

CITY OF CLEWISTON
Regular Commission Meeting
September 19, 2016

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, September 19, 2016. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland.

The audience recited the Lord's Prayer and Kyra Chute, Tamara Carter and Stephanie Canales of the Clewiston High School Public Safety Academy led the audience in reciting the Pledge of Allegiance.

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

Personnel Present: City Manager Al Perry, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Police Lieutenant Aaron Angell, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Recreation Director Lance Ramer, City Engineers Tommy Perry and Scott Jones, Debbie McNeil, Lynne Mila, Karen Moore and Interim City Attorney Gary Brandenburg

Visitors Present: Asa and Betty Godsey, Donnie Hughes, Gaile Carter, Jerry Cochrane, Michael Atkinson, Attorney Crystal Sands, Christine Howell, Raoul Bataller, Attorney Antonio Perez, Andy Tilton, Kevin McCarthy and Mo Patel

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA

City Manager Perry stated, as discussed at the September 15, 2016 City Commission Workshop, Agenda Item No. 6 will be tabled. Agenda Item Nos. 11 and 13 will be pulled from the Agenda. Agenda Item Nos. 7A and 13A will be added to the Agenda. Agenda Item No. 12 is changed to Agenda Item No. 7B. He also informed the Commission, FDOT District One Secretary Billy Hattaway, who will be doing a Complete Streets Presentation, was running late.

1. Consent Agenda

- A. *Commission Workshop Minutes – August 10, 2016*
- B. *Commission Budget Workshop Minutes – August 10, 2016*
- C. *Commission Meeting Minutes – August 15, 2016*
- D. *Commission Budget Workshop Minutes – August 15, 2016*
- E. *Commission Budget Workshop Minutes – August 29, 2016*
- F. *Commission Budget Workshop Minutes – September 1, 2016*
- G. *Commission Budget Workshop Minutes – September 8, 2016*

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the consent agenda. Vote 5 yeas, 0 nays

COMPLETE STREETS PRESENTATION – FDOT District One Secretary Billy Hattaway
The Complete Streets Presentation was cancelled.

PUBLIC HEARINGS

- 2. Variance request from Gerardo Villegas (This agenda item is continued from the August 15, 2016 Commission Meeting)** – The applicant, Gerardo Villegas, is requesting a variance to the setback standards to construct a home on a vacant lot at 402 East Ventura Avenue, a/k/a N 83 ft. of Lots 13 + 14, Block 367, General Plan of Clewiston. The property is zoned R-2.

City Manager Perry noted this public hearing is a continuance from the August 15, 2016 Commission Meeting. Those who would be giving testimony in any of the public hearings on this Agenda were sworn in by Attorney Brandenburg.

