respect To Reimbursements From The Proceeds Of The Debt Financing For Temporary Advances Made For Payment Prior To Issuance, And Related Matters.

**Attachments:** [Reso FY 21 vehicle and equipment purchases.docx](#)  
[Declaration FY 21 CIP.docx](#)

Strategic Plan Focus Area:  Financial Management & Administration

6. [R-2020-307](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Adopting A New Comprehensive Budget Policy.

**Attachments:** [Comprehensive Budget Policy Resolution.docx](#)  
[Final Comprehensive Budget Policy.pdf](#)

Strategic Plan Focus Area:  Financial Management & Administration

7. [R-2020-308](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Amending The Fiscal Year 2021 Operating Budgets Of Various Funds As Adopted And Approved By Resolution R-2020-232; Amending the Fiscal Year 2021 Capital Improvement Plan.


**Attachments:** [Reso-Budget Amendment.docx](#)  
[Exhibits 1 - 6.pdf](#)

Strategic Plan Focus Area:  Financial Management & Administration

### OFFICE OF HUMAN RESOURCES

8. [R-2020-309](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind The Renewal Policies For Property Insurance, Public Officials' Liability Insurance, Boiler And Machinery Insurance, Marina Storage Tank Liability, And Terrorism Insurance, For An Amount Not To Exceed \$1,990,040.00.

**Attachments:** [Resolution Renewal of Various Property Insurances.doc](#)  
[Back Up Renewal of Various Property Insurance Policies REVISED.pdf](#)  
[tmp 619terinsvarious ins.doc](#)

Strategic Plan Focus Area:  Financial Management & Administration

9. [R-2020-279](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute A One-Year Agreement With Cigna For Stop Loss Insurance For An Amount Not To Exceed \$579,146.70.

**Attachments:** [Reso Stop Loss CIGNA 2021.docx](#)  
[Revised 2021 Stop Loss Recommendation.pdf](#)  
[2021 Stop Loss Backup.pdf](#)  
[11320 - Hollywood - Revised Stop Loss Quotes.pdf](#)  
[terinsstoploss](#)

Strategic Plan Focus Area:  Employee Development & Empowerment

**10. [R-2020-310](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute An Agreement With Aon Risk Services, Inc. Of Florida, To Provide Consultant Services In The Selection Of A Third Party Claims Administrator For Worker's Compensation And Liability Claims Management, For An Amount Not To Exceed \$31,779.00.

**Attachments:** [Resolution Consultant Services for the Selection of a new Third Party Administrator](#)  
[aon](#)  
[teraonthirdpartyadministrator.doc](#)

Strategic Plan Focus Area:  Financial Management & Administration

**DEPARTMENT OF INFORMATION TECHNOLOGY****11. [R-2020-311](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve The Attached Purchase Order To Lease 350 Panasonic Laptops With Three Years Of Support, Docking Stations And Mounting Hardware Utilizing The Omnia Partners IT Products & Services Contract #4400006644 For Three Payments For An Estimated Amount Of \$301,873.60 Annually Through Dell Financial Services L.L.C., And In Accordance With Section 38.41(C)(5) Of The Code Of Ordinances (Piggyback).

**Attachments:** [Reso - Panasonic-Laptops.docx](#)  
[Draft Purchase Order Police Laptops.pdf](#)  
[Panasonic Laptop Piggyback.docx](#)  
[Insight Public Sector Inc Amendment 1.pdf](#)  
[Sec Clerk City of Hollywood.pdf](#)  
[DFS Public Validity Opinion Letter.doc](#)  
[MLA City of Hollywood.pdf](#)  
[Dell Financing 11.18.20.pdf](#)  
[terpanasoniclaptops.doc](#)

Strategic Plan Focus Area:  Resilience & Sustainability

**POLICE DEPARTMENT****12. [R-2020-312](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept 2019 Department Of Homeland Security Grant Funds From The City Of Miami In The Approximate Amount Of \$134,330.00 To Enhance Public Safety And Emergency Management Urban Area Security Initiative Approved Projects And Equipment; Further Authorizing The Appropriate City Officials To Execute The Memorandum Of Agreement With The City Of Miami And All Other Applicable Sub-Grant Documents And Agreements; Amending The Fiscal Year 2021 Operating Budget.

**Attachments:** [Resolution.doc](#)  
[Exhibit 1.pdf](#)  
[UASI Grant FY 2019 Memorandum of Agreement.docx](#)  
[Executed-City of Miami.pdf](#)  
[Hollywood UAWG Amendment - October 2020.xls](#)  
[Term Sheet.docx](#)

Strategic Plan Focus Area:  Public Safety

**13. [R-2020-313](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept The Walmart Grant Program 2020 Grant Funds From Walmart Foundation To Defray The Cost Of Police Department Programming, Such As Holiday Shop With A Cop, In An Amount Not To Exceed \$2,500.00.


