

**CITY OF CLEWISTON
Regular Commission Meeting
August 17, 2015**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, August 17, 2015. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. Boy Scout Troop 619 led the audience in reciting the Pledge of Allegiance and Pastor Jeff Smith with the First United Methodist Church gave an opening prayer.

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Kristine Petersen, Commissioner Sherida Ridgill, and Commissioner Julio Rodriguez.

Personnel Present: City Manager Al Perry, City Clerk Shari Howell, Police Chief Don Gutshall, Finance Director Ted Byrd, Library Director Ava Barrett, Recreation Director Lance Ramer, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Utilities Director Danny Williams, City Engineer Tommy Perry, and City Attorney Charles Schoech.

Visitors Present: Isaiah Escorcia, Terry Gardner, Asa and Betty Godsey, Christine Howell, Hillary Hyslope, Eliel Meniz, Pastor Jeff Smith, Luis Vallejo, Consuelo Vazquez, Stephanie Chihocky, Nicholas Ponce and Tabitha Yebba

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry asked that agenda item five (5) - Discussion of Tyler Software Implementation Progress be removed from the agenda and Award of West Pasadena Drainage Project be added as agenda item eight (8).

INTRODUCTION AND CONGRATULATIONS TO EAGLE SCOUTS – AUSTIN GRIFFITH, SON OF SUSAN GILREATH, NICHOLAS PONCE, SON OF JERRY AND REBECCA PONCE AND JOEL MCCRAY, SON OF MABRY AND CRYSTAL MCCRAY – City Manager Perry welcomed Boy Scout Troop 619; he acknowledged the scouts who had achieved Eagle Scout status. Stephanie Chihocky, on behalf of her husband Scout Master Tony Chihocky came forward and introduced Eagle Scout Nicholas Ponce. Mr. Ponce gave a presentation regarding his Eagle Scout project which was repairing the gabion baskets on the lakeside of the Clewiston boating area. The Commission expressed their appreciation for his efforts.

Presentation of Departmental Accomplishments – City Manager Perry gave a presentation of City accomplishments, per department, that had been reached over the past year. The Commission expressed their appreciation to the staff for the work that had been done.

1. Consent Agenda

- A. *City Commission Workshop Minutes – July 16, 2015*
- B. *City Commission Budget Workshop Minutes – July 16, 2015*
- C. *City Commission Minutes – July 20, 2015*
- D. *City Commission Budget Workshop Minutes – July 20, 2015*
- E. *City Commission Budget Workshop Minutes – July 29, 2015*
- F. *City Commission Budget Workshop Minutes – July 30, 2015*

Commissioner Gardner made a motion, seconded by Commissioner Petersen, to approve the Consent Agenda. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 2. Agreement for the repayment of the Florida Small Cities Community Development Block Grant (CDBG) Program Contract Number 07DB-3R-09-36-02-E 11 (Park of Commerce Infrastructure Grant)** – Approving this agreement will allow the closing of the Park of Commerce Grant Cycle and initiate the schedule to repay the grant funds totaling \$324,940.82. The schedule would begin June 30, 2016 and continue until March 31, 2021. City Attorney Schoech reviewed the agreement documents. City Manager Perry reminded the Commission that the grant award was based on achieving job creation and that if any jobs were created between now and the date the repayment schedule began, the City could still receive credit towards the repayment.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to approve the Agreement for Repayment of the Florida Small Cities Community Development Block Grant (CDBG) Contract Number 07DB-3R-09-36-02-E 11 and to authorize the Mayor to sign. Vote 5 yeas, 0 nays.

- 3. Turf Management Services Agreement** – Approving this agreement will provide contractual services to maintain the golf course and sports complex fields for one year in the amount of \$15,000. City Attorney Schoech reviewed the agreement documents. Golf Course Director Rush reviewed the agreement and is satisfied with the consultant.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Turf Management Services Agreement, in the amount of \$15,000, and authorize the Mayor to sign. Vote 5 yeas, 0 nays.

- 4. Discussion on Allowing Bounce Houses/Inflatables on City Property** – The Commission was presented with four (4) options to consider regarding allowing bounce houses/inflatables on City Property.

Commissioner Ridgill made a motion, seconded by Commissioner Petersen, by reading the following, in regards to the question of allowing bounce houses and water slides on City property, I make a motion to establish an approved vendor list with the prospective vendor at minimum providing a Certificate of Insurance with a minimum of \$1 million dollars of General Liability and listing the City of Clewiston and its agents as additional insured(s) and keeping said insurance in effect as long as they conduct business within the City limits of Clewiston Florida. At minimum, all individuals, companies, agencies, and/or organizations (renters regardless if a fee is paid or not) utilizing a City of Clewiston park, facility, and or structure for an event or activity complete and sign “a Hold Harmless Agreement”.