Veronica Villegas, daughter of the property owner, Gerardo Villegas, was in attendance on his behalf. Mr. Villegas said her father was out of the country and he did not want to make any changes that were discussed previously. He was not aware of the zoning requirements and was basically trying to build the same house that was there before. Commissioner Ridgdill said it had come to her attention the house that was subdivided from the subject property, was built in 1935 as a mother-in-law's quarters. She noted the lots to the right are also small. She felt something occurred in the 1940s before zoning and regulation changes were made that rendered the lot useless. Ms. Villegas stated this is where her father would like to retire and this will be his homestead property. Commissioner Ridgdill said something occurred prior to the purchase by Mr. Villegas. This will be homestead property that will produce income. The lot behind this lot does not meet current zoning requirements and the two neighbors to the right do not enjoy setbacks that others enjoy. Her opinion is that she will support the request for the variance unless there is other testimony to change that. Commissioner Gardner stated she tried to reach the owner, Mr. Villegas. She visited the property and noticed the property east of the subject property has ten feet side setbacks but the plans for Mr. Villegas' house show the side setbacks are 23 feet and 28 feet. The larger side setbacks allow Mr. Villegas the ability to expand the sides and reduce the front and rear so that it would not require an exception. She questioned why Mr. Villegas is asking for a variance in the front and rear when there is plenty of room on the sides to expand the house. Community Development Director Travis Reese clarified the required side setback on the West side of the subject property is 20 feet and the required side setback on the East side of the subject property is 10 feet. Commissioner Gardner stated there would then be room to expand 3 feet on the West side and 18.3 feet on the East side of the home. Ms. Villegas stated her father wasn't aware of the zoning laws. He was just trying to build something similar to what was there. Commissioner Gardner stated she would love to see the home built but explained the six items listed in Section 110-6 of the required findings are not met, as his desire to build what he wants is the action of the property owner and she does not see how the variance could be granted. She stated the Commission must find that all six items are met so that this meets the requirements of the law. Michael Atkinson was sworn in by Attorney Brandenburg. Mr. Atkinson, who is a member of the P & Z Board that heard this matter and recommended the variance be granted, stated he had recommended the cantilever of the front porch be removed at the meeting and then after discussion, there was a motion to approve it as it was because the Ventura right-of-way was so big and if the small house in the back was torn down, it could never be built again. The P&Z Board recommended the variance be approved as presented based on those considerations. Mayor Roland stated he agreed with Mr. Atkinson. He does not have a problem with the variance. Commissioner Gardner stated she felt the required findings were not met. She stated the law has to be followed in making the decision. Mayor Roland felt the Commission should put the human element back in to the matter and ask if it would be detrimental to the City. Vice Mayor Petersen stated she had no problem with the rear variance, but the front gives her concern as it definitely overbuilds on the lot. She noted the previous home was 1,140 square feet and the new home would be 1,900. She agreed with Commissioner Gardner. Commissioner Ridgdill said there are some homes in the City that would not be able to be rebuilt if they burn down. Commissioner Gardner discussed the issue of nonconforming lots. She stated she did not have a problem granting the rear yard variance but did have a problem with the front. She feels Mr. Villegas is not using the full potential of the lot to build. Commissioner Rodriguez stated he is disappointed Mr. Villegas did not come back with a different plan. Commissioner Ridgdill questioned if Ms. Villegas had any discussion with her father about expanding the sides of the home as discussed by Commissioner Gardner. Ms. Villegas stated she did not and her father is very frustrated and wanted this request approved. She also stated most of the other homes in that area do not seem to meet the requirements. Director Reese stated it is a requirement of the City to have the front porch or covered entry. He stated it is possible the architect or engineer who drew the plans could provide some sort of entryway so that the house would be within the surveyed front setback even though there would be some encroachment of the overhang. The covered entry cannot be removed but may be able to be modified. Commissioner Gardner stated the front setback is the issue but cannot be corrected since most of the lot was taken. She does not have a problem with a ten-foot rear yard setback but feels the request for the variance in the front does not meet hardship requirement number two. Commissioner Rodriguez asked what could be done so that the City would not have to continue saying no to requests and postponing meetings. He would like to see new homes built and does not want to see empty lots. Director Reese stated he could look into the matter. He said if there is a recurring hardship, then that is something that needs to be looked