**Attachments:** [Resolution2.doc](#)  
[Application.pdf](#)

Strategic Plan Focus Area:  Public Safety

**14. [R-2020-314](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Accept The Florida Bicycle Pedestrian Focused Initiative High Visibility Enforcement For Pedestrian And Bicycle Safety Program Funding In The Amount Of \$28,226.50 To Fund Overtime Hours For Increased Presence, Visibility And Awareness In Order To Impact The Safety Of Pedestrians And Bicyclists; Authorizing The Appropriate City Officials To Execute All Applicable Documents And Agreements; Amending The Fiscal Year 2021 Adopted Operating Budget.

**Attachments:** [Resolution.doc](#)  
[Exhibit 1.pdf](#)  
[Letter of Interest.pdf](#)  
[Contract Approval Letter.pdf](#)

Strategic Plan Focus Area:  Public Safety

**DEPARTMENT OF PUBLIC UTILITIES****15. [R-2020-315](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Issue An Authorization To Proceed For Amendment Number One To Work Order Number H&S 19-04 With Hazen And Sawyer, P.C. To Provide Professional Engineering Services Related To The Design, Permitting And Bidding For A Chemical Scrubber Odor Control System In Lieu Of A Biological Odor Control System Serving The Oxygenation Flow Distribution Box, Located At The Southern Regional Wastewater Treatment Plant, In The Lump Sum Amount Of \$37,191.00.

**Attachments:** [01 Resolution- H&S 19-04 Amend. No. 1, Oxygenation Flow Dist. Box Odor Cor](#)  
[02 ATP H&S 19-04 Amend. No. 1, Oxygenation Flow Dist. Box Odor Control Re](#)  
[03 Proposal - H&S 19-04 Amend. No. 1, Oxygenation Flow Dist. Box Odor Cont](#)  
[04 R-2019-255 \(Executed\) - Oxygenation Flow Dist. Box Odor Control Replacer](#)  
[05 R-2017-283 \(Executed\) - H&S 19-04 Amend. No. 1, OFDB Odor Control Sys](#)  
[TermSheetATPAmdendmentOneHazenSawyerOxygenationFlowBoxOdorcontrol!](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**16. [R-2020-316](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida Approving And Authorizing The Appropriate City Officials To Issue An Authorization To Proceed For Amendment Number One To Work Order Number B&V 20-01 With Black & Veatch Corporation, Inc. To Provide Professional Engineering Services Related To An Advanced Metering Infrastructure Analysis, Planning And Support Study In An Amount Not To Exceed \$207,462.00 For A Total Aggregate Project Cost Of \$256,787.00.

**Attachments:** [01 Resolution 3072 - AMI Implementation Plan Amendment No. 1.docx](#)  
[02 ATP B&V 20-01 Amend. No. 1 - AMI Implementation Plan.pdf](#)  
[03 Proposal 3072 - Black & Veatch AMI Implementation Plan .pdf](#)  
[04 R-2017-283 \(Executed\) - B&V 20-01 AMI Implementation Plan.pdf](#)  
[05 Memo ECS-20-007 3072 \(Executed\) - AMI Implementation Plan.pdf](#)  
[Term Sheet Update - TMP-2020-643.docx](#)

Strategic Plan Focus Area:  Infrastructure & Facilities

**1:15 PM TIME CERTAIN ITEM(S)****17. [PO-2020-17](#)**

An Ordinance Of The City Of Hollywood, Florida, Amending Section 4.6b. Of Article 4 Of The Zoning And Land Development Regulations Entitled "Regional Activity Center And Downtown Community Redevelopment Districts" To Revise The Requirements Related To Auto-Oriented Uses, Minimum Parking Regulations, Minimum Unit Size And Maximum Height For Properties Within The Districts. (19-T-80)


**Attachments:** [1980 CC Ordinance 2020 1104](#)

[Attachment I Joint Planning and Development Board and Historic Preservation](#)

*First Reading*

*Advertised Public Hearing*

*Planning Division*

*Strategic Plan Focus Area:*  *Quality of Life & Strong Neighborhoods*

**18. [PO-2020-16](#)**

An Ordinance Of The City Of Hollywood, Florida, Approving An Amendment To The Current Ocean Palms Condominium Planned Development Master Plan (Originally Approved By Ordinance O-2002-37 And Amended By Ordinance No. O-2015-23). (18-DJPV-60)

**Attachments:** [1860 Ordinance 2020 1021](#)

[Exhibit A](#)

[Exhibit B](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report I](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report I](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report I](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report I](#)


[Attachment I October 13, 2020 Planning and Development Board Staff Report I](#)