The designated Parks within the Clewiston City limits, which have been listed by city staff as being in close proximity to utilities and restroom facilities, shall be:

- **Sweetest Town Playground Gazebo #2 & #4**
- **Sugar Fest Field**
- **City Commons Park (West of the Catholic Church/East Tennis Courts)**
- **Civic Park**
- **Youth Center**
- **Trinidad Park**
- **Various areas in Sugarland Sports Complex Park**

In the event that water conservation measures are put in place, waterslides will be disallowed during said period. Other requirements including but not limited to general rules, safety practices, forms, occupancy, fees, hours, vendor qualifications, reservations, deposits, number of structures allowed, and permitting will be at the discretion of the City. In order to facilitate and not interfere with safety in daily operations nothing in this motion will prevent the City Manager or any director from not allowing an activity or event at their discretion. Nor with this motion and its ratification shall there be any interference with a code enforcement officer, police officer, or a fire marshal from taking actions in the best interest of safety or carrying out the enforcement of other city ordinances or the laws of any other governing body such as Hendry County, the state of Florida, or the United States of America.

Luis Vallejo, bounce house/inflatables business owner, addressed the Commission stating that he had spoken at the Commission meeting workshop on Thursday, August 13 regarding this matter. He expressed that, as a professional, although he might not stay around for the whole event where one of his inflatables units was in use, he did ride around and check on units to ensure safety measures were in place. He said the units were his and he could shut them down at any time he felt necessary.

Commissioner Gardner clarified a comment she made for which Mr. Vallejo referred to. She said she did say at the Commission workshop on Thursday that Mr. Vallejo did not stay at the events utilizing his inflatable rentals for the entire time of the event. She said she stated this in workshop discussion as a result of a conversation she had with Mr. Vallejo on July 22 where he explained this to her. She stated that she brought it up for discussion because she initially thought that Mr. Vallejo stayed for an entire event when his rental unit was in use.

Mr. Vallejo discussed the current event use of his rental units, expressing not being able to use the other parks had put a financial hardship on his business.

Commissioner Ridgill asked Mr. Vallejo, regarding the motion she made, if he had any disagreements with the City being listed as an additional insured on a \$1,000,000 insurance policy or a "Hold Harmless Agreement" for renters. Mr. Vallejo replied no.

Commissioner Gardner expressed her appreciation to Mr. Vallejo for the knowledge she had gained for inflatables through her discussions with him. She said she was not in favor of water slides unless they were flat or went up incrementally; she noted the slides were her biggest concern. She discussed research she had done regarding inflatables and accidents and the policies and use in other entities. She stated she did not have a problem with the other inflatables that had been discussed, but that she was not in favor of big water slides. Mr. Vallejo stated that there had been zero accidents in the City of Clewiston involving his inflatables. He acknowledged the need for an approved vendor list. He said he was not in favor of banning the large water slides.

Isaiah Escorcia, "Sweet Party Rental", addressed the Commission stating he was in agreement with the approved vendors list, but he did not agree with banning the slides. He said his company hasn't had any issues and he didn't understand why it was a problem. He said that his family business has sponsored non-profit events in the past who have utilized the inflatable units. He said he felt it would be very discouraging if non-profits were not able to continue to utilize the units in this regard. He discussed his stance regarding safety precautions.

Commissioner Gardner explained that she still had concerns for the large water slides and the use of private parties utilizing the inflatables in parks preventing public use. She said in particular she had concerns for use of the Civic Park and the Youth Center area. The Commission discussed the parks where inflatables could be used.

Commissioner Rodriguez stated that public parks were not meant for businesses to earn money. He said he supports bounce houses/inflatables and he supports the use of parks. He feels there should be fees attached for the vendors using the parks for the inflatable units. He doesn't have an issue with not including the Civic Park for use.

After discussion, Commissioner Gardner stated that Mr. Vallejo had allayed her fears concerning the big slides when he explained that his company monitored any slide that was over eighteen (18) feet the entire time of the event as they considered them to be an attraction.

Attorney Schoech stated that when he researched this issue, he reviewed it from two (2) aspects, one being public safety and two the liability of the City. He said the motion that was on the floor addressed both issues. He is satisfied with the policy as it is refined with the workshops that are planned.

