

# City of Fort Lauderdale

*City Hall  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)*



## Meeting Minutes

### APPROVED

**Tuesday, November 1, 2016**

**6:00 PM**

**City Commission Chambers**

## **City Commission Regular Meeting**

***FORT LAUDERDALE CITY COMMISSION***

***JOHN P. "JACK" SEILER Mayor - Commissioner  
DEAN J. TRANTALIS Vice Mayor - Commissioner - District II  
BRUCE G. ROBERTS Commissioner - District I  
ROBERT L. McKINZIE Commissioner - District III  
ROMNEY ROGERS Commissioner - District IV***

***LEE R. FELDMAN, City Manager  
JOHN HERBST, City Auditor  
JEFFREY A. MODARELLI, City Clerk  
CYNTHIA A. EVERETT, City Attorney***

**INVOCATION**

Commissioner Rogers

**PLEDGE OF ALLEGIANCE**

Kent Van Buren-Radicoff

**ROLL CALL**

**Present:** 5 - Commissioner Romney Rogers, Commissioner Bruce G. Roberts, Vice Mayor Dean J. Trantalis, Commissioner Robert L. McKinzie and Mayor John P. "Jack" Seiler

**QUORUM ESTABLISHED**

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, City Attorney Cynthia A. Everett, City Auditor John Herbst, and Sergeant At Arms Michael Siekierski

**CALL TO ORDER**

Mayor Seiler called the meeting to order at 6:08 p.m.

**WALK-ON ITEMS**

Mayor Seiler announced the following WALK-ON Items and stated they would be made part of tonight's Consent Agenda.

[16-1208](#)

WALK-ON - Resolution Authorizing a Locally Funded Agreement with the Florida Department of Transportation for the Demolition of the Existing Building, Removal of Railroad Spurs and Underground Storage Tanks Structures

Commissioner Roberts made a motion to add this Walk-On item as part of the Consent Agenda which was seconded by Vice Mayor Trantalis.

**APPROVED Motion to add to Consent Agenda**

**Aye:** 4 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis and Mayor Seiler

**Not Present:** 1 - Commissioner McKinzie

[16-1397](#)

WALK-ON - Resolution - Appointing Ms. Angelina Pluzhnyk Evans - City of Fort Lauderdale representative to the Broward County Part 150 Study Coordination Committee

Commissioner Roberts made a motion to add this Walk-On item as a part of the Consent Agenda which was seconded by Vice Mayor Trantalis.

**APPROVED Motion to add to Consent Agenda**

**Aye:** 4 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis and Mayor Seiler

**Not Present:** 1 - Commissioner McKinzie

## **AGENDA ANNOUNCEMENTS**

Mayor Seiler read the following updates and revisions to the Agenda items:

PUR-7 had been revised at the RFQ tab; and

PUR-10 had a revision to the background section of the memo.

## **CONSENT AGENDA**

Mayor Seiler announced the procedure for the consent agenda items. Mayor Seiler announced the following item had been pulled from tonight's Consent Agenda to be heard and considered separately:

PUR-7.

## **Approval of MINUTES and Agenda**

[16-1357](#)

Minutes for October 5, 2016, City Commission Conference Meeting and October 5, 2016, City Commission Regular Meeting

Commissioner Roberts made a motion to approve the above noted minutes and tonight's Agenda which was seconded by Vice Mayor Trantalis.

**APPROVED**

**Aye:** 4 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis and Mayor Seiler

**Not Present:** 1 - Commissioner McKinzie

## **PRESENTATIONS**

**PRES- [16-1370](#)****1**

Proclamation Celebrating November 1, 2016 as the 55th Anniversary of Official Sister City Relationship between Fort Lauderdale, Florida and Medellin, Colombia in the City of Fort Lauderdale

Commissioner Rogers asked Russell Weaver and Marianne Winfield of Sister Cities to join him at the podium. Commissioner Rogers read the Proclamation in its entirety and presented Mr. Weaver and Ms. Winfield with the City's Proclamation of November 1, 2016 - Celebrating the 55th Anniversary of the Official Sister City Relationship between Fort Lauderdale, Florida, and Medellin, Columbia.

