

City of Hollywood

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



Meeting Minutes

Wednesday, September 17, 2014

1:00 PM

Commission Chambers Room 219

Regular City Commission Meeting

CITY COMMISSION

Peter Bober, Mayor

Patricia Asseff, Vice Mayor - District 1

Peter Hernandez, Commissioner - District 2

Traci Callari, Commissioner - District 3

Kevin Biederman, Commissioner - District 5

Richard Blattner, Commissioner - District 4

Linda Sherwood, Commissioner - District 6

Cathy Swanson-Rivenbark, City Manager

Jeffrey P. Sheffel, City Attorney

Patricia A. Cerny, City Clerk

The Regular City Commission Meeting of the City of Hollywood, Florida, was called to order by Mayor Bober on Wednesday, September 17, 2014 at 1:05 PM in the City Commission Room, Room 219, Joseph W. Watson Circle, Hollywood, Florida.

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

Present: Vice Mayor Patricia Asseff, Commissioner Peter Hernandez, Commissioner Traci Callari, Commissioner Richard Blattner, Commissioner Kevin D. Biederman, Commissioner Linda Sherwood and Mayor Peter Bober

Approval of the Consent Agenda

ACTION: A motion was made by Vice Mayor Asseff, seconded by Commissioner Sherwood, to adopt the Consent Agenda. The motion passed unanimously (7-0).

5. **R-2014-260** A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of March 5, 2014.
ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).
6. **R-2014-261** A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving The Regular City Commission Meeting Minutes Of

March 19, 2014.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

8. R-2014-263

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Renew The Attached Agreement Between The Cormac Group And The City Of Hollywood For Federal Lobbying Services, For A One-Year Term, From October 1, 2014 To September 30, 2015 For A Cost Of \$72,000.00.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

9. R-2014-264

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Approve The Attached Parking Lease Agreement Between Discovery Kids Early Learning, Inc. And The City Of Hollywood For Three (3) Parking Spaces At The Parking Lot Located At 2717 Van Buren Street; For A Three Year Term And \$25.00 Per Parking Space Fee.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

10. R-2014-265

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Home Program Agreement Between Liberia Economic And Social Development, Inc. (LES) And The City Of Hollywood For The Construction Of A Single Family Home Using Home Investment Partnership Act Community Housing And Development Organization Set-Aside Funds In The Amount Of \$59,552.70.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

12. R-2014-267

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order Between Delta Property Maintenance, Inc And The City Of Hollywood To Provide Janitorial Services For Fire Rescue Station 74 In The Estimated Two (2) Year Amount Of \$65,180.00.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

13. R-2014-268

A Resolution of the City Commission of the City of Hollywood, Florida, Authorizing The Issuance Of The Attached Blanket Purchase Order Between The Broward Sheriff's Office And The City Of Hollywood For The Purchase Of Medical Supplies And Janitorial Supplies In The Estimated Amount Of \$65,000.00; And Further Authorizing The Appropriate City Officials To Execute The Attached Release And Waiver Liability Form.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

14. R-2014-269

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Law Enforcement Mutual Aid Agreement With The Florida East Coast Railway, LLC, In Order To Assist The Florida East Coast Railway Police Department In Law Enforcement Emergency Situations And Public Safety Matters, In Accordance With Section 23.1225(1), Florida Statutes.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

15. R-2014-270

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Acceptance Of The Attached Quit Claim Deed In Favor Of The City From The Florida Department Of Transportation (FDOT), Attached Hereto As Exhibit "A", To Accommodate The Construction Of A New Lift Station To Expand Sewer Service Along The US441 Corridor (City Project No. 09-7042)

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

16. R-2014-271

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Contract Between Paramount Elevator Service, LLC. And The City Of Hollywood For Construction Services Related To The City Of Hollywood's Water Treatment Plant Administration Building Elevator Modifications, Located At 3441 Hollywood Boulevard, In The

Amount Of \$186,190.00; To Amend The Approved Fiscal Year 2014 Capital Improvement Program, As Set Forth In Exhibit A; And To Approve The Overall Project Funding For Construction, Testing And Program Management Services In A Combined Amount Of \$206,190.00 (City Project No. 13-4037).