at. This issue is odd, but he does not feel this is something that could be written into an ordinance to fix. If the lot had not been subdivided, the home could have been moved back and the applicant would not be here today. Commissioner Rodriguez stated that he was hoping the applicant would come back with a plan B as was requested at the August 15, 2016 Commission Meeting. Ms. Villegas stated her father looked at the other options and was not pleased. There was a brief discussion regarding the requirement for covered entries. Director Reese stated, based on his interpretation, a covered entry just has to be some sort of detail to give some protection over the doorway. There is no minimum footage for the covered entry, but he feels the front porch is more attractive than a flat wall. He is uncertain if the front wall of the home measures 25' from the front property line. The surveyor did not depict that measurement on the site plan. Mr. Atkinson addressed the Commission and stated that he now remembers from a set of plans the Planning & Zoning Board was given, if the front porch was removed, the front wall of the home would meet the front setback. City Manager Perry asked if you could roll the front porch into interior of the home. Director Reese stated that could be done but he also said the porch could extend into the setback if there were no supporting columns. He also said he felt it could be done without the front setback if the porch was reduced. It would be effectively just an overhang. Commissioner Ridgill asked if the rear variance could be granted and then later grant the front variance once changes are made to come into compliance. Director Reese replied that can be done. The surveyor and architect could work together to come up with a plan that meets the requirements. Commissioner Ridgill said she did not believe the variance request for the front will be approved. The rear variance may be approved, but the plans will have to be revised. Commissioner Gardner asked Director Reese if a 10' rear setback would be acceptable. Director Reese confirmed it would. As there were no further comments regarding this matter, Mayor Roland declared the public hearing closed.

Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to grant a variance for a rear yard setback of ten (10) feet. Vote 5 yeas, 0 nays

Before the vote, Commissioner Gardner explained she made a motion for the rear yard setback to match the side yard setback on the interior side of the lot. She feels there is room on either side of the property to reconfigure the home. The Commission explained to Ms. Villegas that the motion made by Commissioner Gardner would allow the home to be moved back an additional foot, but the home would have to be reconfigured to meet the front setback. Commissioner Ridgill said she felt this is a compromise and she will support the motion. Raoul Bataller stated there are many small lots that he feels people will try to pick up and then apply for variances to build larger homes. Commissioner Gardner stated there are cities that have looked at all of their nonconforming lots. She believes this is something the City of Clewiston should do.

3. **Rezone request from B.A. Hospitality, LLC** – The applicant, B.A. Hospitality, LLC, is requesting the property located at 322, 328, 334 and 340 West Pasadena Avenue, described as Lots 26 through 30 and the West 2/3 of Lot 31, in Block 201 of the General Plan of Clewiston, be rezoned from Single Family Residential (R-1B) to General Commercial (C).

Mayor Roland opened the public hearing by stating the purpose of this public hearing was to discuss and accept input from all interested parties relative to the rezone request from B.A. Hospitality, LLC. He asked all citizens desiring to speak on the matter to identify themselves by name and address. He stated all public comments would be incorporated into the official minutes of the meeting. City Manager Perry summarized the Rezone Request and noted the request was advertised in the Clewiston News on August 25, 2016.

Attorney Crystal Sands of McGahee & Perez addressed the Commission and stated this rezone request, if approved, will change or rezone the entire block from Single Family Residential (R-1B) to General Commercial (C) except for the one lot their client does not own. Commissioner Ridgill asked Director Reese if this rezone request meets the comprehensive plan and, if approved, could it be reverted. Director Reese stated the request is in compliance with the comprehensive plan and it could be reverted with a small scale plan amendment. Commissioner Ridgill asked Attorney Sands if her client was aware that if this rezone request was approved, the property could not revert back to residential without a comprehensive plan change. Attorney Sands said she did not feel her client had any desire to change it back. Director Reese stated the first reading of Ordinance No. 2016-05 which is

listed as Agenda Item No. 7 is related to this item. Attorney Brandenburg stated these items should be listed together on the agenda. A motion to consider Agenda Item No. 7 at the same time the rezone request is being considered is needed. As there were no further comments regarding this matter, Mayor Roland declared the public hearing closed.

Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to grant the Rezone Request from B.A. Hospitality, LLC for property located at 322, 328, 334 and 340 West Pasadena Avenue, described as Lots 26 through 30 and the West 2/3 of Lot 31, in Block 201 of the General Plan of Clewiston, to be rezoned from Single Family Residential to General Commercial; these parcels are designated on the Future Land Use Map as US27 Commercial Corridor District; and to approve Ordinance No. 2016-05 on First Reading and set the Public Hearing on October 17, 2016. Vote 5 yeas, 0 nays

Prior to the vote, City Manager Perry read Ordinance No. 2016-05 by title.