Ms. Winfield stated she and Mr. Weaver were accepting this Proclamation and noted those in the audience who were the founders of the Sister Cities organization and attended the 1961 Fort Lauderdale City Commission Meeting when this Sister Cities relationship between the City of Fort Lauderdale and Medellin, Columbia was established. Ms. Winfield also noted others who have contributed to this Sister Cities relationship with the city of Medellin.

Ms. Winfield acknowledged the representative of Columbia's Counsel General's Office, Diego Martinez, who was present and invited him to speak to the audience on behalf of the Counsel General's Office. Mr. Martinez addressed the audience noting the need to celebrate the strong ties that have existed between both cities for 55 years. Mr. Martinez comments also focused on the cultural, social, and economic exchanges that are becoming stronger and bringing increased benefits to both cities. Mr. Martinez expounded on the many positive aspects of Medellin and the opportunities that exist between both cities to move forward for the benefit of the entire world and future generations.

Mayor Seiler commented on the success of the City's recent trip to Medellin noting the strides the City has made in recent years. He also expressed his appreciation for the warmth and kindness of the Colombian people and thanked them for a fantastic trip.

**PRESENTED****[16-1389](#)**

Walk-On Resolution Ratifying a Memorandum of Understanding with the Fraternal Order of Police, Lodge 31 Effective October 27, 2016

City Manager Feldman explained this item relates to how police officer details operate at large events in the City regarding liability coverage and workmen's compensation issues. As an example, City Manager Feldman stated for large events approved by the City Commission, such as the Boat Show, payment to police officers would be paid through the City with a surcharge of \$4.00 per hour and would be paid by the event promoter. He stated this would allow the police officers to be covered by

the City's liability insurance. City Manager Feldman noted this is similar to how the City's Fire Rescue Staff are paid at City events.

Vice Mayor Trantalis began discussions about the hourly rate ranges being from \$42.00-\$43.00 (plus the \$4.00 surcharge). Discussions and comments continued among the Commission, and City Manager Feldman explained the aspects of handling payments to police officers in this manner and noting it is a net revenue generator for the City as a result of the surcharge. It was noted that the City is not contractually obligated to do this. Vice Mayor Trantalis noted this is a large burden on the promoters of events in the City.

City Attorney Everett stated this agreement was not reviewed by the City Attorney's Office and they had several questions regarding this agreement. The City Attorney's Office recommended limiting the agreement to the Boat Show event to allow her office time for a thorough review of the documents. Ms. Everett stated several of her concerns included insurance, overtime, pension-related issues, non-sworn personnel in the Police Department, and how the City would be reimbursed by the Boat Show for the money the City is spending. Ms. Everett requested this item be approved only for the Boat Show at this time.

Mayor Seiler recommended amending this item to include only the Boat Show until a global agreement can be worked on for all events in the City that require City police officers for security. Mayor Seiler noted how this issue recently surfaced and the need to assist the Boat Show with this situation. Mayor Seiler recommended making the duration of this item's agreement be from October 27, 2016, through November 8, 2016. He stated that after a thorough vetting by the City Attorney's Office, a global agreement could be put forth for all other City events that require this type of security.

City Manager Feldman requested this agreement be effective through November 16, 2016. Mayor Seiler concurred with City Manager Feldman's request noting the date changes to the Memorandum of Understanding, and the Resolution as being October 27, 2016 through November 16, 2016. Additional comments continued on the charges for other large events requiring more than 1,000 hours of law enforcement time. City Manager Feldman noted these agreements are still subject to ratification by the Fraternal Order of Police Union.

Commissioner Roberts introduced the Resolution as amended which the City Clerk read by title only.

**ADOPTED AS AMENDED - Retroactive to October 27, 2016 effective**

through November 15, 2016

**PRES-** [16-1369](#)  
**2**

Proclamation declaring November 17, 2016 as World Pancreatic Cancer Day in the City of Fort Lauderdale

Commissioner McKinzie requested Ann Bywaters, Rick Bartle and Denise Bartle of the Pancreatic Cancer Network to join him at the podium for the presentation of the City's Proclamation. Commissioner McKinzie read the City's Proclamation celebrating November 17, 2016, as World Pancreatic Cancer Day in the City of Fort Lauderdale in its entirety.