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

17. R-2014-272

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order Between Environmental Products Of Florida And The City Of Hollywood For The Purchase Of A Complete Sanitary Sewer Inspection System (Rovver X Sat Complete System And Sprinter Van With Turbo Diesel) In An Amount Not To Exceed \$249,775.03; And Approving An Amendment To The Fiscal Years 2012, 2013 And 2014 Capital Improvement Programs As Set Forth In The Attached Exhibit A.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

22. R-2014-277

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Blanket Purchase Order And Agreement Between Otis Elevator Company For Elevator, Stair Lift And Platform Lift Maintenance And Repair Services For A Five Year Period In An Estimated Annual Amount Of \$63,420.00.

ACTION: This Resolution was moved by Vice Mayor Asseff, seconded by Commissioner Sherwood and adopted on the Consent Agenda. The motion passed unanimously (7-0).

7. R-2014-262

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Bind The Policies For, Excess Liability/Workers' Compensation Insurance, Statutory Accidental Death And Dismemberment Insurance, Crime Insurance, Fiduciary Liability Insurance For The General Employees' Retirement Fund, Boiler And Machinery/Equipment Breakdown Insurance And Flood Insurance For A Not To Exceed Amount Of \$672,872.00 For Which Quotes Were Solicited By Arthur J. Gallagher Risk Management Services.

Discussion ensued among members of the Commission.

ACTION: Motion was made by Vice Mayor Asseff, which was seconded by Commissioner Sherwood, to adopt the Resolution. On a voice vote the motion passed unanimously. (7-0)

11. R-2014-266

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Purchase Order Between Champion Solutions Group And The City Of Hollywood For The Purchase Of VMWARE, Servers And Related Equipment In The Amount Not To Exceed \$171,107.32.

Discussion ensued among members of the Commission.

John Barletta, Director of Information Technology, responded to questions raised by the Commission.

ACTION: Motion was made by Commissioner Callari, which was seconded by Commissioner Hernandez, to adopt the Resolution. On a voice vote the motion passed unanimously. (7-0)

18. R-2014-273

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order Between Alan Jay Fleet Sales And The City Of Hollywood For The Purchase Of Three (3) 2015 Chevrolet Silverado Pick-Up Trucks In The Amount Of \$89,046.00 And Authorizing The Amendment Of The FY 2014 Operating Budget As Adopted And Approved By Resolution R-2013-275 To Permit The Transfer Of Certain Funding As Detailed In Attachment "A".

Discussion ensued among members of the Commission.

Sylvia Glazer, Director of Public Works, and Jon Vogt, Assistant Director of Public Works/City Engineer, explained the intent of the resolution.

Discussion ensued among staff and members of the Commission.

ACTION: Motion was made by Commissioner Callari, which was seconded by Commissioner Sherwood, to adopt the Resolution. On a voice vote the motion passed unanimously. (7-0)

19. R-2014-274

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order Between Palm Peterbilt Truck Centers, Inc. And The City Of Hollywood For The Purchase Of One (1) 2014 Peterbilt Refuse Truck With A Mcneilus Rear Loader In The Amount Of \$193,067.00 And Authorizing The Amendment Of The FY 2014 Operating Budget As Adopted And Approved By Resolution R-2013-275 To Permit The

Transfer Of Certain Funding As Detailed In Attachment "A".

Discussion ensued among members of the Commission.

Sylvia Glazer, Director of Public Works, explained the intent of the resolution.

Discussion ensued among staff and members of the Commission.

Jeffrey P. Sheffel, City Attorney, responded to questions raised by the Commission.

ACTION: Motion was made by Vice Mayor Asseff, which was seconded by Commissioner Sherwood, to adopt the Resolution. On a voice vote the motion passed 6-1. Commissioner Biederman was opposed.