*Second Reading*

*Advertised Public Hearing*

*No Changes Since First Reading*

*Planning Division*

*Strategic Plan Focus Area:*  *Economic Vitality*



**1:15 PM TIME CERTAIN ITEM & QUASI-JUDICIAL ITEM***(Rules of Procedure Attached to Agenda)***19. [R-2020-317](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Variance, Modifications, Design, And Site Plan Approval For A Planned Development (Publix On The Beach) Located At 3100 S. Ocean Drive. (18-DJPV-60)

**Attachments:** [1860 Resolution 2020 1202](#)

[Exhibit A](#)

[Exhibit B](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report](#)


[Attachment I October 13, 2020 Planning and Development Board Staff Report](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report](#)

[Attachment I October 13, 2020 Planning and Development Board Staff Report](#)

[Attachment II Revised Elevations.pdf](#)

*Planning Division*

Strategic Plan Focus Area:  *Economic Vitality*


**ORDINANCE(S)****20. [PO-2020-18](#)**

An Ordinance Of The City Of Hollywood, Florida Amending Chapter 119 Of The Code Of Ordinance Entitled "Vacation Rental License Program"; Amending Various Provisions Of That Program, Including Expanding Applicability To Entire City And Limiting Issuance Of Conditional Licenses.

**Attachments:** [ovacationrental.docx](#)

*First Reading*

*Code Compliance Division*

Strategic Plan Focus Area:  *Quality of Life & Strong Neighborhoods*

**QUASI-JUDICIAL ITEM(S)***(Rules of Procedure Attached to Agenda)***21. [R-2020-318](#)**


A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving An Amendment To The Plat Notation For The "Chevron Asphalt Plant Site" Plat To Reflect The Use of The Property As A Tank Truck Loading Facility And The Revision To The Plat Note On The Plat To Reflect The Proposed Use.

**Attachments:** [EN20-092 Reso Chevron Asphalt Plant SiteOct26 2020](#)

[Exhibit A - Chevron Asphalt Plant Site Plat](#)

[Application Submittal Transmittal Package](#)

*Engineering Division*

Strategic Plan Focus Area:  *Economic Vitality*

**REGULAR AGENDA****22. [R-2020-319](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Negotiate And Execute An Agreement With The Highest Ranked Firm For The Marina Master Plan, And If Negotiations Are Not Successful, Authorizing The Appropriate City Officials To Negotiate And Execute An Agreement With The Next Highest Ranked Firm.

**Attachments:** [RESO - Marina Master Plan.docx](#)  
[Packet for Bid RFQ-4630-20-RL.PDF](#)  
[Evaluation Matrix - Oral Presentation.pdf](#)  
[2020-09-03 Hollywood Marina Master Plan FINAL - Moffatt & Nichol.pdf](#)  
[200903 City of Hollywood Marina Master Plan Presentation .pdf](#)  
[2020-09-03 Hollywood Marina Master Plan FINAL - Moffatt & Nichol.pdf](#)  
[Term Sheet - Marina Master Plan.doc](#)

*Department of Parks, Recreation & Cultural Arts*

Strategic Plan Focus Area:  Infrastructure & Facilities

**23. [R-2020-320](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Execute An Agreement With CDM Smith, Inc., To Provide Professional Engineering Services Related To The Stormwater Master Plan For Phase 1 In The Amount Of \$2,075,655.00; Approving An Amendment To The Fiscal Year 2021 Capital Improvement Program.

**Attachments:** [01 Resolution - Stormwater Master Plan.docx](#)  
[02 Agreement - Stormwater Master Plan.pdf](#)  
[03 Exhibit A - Stormwater Master Plan.pdf](#)  
[04 Proposal - CDM Smith Stormwater Master Plan.pdf](#)  
[05 R-2020-255 - Stormwater Master Plan.pdf](#)  
[TermSheetCDMSMITHStormWaterMasterPlanUpdate.doc](#)

*Department of Public Utilities*

Strategic Plan Focus Area:  Infrastructure & Facilities

**24. [R-2020-321](#)**

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 The Parkside Water Main Replacement Project, As Identified In The 2007 Water System Master Plan, In The Amount Of \$9,740,234.00; Approving And Authorizing The Appropriate City Officials To Execute An Authorization To Proceed For Work Order Number KHA 21-01 With Kimley-Horn And Associates, Inc. To Provide Professional Engineering Services In The Lump Sum Amount Of \$337,945.13; Amending The Fiscal Year 2021 Operating Budget And The Fiscal Year 2021 Capital Improvement Plan.