Ms. Bywaters discussed the serious nature of pancreatic cancer and requested those listening wear purple on November 17, 2016, in recognition of World Pancreatic Cancer Day and raise awareness of this deadly disease.

Ms. Bartle thanked the City Commission noting it was the sixth year in a row the City has recognized this cause. She also noted the survival rate has risen from six percent to eight percent. Ms. Bartle thanked Vice President Biden for his efforts in the battle against cancer.

Commissioner McKinzie noted his fraternity's color is also purple and on their anniversary, November 17, 2016, and in support of this cause, 30,000 African American males will be wearing purple showing their support of World Pancreatic Cancer Day.

**PRESENTED**

**PRES-** [16-1364](#)  
**3**

Proclamation declaring November 10, 2016 as Mangrove Awareness Day in the City of Fort Lauderdale

Commissioner Roberts requested Lee Gotlieb, Director of Community Outreach, YEA, to join him at the podium for the presentation of the City's Proclamation of November 10, 2016, as Mangrove Awareness Day in the City of Fort Lauderdale. Commissioner Roberts read the Proclamation in its entirety. Mr. Gotlieb accepted the proclamation stating this was their sixth year doing this important project in the City of Fort Lauderdale, noting the engagement of hundreds of student volunteers and the planting of hundreds of mangroves in the wetland areas. Mr. Gotlieb also discussed the passing of the City's Forester, Gene Dempsey, stating Mr. Dempsey's memory and spirit will live on and this year's important efforts will be in Mr. Dempsey's honor.

Debbie Dempsey joined Mr. Gotlieb and Commissioner Roberts for a photo. Mayor Seiler addressed Mrs. Dempsey noting that the City misses her husband and acknowledging he had done amazing things for

the City. He also noted the City would like to arrange something in honor of her late husband, Gene, and thanked her for husband's legacy of trees in the City that will continue for many years to come.

**PRESENTED**

**PRES- 4**    [16-1271](#)

Procurement Services Division of Finance Department - National Procurement Institute 2016 Achievement of Excellence in Procurement Award

City Manager Feldman asked Jennifer Alvarez to join him at the podium for the presentation of the Procurement Services Division Award from the National Procurement Institute's 2016 Achievement of Excellence in Procurement. City Manager Feldman noted there has been a long standing tradition of this department receiving this award. Ms. Alvarez accepted the award on behalf of the entire procurement staff and thanked them for their professional work. The procurement staff in attendance joined Ms. Alvarez at the podium.

**PRESENTED**

**CONSENT MOTION**

**Approval of the Consent Agenda**

Vice Mayor Trantalis made a motion to approve the Consent Agenda which was seconded by Commissioner Roberts.

**Approve the Consent Agenda**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-1**    [16-1290](#)

Motion to Approve an Event Agreement and Related Road Closings with Jack and Jill Children's Center, Inc. for Light Up Downtown

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-2**    [16-1356](#)

Motion for Approval of Lien Foreclosure Actions

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-3**    [16-1363](#)

Motion to Approve 2017 Summer Recess - Eliminate Second Conference and Regular Meetings in July (July 18) and First

## Conference and Regular Meetings in August (August 1)

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-4** [16-1281](#)

Motion to Approve Agreement with the School Board of Broward County for School Resource Officer Program

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-5** [16-1282](#)

Motion to Approve a First Amendment to Revocable License with Taff GG Las Olas, LP and The Grille on Las Olas, LLC for Outdoor Dining Area

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-6** [16-1261](#)

Motion Authorizing Purchase of Reinsurance for Self-Funded Medical Plan - Cigna Health and Life Insurance Company - \$755,073.