20. R-2014-275

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue A Purchase Order Between Growers Equipment Co. And The City Of Hollywood For The Purchase Of One (1) 2014 New Holland Tractor In The Amount Of \$64,935.00 And Authorizing The Amendment Of The FY 2014 Operating Budget As Adopted And Approved By Resolution R-2013-275 To Permit The Transfer Of Certain Funding As Detailed In Attachment "A".

Discussion ensued among members of the Commission.

ACTION: Motion was made by Commissioner Callari, which was seconded by Vice Mayor Asseff, to adopt the Resolution. On a voice vote the motion passed unanimously. (7-0)

21. R-2014-276

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Issue The Attached Purchase Order Between Ranco Construction Corp. Of South Florida And The City Of Hollywood For The Repair Of An Existing Concrete Slat Wall Located Along Pembroke Road Between South 25th Avenue And South 27th Avenue In The Estimated Amount Of \$69,760.00.

Commissioner Biederman left the meeting at 1:25 PM and returned at 1:27 PM.

Discussion ensued among members of the Commission.

Jonathan Vogt, Assistant Director of Public Works/City Engineer, responded to questions raised by the Commission.

Commissioner Callari left the meeting at 1:42 PM and returned at 1:43 PM.

Joel Wasserman, Director of Procurement Services, provided additional information.

Extensive discussion ensued among staff and members of the Commission.

Jeffrey P. Sheffel, City Attorney, provided additional information.

Cathy Swanson-Rivenbark, City Manager, responded to concerns raised by the Commission.

ACTION: Motion was made by Vice Mayor Asseff, which was seconded by Commissioner Sherwood, to continue the Resolution until the October 1, 2014 Regular Commission Meeting.

Extensive Discussion ensued among staff and members of the Commission.

Vice Mayor Asseff withdrew her motion to continue.

The following individuals expressed personal opinions/concerns:

1. Helen Chervin, 2470 Adams Street
2. Andre Brown, 2316 Mayo Street

Discussion ensued among staff and members of the Commission.

ACTION: Motion was made by Commissioner Hernandez, which was seconded by Commissioner Callari, to deny the Resolution.

Cathy Swanson-Rivenbark, City Manager, withdrew the resolution from consideration and staff will return to the Commission for approval on a replacement wall.

23. R-2014-249

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering A Request For An Appeal Of The Termination Of Privilege To Sell, Offer For Sale Or Deliver, Or Permit To Be Consumed On The Premises Any Liquor, Beer Or Wine Beyond 12 Midnight On Any Day Of The Week At Pops Old Time BBQ, Pursuant To Section 113.25 Of The City Of Hollywood Code Of Ordinances.

Commissioner Blattner left the meeting at 2:31 PM and returned at 2:34 PM.

Jeffrey P. Sheffel, City Attorney, explained the quasi-judicial procedures.

Commissioner Sherwood left the meeting at 2:32 PM and returned at 2:37 PM.

The quasi-judicial procedures were not waived. The City Clerk swore in all witnesses providing testimony.

Martha Perez, Public Safety Legal Advisor, provided an opening statement.

Perry Thurston, Attorney for the Appellant, provided an opening statement.

The City Commission declared their ex-parte communications.

Martha Perez, Public Safety Legal Advisor, submitted into evidence as Staff Exhibit 1 the City Back Up.

Perry Thurston, Attorney for the Appellant, submitted into evidence as Appellant Exhibit 1 the additional information presented to the Commission on the dais and information in folder (same information).

Martha Perez, Public Safety Legal Advisor, called Jaye Epstein, Planning Director, to provide testimony.

Perry Thurston, Attorney for the Appellant, cross-examined Jaye Epstein.

Commissioner Hernandez left the meeting at 3:00 PM and returned at 3:05 PM.

Martha Perez, Public Safety Legal Advisor, called Sergeant Switter to provide testimony.

Sergeant Switter's powerpoint presentation was entered into evidence as Staff Exhibit 2.

Perry Thurston, Attorney for the Appellant, cross-examined Sgt. Switter.

Vice Mayor Asseff left the meeting at 3:18 PM and returned at 3:20 PM.