Commissioner Ridgill amended her motion, seconded by Commissioner Petersen, deleting the use of Civic Park from her original motion as follows. In regards to the question of allowing bounce houses and water slides on City property, I make a motion to establish an approved vendor list with the prospective vendor at minimum providing a Certificate of Insurance with a minimum of \$1 million dollars of General Liability and listing the City of Clewiston and its agents as additional insured(s) and keeping said insurance in effect as long as they conduct business within the City limits of Clewiston Florida. At minimum, all individuals, companies, agencies, and/or organizations (renters regardless if a fee is paid or not) utilizing a City of Clewiston park, facility, and or structure for an event or activity complete and sign “a Hold Harmless Agreement”.

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- **Sweetest Town Playground Gazebo #2 & #4**
- **Sugar Fest Field**
- **City Commons Park (West of the Catholic Church/East Tennis Courts)**
- ~~**Civic Park (original motion amended to remove civic park)**~~
- **Youth Center**
- **Trinidad Park**
- **Various areas in Sugarland Sports Complex Park**

In the event that water conservation measures are put in place, waterslides will be disallowed during said period. Other requirements including but not limited to general rules, safety practices, forms, occupancy, fees, hours, vendor qualifications, reservations, deposits, number of structures allowed, and permitting will be at the discretion of the City. In order to facilitate and not interfere with safety in daily operations nothing in this motion will prevent the City Manager or any director from not allowing an activity or event at their discretion. Nor with this motion and its ratification shall there be any interference with a code enforcement officer, police officer, or a fire marshal from taking actions in the best interest of safety or carrying out the enforcement of other city ordinances or the laws of any other governing body such as Hendry County, the state of Florida, or the United States of America. Vote 5 yeas, 0 nays.

- 5. Discussion of Tyler Software Implementation Progress – Deleted from agenda.**
- 6. Update on Code Enforcement – Chief Gutshall stated there were thirty-nine (39) cases currently open and fifty-one (51) scheduled to go before the Special Magistrate on Wednesday, August 19. He said rental Inspections average about eight (8) per week. He also said he believed there was no way all of the scheduled cases could be worked through by the Special Magistrate on Wednesday and that he thought there would have to be some type of continuance. Commissioner Gardner expressed her appreciation for the efforts of Code Enforcement.**

Addition - West Pasadena Drainage Project – Scott Jones stated that the bids were opened last week and that they came in far lower than anticipated. He said that since this project involved grant funding he would like to redesign some of the elements of the project and rebid it. Public Works Director Scheffler endorses rejecting the bids and rebidding the project again as it will entail exchanging PVC pipe with concrete pipe.

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to reject all bids and to rebid the West Pasadena Drainage Project with the new specifications. Vote 5 yeas, 0 nays.

7. Departmental Monthly Activity Reports - Presented for information only.

COMMENTS FROM THE CITY MANAGER - City Manager Perry asked Attorney Schoech to prepare for a liability insurance policy discussion at the next Commission meeting on September 21, 2015.

PUBLIC COMMENTS - Electa Waddell, the Strategic Initiative Coordinator for Hendry County, invited each of the Commissioners to the Good Wheels Ribbon Cutting for a new bus on Tuesday, August 25, 2015 at 9:00 a.m. at Clewiston City Hall. She also reported that the “Weather Bug” station (weather bug on Lake Okeechobee) at the lake area was up and running and that there were nineteen (19) opportunities a day for NBC Channel 2 and ABC Channel 5 to feature our area. She expressed appreciation to the Utility Department staff for helping make this happen.

Library Director Ava Barrett explained that the Library now had E-Books available. She said that all you needed was a library card and a pin and you could download the books to your device anywhere.

COMMENTS FROM THE CITY ATTORNEY – None

COMMENTS FROM THE CITY COMMISSION - Commissioner Gardner expressed her desire to have a re-cap budget workshop in September and possibly a discussion concerning recycling. She would like to have a discussion going forward if anything could be done about littering. Perhaps there are fines that could be enforced. She and Commissioner Ridgill expressed that they wanted to have a Recreation workshop and a workshop regarding fees.

Commissioner Ridgill stated that there were a few items that came out of the last budget workshop discussions. She said that Commissioner Rodriguez would like to vote on acquiring a lobbyist before the Commission accepted the budget, the Commissioners insurance may need to be discussed and that the question concerning the Scott Martin Challenge would be addressed when Mr. Martin came for a presentation and the Commission put it to a vote. Commissioner Ridgill asked about the process of requiring property owners to have driveway aprons. She was told that residents have until February 2018 to comply with getting a driveway apron, but that if they apply for a building permit that is for improvement that totals \$2,500 or more, the owner would need to get an apron at that time. She asked that the Commission be supplied with a copy of the ordinance regarding driveway aprons.

ADJOURNMENT

The meeting was adjourned at 6:40 p.m.

Phillip Roland, Mayor

Shari Howell, City Clerk