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-7** [16-1065](#)

Motion Approving the Friends of Levitt Pavilion Fort Lauderdale Tri-Party Agreement for Improvements to Esplanade Park to Build an Outdoor Performance Venue

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-8** [16-1175](#)

Motion to Accept a Grant from the United States Department of Homeland Security - FY 2015 Port Security Grant Program - \$498,750

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CM-9** [16-1237](#)

Motion to Accept FY2015 Florida Department of Transportation Grant - \$27,324



**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

- CM-10** [16-1267](#) Motion to Approve Purchase of an Explosive Ordinance Disposal (EOD) 9 Suit and Helmet Utilizing Federal Law Enforcement Trust Funds - MED-ENG, LLC - \$25,862

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

- CM-11** [16-1303](#) Motion to Approve Utilization of Law Enforcement Trust Funds - Undoing Racism/Community Organizing Training - \$20,000

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

- CM-12** [16-1205](#) Motion Authorizing Professional Architectural Services for City Hall 7th Floor Renovations - Walter Zackria Associated, PLLC - \$24,578 Task Order

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

- CM-13** [16-1295](#) Motion Authorizing an Amended Revocable License with LOYCA Property Owner, LLC, for the Temporary Closure of SE 5th Avenue in Association with the Construction of the ICON Las Olas Development

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CONSENT RESOLUTION**

- CR-1** [16-1330](#) Resolution Rescheduling City Commission Meeting Dates in 2017

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

- CR-2** [16-1156](#) Resolution Approving and Authorizing the City Manager to Execute FY 2017 Grant Participation Agreement with Winterfest, Inc. -

\$10,000

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CR-3**    [16-1167](#)

Resolution Approving and Authorizing the City Manager to Execute FY 2017 Grant Participation Agreement with Fort Lauderdale St. Patrick's Day Parade & Festival, Inc. - \$20,000

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CR-4**    [16-1213](#)

Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2017 - Appropriation

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CR-5**    [16-1354](#)

Resolution Appointing the Law Firm of Lewis Longman Walker, as Special Counsel to the City of Fort Lauderdale for the Purpose of Assisting the City in Responding to the Florida Department of Environmental Protection (FDEP)'s Enforcement Efforts on Unauthorized Sewer Discharges; Providing a Rate of Compensation for the Services of Attorneys; Repealing any and all Resolutions or Parts thereof in Conflict herewith; and Providing for an Effective Date

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**CR-6**    [16-1225](#)

Resolution Creating the Innovative Development (ID) District Advisory Committee

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

[16-1208](#)

WALK-ON - Resolution Authorizing a Locally Funded Agreement with the Florida Department of Transportation for the Demolition of the Existing Building, Removal of Railroad Spurs and Underground Storage Tanks Structures

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

[16-1397](#)

WALK-ON - Resolution - Appointing Ms. Angelina Pluzhnyk Evans - City of Fort Lauderdale representative to the Broward County Part 150 Study Coordination Committee

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

## **PURCHASING AGENDA**

**PUR-1** [16-0973](#)

Motion to Approve Second Amendment to Agreement for a Proprietary Purchase of Internet and Network Communications Services - Comcast Cable Communications Management, LLC - \$409,000

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-2** [16-1186](#)

Motion to Approve an Amendment to the Banking Services Agreement with Wells Fargo Bank, N.A., and a Merchant Services Program Guide with Wells Fargo Merchant Services, L.L.C., and Wells Fargo Bank, N.A. - \$1,967,241

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-3** [16-1224](#)

Motion to Approve Contract for Sanitary Sewer Pump Station A-12 Rehabilitation - Intercounty Engineering Inc. - \$1,283,550

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-4** [16-1227](#)

Motion to Approve Purchase of Emergency Medical Supplies - Broward Sheriff's Office - \$425,000

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-5** [16-1240](#)

Motion to Reject Single Bid for Design-Build Services for Themed Beach Playground

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-6** [16-1244](#)

Motion to Reject All Bids for Americans with Disabilities Act Ramp Rehabilitation Project at Snyder Dog Park

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-7** [16-1245](#)

Motion to Approve Final Ranking and Commencement of Contract Negotiations for Civil Engineering Consulting Services

Mayor Seiler recognized Dodie Keith, President of Keith and Associates, who addressed the Commission on this item. Ms. Keith noted there was a scrivener's error in the scoring sheet of the response to the City's Request for Proposal (RFP) for engineering services. She explained the City's RFP process and noted there were seven firms recommended by the RFP Selection Committee for the City Commission to approve for the option of going to contract. Ms. Keith noted that with the correction in the scoring sheet, Keith and Associates would be the eighth firm.