Martha Perez, Public Safety Legal Advisor, called Lieutenant Zorsky to provide testimony.

Martha Perez, Public Safety Legal Advisor, entered into evidence one Poster Board as staff exhibit 3 (same as page 37 of Staff Back Up).

Perry Thurston, Attorney for the Appellant, cross-examined Lieutenant Zorsky.

Martha Perez, Public Safety Legal Advisor, called Sergeant Cochenour to provide testimony.

Perry Thurston, Attorney for the Appellant, cross-examined Sergeant Cochenour.

Perry Thurston, Attorney for the Appellant, called Clarence Jones, 2602 N 22nd Avenue (property owner), to provide testimony.

Martha Perez, Public Safety Legal Advisor, cross-examined Clarence Jones.

Perry Thurston, Attorney for the Appellant, called Sheneta Martin to provide testimony.

Martha Perez, Public Safety Legal Advisor, cross-examined Sheneta Martin.

Commissioner Callari left the meeting at 4:09 PM and returned at 4:14 PM.

The following individuals expressed personal opinions/concerns:

1. Cynthia Mitchell, 2237 Hood Street
2. Tim Burton, 2228 Evans Street
3. Ernest Saunders, 2328 Douglas Street

Commissioner Blattner left the meeting at 4:20 PM and returned at 4:22 PM.

Commissioner Hernandez questioned Sheneta Martin, Clarence Jones and Jaye Epstein.

Vice Mayor Asseff left the meeting at 4:27 PM and returned at 4:31 PM.

The aerial photograph to which Jaye Epstein testified was entered as Staff Exhibit 4.

Commissioner Callari questioned Sheneta Martin.

Mayor Bober questioned Sheneta Martin.

Commissioner Biederman left the meeting at 4:41 PM and returned at 4:42 PM.

Commissioner Sherwood left the meeting at 4:42 PM and returned at 4:44 PM.

Commissioner Blattner questioned Sheneta Martin and Fire Chief Busenbarrick.

Commissioner Biederman questioned Sheneta Martin, Police Chief Fernandez, Jaye Epstein and Fire Chief Busenbarrick.

Commissioner Sherwood questioned Sgt. Switter and Sheneta Martin.

Martha Perez, Public Safety Legal Advisor, provided closing statements.

Commissioner Hernandez left the meeting at 5:14 PM and returned at 5:17 PM.

Perry Thurston, Attorney for the Applicant, provided closing statements.

Jeffrey P. Sheffel, City Attorney, advised the City Commission on the applicable law.

The City Commission deliberated.

ACTION: Motion was made by Commissioner Hernandez, which was seconded by Vice Mayor Asseff, to deny the appeal. On a voice vote the motion passed unanimously. (7-0)

24. P-2014-060

Presentation By Chuck Ellis, Director, Parks, Recreation And Cultural Arts, And Cindy J. Arenberg Seltzer, President/CEO, Children's Services Council (CSC) Of Broward County, Presenting The Work And Wealth Of Children's Services Council Of Broward County Report.

Chuck Ellis, Director of Parks, Recreation and Cultural Arts, introduced Cindy Arenberg. President and CEO of the Children's Services Council.

Cindy Arenberg, President and CEO, Children's Services Council of Broward County, provided a presentation on the services provided by the organization.

Sue Gunzburger, Broward County Commissioner, provided additional information.

Discussion ensued among members of the Commission.

30. R-2014-280

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Waiving By Unanimous Consent The Formal Competitive Bidding Process, And Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order Between Atrium Personnel Inc. D/B/A Transhire And The City Of Hollywood For Temporary Services In A Not To Exceed Amount Of \$200,000.00 In Fiscal Year 2015.

Cathy Swanson-Rivenbark, City Manager, withdrew the resolution from consideration.