4. **Vacation of Easement request from B.A. Hospitality, LLC** - The applicant, B.A. Hospitality, LLC, is requesting the 5' public utility easements in Block 201 of the General Plan of Clewiston, that run along the North 5' of Lots 1 through 24, inclusive, and the South 5' of Lots 25 through 36, inclusive, be vacated. The Hendry County Health Department and FDOT submitted letters of no objection.

Vice Mayor Petersen opened the public hearing by stating the purpose of this public hearing was to discuss and accept input from all interested parties relative to the Vacation of Easement Request from B.A. Hospitality, LLC. She asked all citizens desiring to speak on the matter to identify themselves by name and address. She stated all public comments would be incorporated into the official minutes of the meeting. City Manager Perry summarized the Vacation of Easement Request and noted the request was advertised in the Clewiston News on August 25, 2016.

Attorney Crystal Sands of McGahee & Perez addressed the Commission and stated their firm had met extensively with the Public Works Director and everyone involved with this matter and believed a plan had been made to relocate the utilities around the block if the easement is vacated. Attorney Antonio Perez said most of the items will be addressed in the request for the Vacation of the Right of Way in the next agenda item. The electricity had already been moved to Pasadena Avenue and the other utilities to be moved are Comcast and CenturyLink. Commissioner Ridgill asked if the applicant understood that he would bear the cost of relocating any utilities and provide appropriate easements for relocation to be approved by the City Manager. Attorney Perez confirmed the applicant understood. Attorney Brandenburg explained the best practice with abandonments is to have all utilities either relocated, or commitments made to relocate, with the new easements, and the cost of the relocation bonded before the abandonment. In this case, it seems the City would like to assist this property owner as much as possible to move this project along. City staff asked for, and he has drafted, an ordinance which provides that the abandonment will not be final until the City Manager certifies to the Commission that those items have occurred and at that time a resolution can be adopted and recorded in the record. That way you will have both the abandonment ordinance and resolution showing it was adopted in the public records and the abandonment would be accomplished. If the resolution is not adopted subsequent to the ordinance saying it meets your satisfaction, the abandonment will not be effective. At this time, the Commission should consider these abandonments and then instruct staff to bring the ordinance back for first and second reading to accomplish the matter. Otherwise you can wait until they get everything relocated and bonded before abandonment. City Manager Perry confirmed Attorney Brandenburg was referring to Ordinance No. 2016-06. Commissioner Gardner stated City Manager Perry presented the Commission with the Hendry County EDC economic impact of the hotel construction which she feels is very important for the community. Attorney Perez clarified the Commission would adopt an ordinance that says the City agrees to the relocation of the easements once a new alternative route is approved and accepted by the City Manager and a resolution is brought to the Commission for approval. If the City Manager does not agree and the Commission does not pass the resolution, nothing happens. Attorney Brandenburg stated the first reading of the ordinance is on this agenda and if approved, it will be advertised and then brought back to the Commission for the final reading. As there were no further comments regarding this matter, Mayor Roland declared the public hearing closed.

Commissioner Ridgill made a motion, seconded by Commissioner Rodriguez, to consider the recommendation to approve the vacation of the 5' easements with the understanding that the applicant bear the cost to relocate any utilities and approve on first reading Ordinance No. 2016-06, an Ordinance of the City Commission of the City of Clewiston, Florida, abandoning and vacating an alley of two 5' easements, located in Block 201 of the General Plan of Clewiston, Florida, as revised, located and lying on or between Lots 1 – 24, inclusive, and Lots 25 – 36, inclusive. Vote 5 yeas, 0 nays

Prior to the vote, Commissioner Gardner said she will support the vacation of easement request from B.A. Hospitality, LLC, but wanted clarification of the utilities that need to be relocated. Attorney Perez confirmed the utilities were Comcast, CenturyLink and U.S. Sugar's fiber.