Commissioner Rogers made a motion to add Keith and Associates to this list of firms available to the City to go to contract with should an opportunity arise. Commissioner McKinzie seconded this motion.

**APPROVED AS AMENDED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-8** [16-1247](#)

Motion to Approve Contract for Backflow Prevention Services - Pipeline Plumbing Services of Broward, Inc. - \$590,570

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-9** [16-1296](#)

Motion to Approve Contract for Southwest 9th Street Sanitary Sewer and Water Main Improvements - Stanford & Sons Trucking Corporation d/b/a Stanford Construction Company - \$190,213

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-10** [16-1335](#) Motion to Approve Agreement for Purchase of Professional Training Services - RCultures, Inc. - \$112,500

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**PUR-11** [16-1337](#) Motion to Approve Revised License Agreement for Aerial Adventure Course - Airplay Adventures LLC - \$196,800 (Revenue)

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**MOTIONS**

**M-1** [16-1291](#) Motion to Approve an Event Agreement with Las Olas Association, Inc. for the 54th Annual Christmas on Las Olas

Vice Mayor Trantalis made a motion to approve this item which was seconded by Commissioner Roberts.

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**M-2** [16-1292](#) Motion to Approve an Event Agreement with Tarpon Bend Food & Tackle-Riverwalk, LTD for Home for the Holidays

Commissioner Rogers noted for the record that this event went until 2:00 a.m. last year and there were no problems or issues.

Vice Mayor Trantalis made a motion to approve this item which was seconded by Commissioner McKinzie.

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**M-3** [16-1293](#) Motion to Approve an Event Agreement with Archdiocese of Miami, Inc. for St. Jerome Catholic Church and School Fall Festival 2016

Vice Mayor Trantalis made a motion to approve this item which was seconded by Commissioner Roberts.

**APPROVED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

## NEIGHBOR PRESENTATIONS

**NP-1**    [16-1347](#)    Christine Timmon - Unconstitutional Immigration and the War Against American Children

Mayor Seiler recognized Christine Timmon who addressed the Commission on the topic of Unconstitutional Immigration and the War Against American Children. Ms. Timmon passed out a document entitled Privilege from Arrest.

***A copy of this document is attached to these minutes.***

**RECEIVED**

**NP-2**    [16-1349](#)    Charles King - The Penny Sales Tax

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission on the topic of the Penny Sales Tax. Mr. King referenced a letter to the editor of the **Sun Sentinel Newspaper** and read it to the City Commission.

**RECEIVED**

**NP-3**    [16-1350](#)    Dennis Ulmer - Honoring Veterans - Veteran's Day November 11th

Mr. Ulmer was not present to give this neighborhood presentation.

**NOT PRESENT**

**NP-4**    [16-1351](#)    Art Timpone - Safety at Broward Boulevard and Victoria Park Road Intersection

Mayor Seiler recognized Art Timpone who addressed the Commission on accidents occurring at the intersection of Broward Boulevard and Victoria Park Road, noting the lack of safety for pedestrians at this intersection.

Mr. Timpone presented pictures of several accidents at the intersection of Broward Boulevard and Victoria Park Road during the time frame of August - September 2016.

***A copy of these pictures is attached to these minutes.***

Discussions ensued on possible solutions to address the issue at this location. Vice Mayor Trantalis acknowledged that the City is looking for

solutions.

Diana Alarcon, Director of Transportation and Mobility, addressed the Commission stating the City is working with the Victoria Park Civic Association on the Victoria Park Master Plan, also noting that Broward Boulevard is under Broward County's jurisdiction. Ms. Alarcon stated there would be a noise issue with placing rumble strips in this area. She stated they are working on finding a solution to the safety concern at this intersection.

Discussions continued on the aspects of a specific incident noted by Mr. Timpone.

**RECEIVED**

## **RESOLUTIONS**

### **R-1     [16-1325](#)     Appointment of Board and Committee Members**

The City Clerk announced there were no additional names submitted for the City's Advisory Boards and Committees from the time of publishing this Agenda. The City Clerk read the names of those being appointed with this resolution.