31. CITIZENS' COMMENTS

The following individuals expressed personal opinions/concerns:

1. Josie Bacaloo, Hispanic Unity, 5840 Johnson Street
2. Daniel Chevis, Hispanic Unity
3. Steve Sampier, Hispanic Unity
4. Karen Caputo, 2631 Garfield Street
5. Lynn Smith, 2416 Lincoln Street
6. Jeff Brodeur, 2621 McKinley Street
7. Stuart Radliff, 2305 Fletcher Street
8. Maria Jackson, 2305 Fletcher Street

Commissioner Blattner left the meeting at 6:21 PM and returned at 6:23 PM.

9. Pete Brewer, 2704 Cleveland Street
10. Andre Brown, 2316 Mayo Street
11. Matthew Guthro, 2330 N. 66th Terrace
12. Patricia Anticon, 2534 Fillmore Street
13. Dan Derico, 4900 Jefferson Street
14. Ellen Mata, 700 N 28th Avenue
15. Helen Chervin, 2470 Adams Street

25. PO-2014-18

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 151 Of The Code Of Ordinances To Revise Certain Provisions Relating To Mandatory Green Building Practices For New

Construction And Major Renovations To Existing Structures.

Commissioner Blattner left the meeting at 6:38 PM.

Lorie Mertens-Black, Director of Parking and Intergovernmental Affairs, explained the intent of the ordinance.

Discussion ensued among staff and members of the Commission.

Jeffrey P. Sheffel, City Attorney, provided additional information.

The following individuals expressed personal opinions/concerns:

1. Barry Faske, 1357 VanBuren Street
2. Paul Farren, 1617 Washington Street

Commissioner Blattner returned to the meeting at 6:42 PM.

Discussion ensued among staff and members of the Commission.

ACTION: Motion was made by Commissioner Hernandez, which was seconded by Commissioner Callari, to continue the Ordinance to the October 15, 2014 Regular Commission Meeting. On a voice vote the motion passed 6-1. Commissioner Biederman was opposed.

26. PO-2014-19

An Ordinance Of The City Of Hollywood, Florida, Amending Chapter 111 Of The Code Of Ordinances; Adopting Permit Requirements For Wrecker And Towing Services That Tow Vehicles From Private Property.

Frank Fernandez, Police Chief, explained the intent of the ordinance.

Discussion ensued among members of the Commission.

Vice Mayor Asseff left the meeting at 6:59 PM and returned at 7:01 PM.

Jeffrey P. Sheffel, City Attorney, responded to concerns raised by the Commission.

Discussion ensued among staff and members of the Commission.

Cathy Swanson Rivenbark, City Manager, provided additional information.

The City Clerk read the ordinance title on first reading.

ACTION: Motion was made by Commissioner Sherwood, which was seconded by Commissioner Callari, to adopt on first reading the Ordinance with the following additions: approved vendors must have approved city stickers on their vehicles; the vendor must have a facility in Hollywood; the vendor must accept credit cards as a form of payment; the facility must be open 24 hours; every reference in the ordinance where it says City Manager, change it to Police Chief; immobilization devices are to be included in the ordinance; signs must be on the immobilization devices; they must have a city business license. The motion on roll call vote passed:

Aye: Vice Mayor Asseff
Commissioner Hernandez
Commissioner Callari
Commissioner Blattner
Commissioner Biederman
Commissioner Sherwood
Mayor Bober

27. P-2014-061

Presentation By Albert Margerum, Code Enforcement Manager, To Discuss Code Enforcement Policies, Procedures, Practices And Updates.

Albert Margerum, Code Enforcement Manager, provided a presentation on the code enforcement program.

Mayor Bober passed the gavel to Vice Mayor Asseff, left the meeting at 7:16 PM and returned at 7:17 PM.

Commissioner Callari left the meeting at 7:24 PM and returned at 7:25 PM.

Commissioner Sherwood left the meeting at 7:30 PM and returned at 7:35 PM.

Discussion ensued among staff and members of the Commission.