**Attachments:** [01 Resolution - Parkside Water Main Replacement.doc](#)  
[02 Contract - Parkside Water Main Replacement.pdf](#)  
[03 Exhibit 1- Amendment.pdf](#)  
[04 ATP KHA 21-01 - Parkside Water Main Replacement.pdf](#)  
[05 Bid Tabulation - Parkside Water Main Replacement.pdf](#)  
[06 Bid Recommendation Letter - Parkside Water Main Replacement.pdf](#)  
[07 Proposal - Kimley Horn, Inc. - Parkside Water Main Replacement.pdf](#)  
[08 R-2014-359 \(Executed\) - Parkside Water Main Replacement.pdf](#)  
[09 R-2017-284 \(Executed\) - Parkside Water Main Replacement.pdf](#)  
[10 Exhibit B Map - Parkside Watermain Replacement.pdf](#)  
[TermSheetManConConstructionSvcWaterMainReplacementProj.doc](#)  
[TermSheetATPKIMBERLYHORNENGSEVParksideWatermainreplacement.doc](#)

*Department of Public Utilities*

Strategic Plan Focus Area:  Infrastructure & Facilities

**25. [R-2020-322](#)**

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Ranking Golf Course Architecture Firms To Provide Golf Course Architecture Consulting Services For The Hollywood Beach Golf Course And Clubhouse Project, A General Obligation Bond Project; Authorizing The Appropriate City Officials To Negotiate An Agreement With RMGA, Inc., D/B/A Richard Mandell Golf Architecture, The Highest Ranked Firm, For Consideration By The City Commission At A Later Date.

**Attachments:** [Resolution - HBGC A&E Ranking.docx](#)  
[Packet for Bid RFQ-4652-20-DCM \(1\).pdf](#)  
[PROPOSAL Mark McCumber Associates Final Digital Copy.pdf](#)  
[PROPOSAL - RMGA Original Hollywood Beach Golf Course SOQ.pdf](#)  
[PROPOSAL - Sanford Submittal-RFQ-4652-20-DCM.pdf](#)  
[Committee Members Individual Initial Eval Scores.pdf](#)  
[Committee Members Individual Oral Presentation Scores.pdf](#)  
[Combined Summary HBGC Architect 10.28.20 Ranked.pdf](#)  
[TermSheetRankingFirmsNegotiateContractHBGCGolfArchitectRFQ.doc](#)


*Department of Design & Construction Management*

Strategic Plan Focus Area:  Infrastructure & Facilities

26. [R-2020-323](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing A City Commission Member As The Delegate To The Broward County Metropolitan Planning Organization.

**Attachments:** [R-mpo-appt - new.doc](#)

Office of the City Clerk


Strategic Plan Focus Area:  Communications & Civic Engagement

27. [R-2020-324](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Appointing A Vice Mayor For A One Year Term.

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

[Vice Mayors.pdf](#)

Office of the City Clerk

Strategic Plan Focus Area:  Communications & Civic Engagement

### **5:00 PM TIME CERTAIN ITEM & QUASI-JUDICIAL ITEM**

28. [R-2020-325](#) A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For A Certificate Of Appropriateness For Demolition Of A Commercial Building Generally Located On The Northwest Corner Of Hollywood Boulevard And 20th Avenue, Located Within The Historic Hollywood Business District, Known As The Suntrust Building.

**Attachments:** [1961\\_Soleste Resolution\\_2020\\_1202.doc](#)

[Attachment I Board Staff Report\\_Part I.pdf](#)

[Attachment I Board Staff Report\\_Part II.pdf](#)

[Attachment II Florida Site File.pdf](#)

[Exhibit A.pdf](#)

[HHS Letter to City re Bank \(1\).pdf](#)

[Resume\\_attachment.pdf](#)

[HHS Photos 1-16.pdf](#)

[Cover Letter to Shiv Newaldass re Soleste Hollywood.pdf](#)

[Attachment A - Area of the Development Site.PDF](#)

[Attachment B - Criteria Statement Regarding Conformance with Criteria for Cert](#)

[Attachment C - Criteria Statement Regarding Conformance with Criteria for Cert](#)

[Attachment D - Structural Report for 2001 Hollywood Blvd. 72782379\\_1.PDF](#)

[Attachment E - Financial Feasibility Study\\_72782381\\_1.pdf](#)

[Outline of Argument in Support - Soleste Hollywood Development.pdf](#)

[2001 Hollywood Blvd HSR 2020\\_SEARCH.pdf](#)


[Ivo Fernandez - Resume - 2020-08-07.pdf](#)

[Jason Newton\\_Bio\\_2019.pdf](#)

[K. Betancourt Resume.pdf](#)

[Mechelle Kerns Bio\\_2019.pdf](#)

Planning Division

Strategic Plan Focus Area:  Economic Vitality

29. **5:00 PM CITIZENS' COMMENTS (Total Time 30 Minutes)**

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

- 30. Commissioner Anderson, District 2
- 31. Commissioner Callari, District 3
- 32. Commissioner Gruber, District 4
- 33. Vice Mayor Biederman, District 5
- 34. Commissioner Sherwood, District 6
- 35. Commissioner Shuham, District 1
- 36. Mayor Levy
- 37. City Attorney
- 38. City Manager
- 39. 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.

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