#### **AFFORDABLE HOUSING ADVISORY COMMITTEE**

Brandon Stewart is appointed to the Affordable Housing Advisory Committee, in the category of active in local community improvements, for a three-year term beginning November 1, 2016 and ending October 31, 2019 or until his successor has been appointed.

#### **CITIZENS POLICE REVIEW BOARD**

Christina Currie and Kenneth Staab are appointed to the Citizens Police Review Board for one-year terms beginning December 20, 2016 and ending December 19, 2017 or until their successor has been appointed.

#### **COMMUNITY APPEARANCE BOARD**

Laxmi Lalwani is appointed to the Community Appearance Board for a one-year term beginning November 1, 2016 and ending October 31, 2017 or until her successor has been appointed.

#### **ECONOMIC ADVISORY BOARD**

Robert Wolfe is appointed to the Economic Development Advisory Board, in the category of represents small business interests, to complete an unexpired term ending January 5, 2017 or until his successor has been appointed.

**SUSTAINABILITY ADVISORY BOARD**

Jason Liechty is appointed to the Sustainability Advisory Board for a one-year term beginning January 1, 2017 and ending December 31, 2017 or until his successor has been appointed.

Vice Mayor Trantalis introduced this resolution.

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

Discussions ensued on upcoming appointments for the November 15, 216, City Commission Meeting.

**R-2**     [16-1187](#)

Quasi-Judicial Resolution Vacating a Utility Easement Located at 611 NE 5th Avenue - Alta Flagler Village, LLC. - Case E16003

Anyone wishing to speak must be sworn in. City Commission will announce any site visits, communications, or expert opinions received and make them part of the record.

Each City Commission member disclosed their verbal and written communications, site visits, and expert opinions received making them part of the record.

Mayor Seiler opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Trantalis made a motion to close the public hearing, which was seconded by Commissioner Roberts. Roll call showed: AYES: Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler. NAYS: None.

Vice Mayor Trantalis introduced the resolution which was read by title only.

**ADOPTED**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**ORDINANCE FIRST READING****OFR-1**     [16-1235](#)

Ordinance Amending the Code of Ordinances of the City of Fort



Lauderdale Relating to the Review and Suspension of Permits that Authorize the Extension of the Hours of Operation for Businesses Selling, Delivering, Serving, or Permitting Consumption of Alcoholic Beverages

Mayor Seiler opened up the public hearing.

Mayor Seiler recognized Charles King, 105 N. Victoria Park Road, who addressed the Commission with his comments, thoughts, concerns, and questions regarding this item.

City Manager Feldman explained the purpose of this ordinance is to allow the City Manager to approve requests for an extension of hours permit at commercial establishments serving alcoholic beverages to control late night drinking. Comments and discussions among the Commission ensued.

Mayor Seiler stated the second reading of this item will be on November 15, 2016.

Vice Mayor Trantalis introduced this item which was read by title only.

**PASSED FIRST READING**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

**ORDINANCE SECOND READING**

**OSR-1** [16-1197](#)

Ordinance Amending the Unified Land Development Regulations Revising the List of Permitted and Conditional Uses in the General Aviation Airport (GAA) and Airport Industrial Park (AIP) Zoning Districts and Creating Accessory Use Tables for Both Zoning Districts / Case T16003

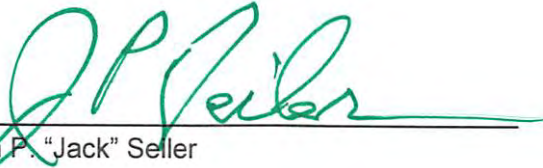
Commissioner Rogers introduced this item which was read by title only.

**ADOPTED ON SECOND READING**

**Aye:** 5 - Commissioner Rogers, Commissioner Roberts, Vice Mayor Trantalis, Commissioner McKinzie and Mayor Seiler

## ADJOURNMENT

There being no further business before the City Commission at the Regular City Commission Meeting of November 1, 2016, Mayor Seiler adjourned the meeting at 7:40 p.m.