28. R-2014-278

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Authorizing The Appropriate City Officials To Execute The Attached Authorization To Proceed For Work Order No. TTH 14-01 Between Tetra Tech, Inc. And The City Of Hollywood To Provide Professional Engineering Services For The Water Main Replacement Program From Hollywood Boulevard To Sheridan Street And Between North Federal Highway (US-1) And North Dixie Highway, As Identified In The 2007 Water System Master Plan, In The Lump Sum Amount Of \$955,986.00; And To Approve An Amendment To The Approved Fiscal Years 2009, 2011, 2012, 2013 And 2014 Capital Improvement

Programs, As Set Forth In The Attached Exhibit A. (Project No. 14-5124)

Discussion ensued among members of the Commission.

Steve Joseph, Director of Public Utilities, responded to questions raised by the Commission.

ACTION: Motion was made by Vice Mayor Asseff, which was seconded by Commissioner Sherwood, to adopt the Resolution. On a voice vote the motion passed unanimously. (7-0)

29. R-2014-279

A Resolution of the City Commission of the City of Hollywood, Florida, Authorizing the Appropriate City Officials to Execute the Attached Authorization to Proceed for Work Order No. CTA 14-02 Between Craven Thompson and Associates, Inc. and the City of Hollywood to Provide Professional Engineering Services for the Water Main Replacement Program from Taft Street North 66th Avenue to North 72nd Avenue, as Identified in the 2007 Water System Master Plan, in the Lump Sum Amount of \$988,727.48 (Project No. 12-5117).

ACTION: Motion was made by Vice Mayor Asseff, which was seconded by Commissioner Sherwood, to adopt the Resolution. On a voice vote the motion passed unanimously. (7-0)

30. R-2014-280

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Waiving By Unanimous Consent The Formal Competitive Bidding Process, And Authorizing The Appropriate City Officials To Issue A Blanket Purchase Order Between Atrium Personnel Inc. D/B/A Transhire And The City Of Hollywood For Temporary Services In A Not To Exceed Amount Of \$200,000.00 In Fiscal Year 2015.

The resolution was previously withdrawn from consideration by the City Manager.

Commissioner Callari requested the resolution be placed back on the agenda for consideration. Commissioner Biederman supported the request. The item was placed back on the agenda for consideration, no vote is required due to it being on the same agenda.

Cathy Swanson-Rivenbark, City Manager, explained the continuance and withdrawal process and the current hiring status.

Extensive discussion ensued among staff and members of the Commission.

Jeffrey P. Sheffel, City Attorney, and Matthew Lalla, Director of Financial Services, provided additional information.

ACTION: Motion was made by Commissioner Biederman, which was seconded by Commissioner Hernandez, to stop currently using Transhire and not to use their services in the future. On a voice vote the motion passed 5-2. Vice Mayor Asseff and Mayor Bober were opposed.

32. Commissioner Callari, District 3

E-911 Conversion

Commissioner Callari stated there are issues that need to be addressed prior to the conversion on October 1, 2014 from the City's emergency dispatch program to E-911, the Broward County emergency dispatch system. She stated her concern for the safety of residents and how other cities have experienced problems with their conversion. She requested a response from Frank Fernandez, Chief of Police.

Frank Fernandez, Chief of Police, stated the reason for the conversion is to increase the efficiency of the City's emergency dispatch process and the City will fail accreditation if the conversion does not take place immediately. It is the decision of Broward County when the transition will be done. He stated the City has the highest volume of 911 dispatch calls second to the City of Fort Lauderdale which is the reason the City will be the last one in Broward County to convert. He attended a meeting with the Broward County Police Chiefs, a Broward County Commissioner and the Director of E911. The Police Chief stated the issues in the newspaper article to which Commissioner Callari referred were not accurate.

ACTION: Motion was made by Commissioner Callari, which was seconded by Commissioner Biederman, to delay the E-911 conversion until January 1, 2015. On a voice vote the motion failed 3-4. Vice Mayor Asseff, Mayor Bober, Commissioner Blattner, and Commissioner Sherwood were opposed. The motion requires a 5/7 vote to pass, as it was a non-agendaed item.

Transhire Contract

Commissioner Callari stated her distrust of Cathy Swanson-Rivenbark, City Manager, due to the mismanagement of the Transhire contract which resulted in expenses that exceeded her authority.