- 5. Vacation of Right-of-Way request from B.A. Hospitality, LLC** – The applicant, B.A. Hospitality, LLC, is requesting the alley that runs along the Northern boundary line of Lots 1-24, inclusive, and along the Southern boundary line of Lots 25-36, inclusive, in Block 201 of the General Plan of Clewiston, be vacated. The Hendry County Health Department and FDOT submitted letters of no objection.

Mayor Roland opened the public hearing by stating the purpose of this public hearing was to discuss and accept input from all interested parties relative to the Vacation of Right-of-Way request from B.A. Hospitality, LLC. He asked all citizens desiring to speak on the matter to identify themselves by name and address. He stated all public comments would be incorporated into the official minutes of the meeting. City Manager Perry summarized the Vacation of Right-of-Way Request and noted the request was advertised in the Clewiston News on August 25, 2016.

Commissioner Ridgill asked Attorney Brandenburg if an ordinance was also needed for this item since it is similar to the Vacation of Easement request under Agenda Item No. 4. Attorney Brandenburg stated both matters were combined in Ordinance No. 2016-06. He informed the Commission the P & Z Zoning Board recommended approving the abandonment with the exception of the West 50 feet and confirmed the alley between Lots 1 through 22 and 26 through 36 would be abandoned. As there were no further comments regarding this matter, Mayor Roland declared the public hearing closed.

Commissioner Ridgill made a motion, seconded by Vice Mayor Petersen, to grant the Vacation of the Right of Way for the alley between Lots 1 through 22 and 26 through 36 with the applicant bearing the cost of relocating the utilities and to also approve the first reading of Ordinance No. 2016-06 which will accomplish the same. Vote 5 yeas, 0 nays

Prior to the vote, Commissioner Gardner stated she feels it is in the City's best interest for economic development to consider other avenues to help this project get completed. Commissioner Rodriguez stated he agreed. Commissioner Ridgill stated she was aware of the great impact and appreciated the investment in this community. Her issue is that the City has a very restricted budget this year. She encouraged City staff to look for other avenues outside City taxpayers or City utility users to help the client with this matter. Attorney Perez reminded the Commission there had not been an investment yet, there is a lot that still has to happen and he did not want this project to get derailed. He stated he understood the City's budgetary situation. He asked the City help to find a solution in relocating the utilities. He feels the relocation of the utilities will assist more than just this property. Commissioner Ridgill stated she would like to make sure the City stays within Article VII, Section 10 of the Florida Constitution and not violate legal opinions from Attorney General AGO 84-103. She supports staff assistance but the City does not have funds to contribute at this time. Commissioner Gardner said there are no funds to contribute, but there are ways the City could assist. This will be a redevelopment of that entire area. She recommended City staff look at any and all opportunities for assistance.

ORDINANCE

6. **Ordinance No. 2016-04 - First Reading (This agenda item was pulled from the August 15, 2016 Commission Meeting Agenda until new legal counsel reviews)** – Ordinance 2016-04 amends Chapter 18-Buildings and Building Regulations to adopt a new Article X. “Residential Rental and Inspection”; provides authority to codify, a conflicts clause, a severability clause; provides an effective date; and provides for other purposes.

As discussed at the September 15, 2016 City Commission Workshop and as noted above, the Commission agreed to table this item. Attorney Brandenburg confirmed a motion is needed to table this matter to a time certain.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to table Ordinance No. 2016-04 to a time certain by the December 19, 2016 Commission Meeting. Vote 5 yeas, 0 nays

Attorney Brandenburg stated if this ordinance is brought up before the December 19, 2016 Commission Meeting, a motion will be needed to bring it up prior to that time.

7. **Ordinance No. 2016-05 - First Reading** – Ordinance No. 2016-05 provides for rezone of a parcel of property located on W. Pasadena Avenue from Single-Family Residential District (R-1B) to General Commercial District (C); provides for update of the Clewiston Official Zoning Map; and provides for an effective date.

The First Reading was approved as noted under Agenda Item No. 3 above.

- 7A. **Ordinance No. 2016-06 – First Reading** – Ordinance No 2016-06 abandons and vacates an alley and two 5’ easements located in Block 201 of the General Plan of Clewiston, Florida as revised, located and lying on or between Lots 1 – 24, inclusive, and Lots 25 – 36, inclusive.

The First Reading was approved as noted under Agenda Item Nos. 4 and 5 above.

RESOLUTION

- 7B. **Resolution No. 2016-09** – Resolution 2016-09 adopts a schedule of revised development and construction permit fees for services provided and regularly charged as specified by the City Code; and provides for an effective date.

City Manager Perry read Resolution No. 2016-09 by title. Director Reese confirmed these fees for the most part will mirror Hendry County’s fees.

Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to adopt Resolution No. 2016-09. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

8. **Approval of License to Occupy Agreement between the City of Clewiston and B.A. Hospitality, LLC** – This License to Occupy Agreement may be needed temporarily to begin construction prior to the applicant receiving ownership of the property.

City Manager Perry stated the License to Occupy Agreement was replaced with an Agreement for Occupancy and for Use of Alley. Attorney Brandenburg said the agreement was re-worded and a clause was added stating the agreement would terminate if construction did not begin by a certain date. Attorney Perez and the Commission agreed the construction commencement would need to occur by December 31, 2017 or the agreement would terminate.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to approve the Agreement for Occupancy and for Use of Alley between the City of Clewiston and B.A. Hospitality, LLC, with a commencement date of September 19, 2016 and an automatic termination date of December 31, 2017 if construction had not begun by that time. Vote 5 yeas, 0 nays

Before the vote, Attorney Brandenburg stated the agreement will also terminate at the time the abandonment of the alley is complete.

9. **Approval of FDOT Amendment to the Traffic Signal Maintenance and Compensation Agreement** – FDOT requires approval of this agreement in order to compensate the City.

City Manager Perry informed the Commission Attorney Brandenburg had reviewed this agreement.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the FDOT Amendment to the Traffic Signal Maintenance and Compensation Agreement and authorize the Mayor to sign. Vote 5 yeas, 0 nays

10. **Approval of Interlocal Agreement Between the City of Clewiston and the School Board of Hendry County for the Use of Recreational Facilities** – This agreement was drafted by Interim City Attorney Gary Brandenburg to be executed by both parties.

City Manager Perry stated School Board Superintendent Puletti said this agreement will need to go before the School Board on September 27, 2016. Attorney Brandenburg said this item could be approved subject to the Hendry County School Board approval.

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the Interlocal Agreement between the City of Clewiston and the School Board of Hendry County for the Use of Recreational Facilities and authorize the Mayor to sign in anticipation of approval by the Hendry County School Board. Vote 5 yeas, 0 nays

Before the vote, Commissioner Ridgill requested confirmation from the Commission that the City would no longer provide these services as of October 1, 2016 if the School Board failed to approve this agreement. Commissioner Gardner said that is the understanding.

11. **Discussion regarding the bridge crossing location at S169** – City Manager Al Perry

This Agenda Item was pulled as noted above.

12. **Discussion regarding the Building and Development Fee List** – Community Development Director Travis Reese

This Agenda Item is now Agenda Item 7B.

13. **Discussion regarding Sober Homes**

This Agenda Item was pulled as noted above.

- 13A. **Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services** - City Manager Perry informed the Commission this item was received Friday, September 16th from Hendry County Attorney Mark Lapp who prepared this agreement. Attorney Brandenburg has reviewed the agreement. The Agreement states Hendry County will contribute \$150,000 to the City and the City will no longer provide recreational services to the Harlem community.

Commissioner Ridgill made a motion, seconded by Commissioner Rodriguez, to approve the Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services, which states the City will receive \$150,000 and will no longer provide recreational services to residents of the unincorporated area in the eastern part of Hendry County.

Commissioner Gardner stated the City will no longer provide services outside the City of Clewiston. Commissioner Gardner explained this amount along with the contribution from

the Hendry County School Board still did not cover the 40% that was figured. She would like staff to have a time certain prior to the September 30, 2017 expiration date to review this matter again and see what the actual numbers were at that time. Commissioner Ridgill recommended the matter be reviewed 150 days prior to the September 30, 2017 expiration date. Commissioner Gardner expressed she did not wish to continue to accept \$150,000 each year. Commissioner Rodriguez stated the City should continue to try to get the 40%, however he was satisfied that progress was made.

Commissioner Ridgill withdrew her first motion.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to approve the Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services, and that 120 days before the September 30, 2017 expiration date, City staff will bring forth, on agenda, a review of costs shared, so that the City Commission may choose to exercise a notice to Hendry County that the City may wish to renegotiate the Interlocal Agreement. Vote 5 years, 0 nays

Before the vote, Commissioner Rodriguez questioned if the Commission felt it was necessary to continue the East Recreation Board. City Manager Perry explained the East Recreation Board would be used on an as needed basis to distribute the gift funds by US Sugar Corporation.

Commissioner Rodriguez stated he is willing to stay on the East Recreation Board.

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

PUBLIC COMMENTS - none

COMMENTS FROM CITY MANAGER – City Manager Perry apologized to the Commission for the agenda this month. A lot of information was recently received. Interim City Clerk Combass did a great job putting the agenda together. Attorney Brandenburg had responded with a lot of information quickly that was not expected.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Ridgill opened a discussion regarding the construction of the new Police Department that was also discussed at the September 15, 2016 Commission Workshop. She expressed her concerns with funding issues, construction logistic issues and potential growth issues. The current grant has a deadline date and construction costs range from \$1.3 to \$1.8 million. She was hoping other Commissioners would join her in allowing the Police Facility Committee to look at other sites owned by the City. There is no limitation requiring the building to be constructed at the parking lot of the present Police Department. She does not feel there is adequate room at the current location and there is a water main issue. The only feasible locations would be the Park of Commerce and the location at Ventura and Deane Duff. Based on her research, in many cities the Police Department is not located next to City Hall. Commissioner Rodriguez stated his concern was getting the facility built in the time that was allowed. It may take more time if the location was moved. If the project is not complete within the timeframe, the City must pay to complete the project. He expressed that he did not have a problem moving the facility but just wanted to get the building built in time. Commissioner Gardner stated she felt the Park of Commerce was not the location because of the railroad tracks. The only reason the Deane Duff property was mentioned is because it is the only lot near City Hall. She said that she would not make any changes to the location without Police Chief Gutshall's input. Vice Mayor Petersen stated she contacted Police Chief Gutshall and said he knew nothing about this matter. She has a safety concern with the Park of Commerce location because of the railroad tracks and likes the campus in one place. Commissioner Ridgill explained she received the PFC meeting notes the day of the Commission Workshop. She is only asking that this matter be presented to the PFC for discussion when Police Chief Gutshall returns from vacation and that the Deane Duff site be considered. Commissioner Rodriguez stated he was concerned with the construction timeframe. Commissioner Gardner stated she felt it would take time and the cost would also increase if another site was considered. Mayor Roland asked City Manager Perry to mention this matter at

the meeting tomorrow. Vice Mayor Petersen stated she felt Police Chief Gutshall should be contacted by phone when this matter is discussed tomorrow. Commissioner Rodriguez stated for the record that he did not want to spend more than \$1.5 million for this project.

ADJOURNMENT

The meeting was adjourned at 7:03 p.m.

Phillip Roland, Mayor

Mary K. Combass, Interim City Clerk