John P. "Jack" Seiler  
Mayor

ATTEST:

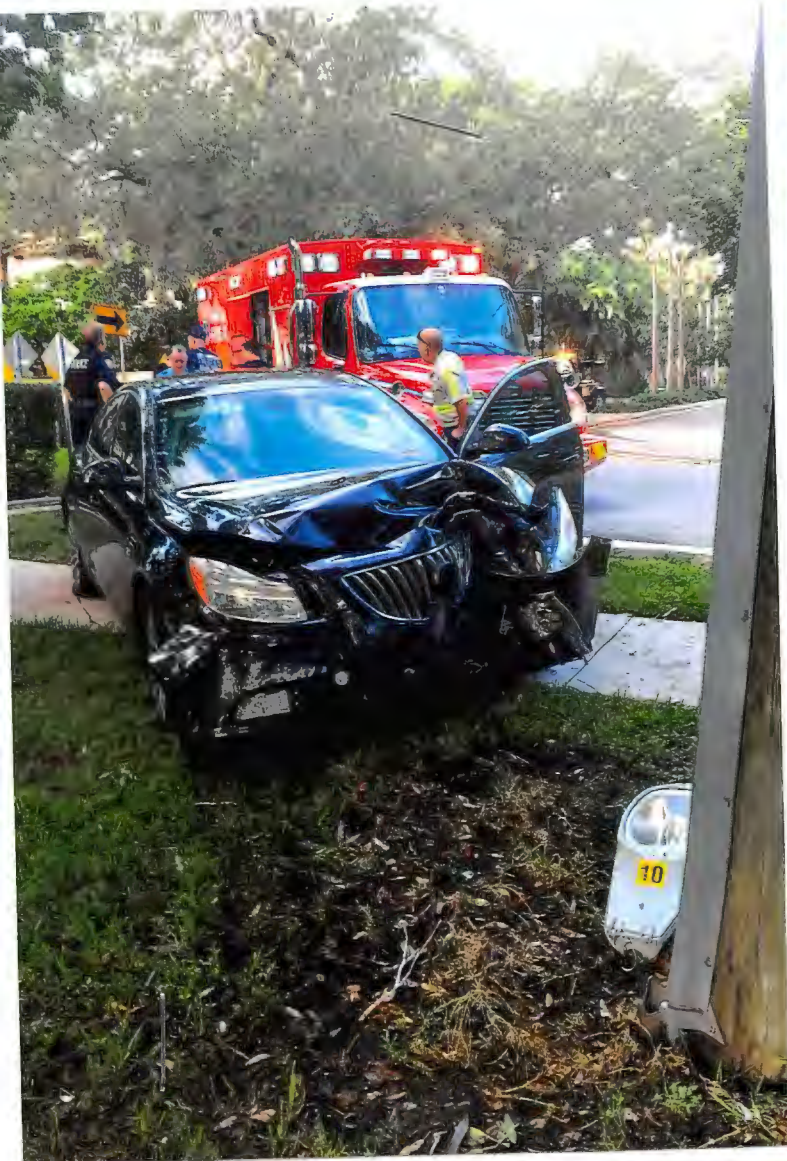


Jeffrey A. Modarelli  
City Clerk



Regular 11/1/2016

NP-4 Providencia Art Temporal



IN  
VICTORIA  
PARK





West of  
Park on  
Brown Block

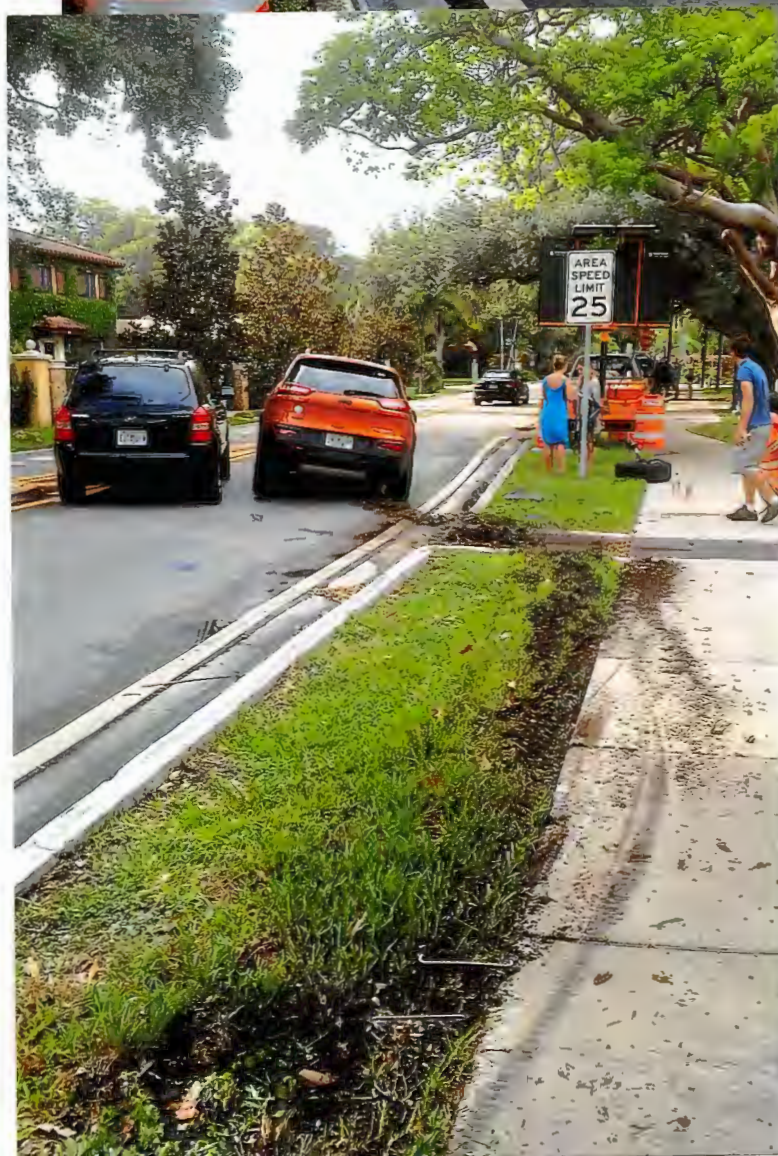


No  
lights  
for  
several  
weeks



LOST SPEED SIGN  
IN FRONT OF  
V. PARK ON THE ROAD





LOST  
WHEEL  
ROLLED  
UP  
FROM  
PARK  
INTERIOR



Regular 11/1/2016  
Meeting NP-1  
Provided by  
Christine Timmon

## Privilege from Arrest

The Senators and Representatives...shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same. and in other places.

### Article I, Section 6, Clause 1

#### Teacher's Companion Lesson (PDF)

The Privilege from Arrest Clause provides a Member of Congress a privilege from civil arrest only, but not from other civil processes. Even the privilege from civil arrest would be valid only while Congress is in session.

Civil arrest is the physical detainment of a person, by lawful authority, to answer a civil demand against him. At the time the Constitution was adopted, civil arrests were common. *Long v. Ansell* (1934). The Framers likely feared this tool could be misused to interfere with the legislative process. Civil arrest is rarely, if ever, practiced, so this clause is virtually obsolete and has little application today.

The Supreme Court interpreted the language "in all Cases, except Treason, Felony, and Breach of the Peace" to encompass all crimes. *Williamson v. United States* (1908). Tracing the origins of the clause to parliamentary privilege, the Court found this identical language was used to qualify Parliament's privilege from arrest so that the members of Parliament were not immune from criminal prosecution. The Court concluded that the Framers' use of the identical phrase, without any explanation, indicated that Congress's privilege was to have the same limitation regarding criminal actions as did the parliamentary privilege from which the language was borrowed. The clause, therefore, does not provide Congress with any immunity from criminal prosecution.

The Supreme Court, applying the Framers' intent, later declared that the clause also did not provide any privilege from civil process. *Long v. Ansell*. Hence, civil litigants can compel Members of Congress to appear in a court of proper jurisdiction to defend against civil actions. Furthermore, the Court has so narrowly interpreted the clause that Members of Congress may even be compelled by subpoena to testify in criminal and civil actions while Congress is in session.

## Article VI: Supreme Law Essays »

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.