Commissioner Biederman recommended an investigation of the Transhire issue and to have the City Manager step down during the process to prove there was no intentional wrongdoing.

Commissioner Blattner stated the Transhire contract spans over the past several years. He stated \$850,000.00 was expensed for services rendered over the course of that timeframe. He requested the City Manager provide detailed information on the expenditures. He stated he is opposed to terminating the City Manager.

Jeffrey P. Sheffel, City Attorney, stated it was his understanding the intent of the Commission was to have the Transhire temporary staff continue employment through FY 2014 and discontinue as of FY 2015 knowing it is not practical to terminate at this time. Mayor Bober concurred.

Extensive discussion ensued among members of the Commission regarding the Transhire contract and status of Cathy Swanson-Rivenbark, City Manager.

ACTION: Motion made by Commissioner Callari, which was seconded by Commissioner Hernandez, to terminate the City Manager. On a voice vote the motion failed 2-5. Vice Mayor Asseff, Mayor Bober, Commissioner Blattner, Commissioner Biederman and Commissioner Sherwood were opposed. The motion requires a 5/7 vote to pass, as it was a non-agendaed item.

Commissioner Blattner left the meeting at 9:31 PM and returned at 9:32 PM.

33. Commissioner Blattner, District 4

Commission Vacation Schedule

Commissioner Blattner requested support to move the summer break from August 1 through August 31 to mid-July through mid-August. Commissioner Callari supported the request. He requested staff consider any difficulties that should be considered for discussion at a future meeting.

34. Commissioner Biederman, District 5

Transhire Contract

Commissioner Biederman questioned why the State Auditor General did not find the error with the Transhire expenditures. Matthew Lalla, Director of Financial Services, explained the audit process.

Code Enforcement

Commissioner Biederman requested information on vacant and abandoned properties and the status of the property standards ordinance.

50/50 Sidewalk Program

Commissioner Biederman requested contact information for the 50/50 Sidewalk Program. Cathy Swanson-Rivenbark, City Manager, stated the Department of Public Works is responsible for the program or her staff can provide the information.

City Auditor

Commissioner Biederman suggested terminating the City Auditor and to hire a local auditor. He stated someone must be held accountable for the Transhire expenditure oversight. He gave the examples of the CRA Executive Director who was terminated for the Brazil Fest excessive expenditures and the termination of the previous City Manager.

ACTION: Motion was made by Commissioner Biederman to piggyback on a contract from a local entity outside the City to audit the Transhire expenditures. The motion died due to lack of a second.

35. Commissioner Sherwood, District 6**State Auditor General**

Commissioner Sherwood stated the State Auditor General spent nine months auditing the City and was given full disclosure of everything they requested.

Elevator Bid

Commissioner Sherwood stated the single elevator bid was thrown out after the consultant determined that their parts were not compatible with parts for other City elevators.

Transhire Contract

Commissioner Sherwood stated an investigation of the Transhire issue is necessary.

36. Vice Mayor Asseff, District 1**City Manager**

Vice Mayor Asseff stated she is on many boards and everyone she has spoken to has had very high praise for Cathy Swanson-Rivenbark, City Manager. She stated the City Manager has hired excellent staff for management positions and this is the first time residents in District 1 have been very pleased with the vision of the City and changes taking place.

Code of Civility

Vice Mayor Asseff stated she will bring a code of civility to a future meeting. She stated her disappointment with the demeanor exhibited by members of the Commission during today's meeting and explained that is not the way to conduct a Commission meeting.

Legislative Issues

Vice Mayor Asseff announced she and 30 other representatives of members of the Florida League of Cities recently attended the Fast-Fly-In to Washington, D.C. Attendees met with 15 to 20 members of the House of Representatives and Senators. They explained various issues to be aware of during the legislative session. One of which is the Federal Emergency Management Agency (FEMA) de-obligation where they are finding reasons for taking back funds previously paid to many cities under the claw-back clause which members of Congress are aware of. The Florida League of Cities will work with FEMA to resolve this issue.

Vice Mayor Asseff stated the Florida League of Cities requested Congress pass a regulation limiting the locations of sober homes in a neighborhood since there are no restrictions at this time.

Vice Mayor Asseff announced the Florida League of Cities has requested Congress to pass a Marketplace Fairness Act for Internet access. She stated it is not fair to small business owners who have brick-and-mortar establishments since businesses that are solely on the internet do not collect state sales tax.

Vice Mayor Asseff stated members of Congress who were in attendance announced no action will be taken with the transportation tax until after the election.

Vice Mayor Asseff stated the Florida League of Cities is monitoring the Waters of the United States rule since the Environmental Protection Agency (EPA) is seeking legislation for all waterways including canals.

Clean Cities Coalition Event

Vice Mayor Asseff announced the Clean Cities Coalition Drive of the Year event on Saturday, September 20, 2014 at Peter Feldman Park in Fort Lauderdale located at 310 N. E. 6th Street. There will be 40 to 50 electric vehicles on display and 3,000 to 4,000 attendees are expected.

37. Commissioner Hernandez, District 2**CVS Drug Give-Back**

Commissioner Hernandez announced the Drug-Give-Back event at CVS stores on September 27, 2014 promoted by the Drug Enforcement Agency (DEA).

Code Enforcement Presentation

Commissioner Hernandez complimented Albert "Skip" Margerum, Code Enforcement Manager, on his excellent presentation during the Commission meeting today.

Transhire Contract

ACTION: Motion was made by Commissioner Hernandez, which was seconded by Commissioner Sherwood, to have the Broward County Inspector General and the Florida Department of Law Enforcement (FDLE) conduct an investigation of Cathy Swanson-Rivenbark, City Manager, for the Transhire expenditure oversight. On voice vote the motion passed unanimously. (7-0)

ACTION: Motion was made by Commissioner Hernandez, which was seconded by Commissioner Biederman, to suspend Cathy Swanson-Rivenbark, City Manager, with pay pending an investigation and to request the Office of the Comptroller to assume the Acting City Manager position during the suspension. On a voice vote the motion failed 3-4. Vice Mayor Asseff, Mayor Bober, Commissioner Blattner and Commissioner Sherwood were opposed.

Commission Conduct

Commissioner Hernandez stated members of the Commission must follow the rules of decorum and work together cohesively.

Commissioner Callari left the meeting at 10:19 PM and returned at 10:22 PM.

38. Mayor Bober

Commission Conduct

Mayor Bober stated Rules of Decorum exist for a reason and must be followed by members of the Commission. He stated members of the Commission should consider that staff morale is low due to the toxic atmosphere and the demeanor of members of the Commission demonstrated on the dais which offends him. He stated staff is under no obligation to respect anyone who does not respect them and should stand up for themselves. He praised the work of staff and stated Cathy Swanson-Rivenbark, City Manager, is an excellent leader.

39. City Attorney

Jeffrey P. Sheffel, City Attorney, had no further comments.

40. City Manager

Chief of Police Operations Update

Frank Fernandez, Assistant City Manager for Public Safety/Chief of Police, presented an operational update of the Police Department and issues that have been addressed since he was hired 18 months ago. He stated 87 Police Officers were hired due to attrition and 30 civilians have been hired during his tenure. He praised staff for their phenomenal performance throughout this timeframe.

Transhire Contract

Cathy Swanson-Rivenbark, City Manager, stated she is proud of her staff and they are the reason the City is moving forward. She stated the importance of staff and members of the Commission working together towards a common vision and her commitment for achieving that goal. She stated she does not want to be the reason for causing the rift among members of the Commission and will not resign from her position. The City Manager stated she welcomes the Broward County Inspector General investigation. It will be advantageous in substantiating that she and staff have done nothing wrong and that she has been highly ethical.

41. The meeting adjourned at 10:38 PM.

Patricia A. Cerny, MMC
City Clerk
Hollywood, Florida

Approved on:
