

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**October 17, 2016**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, October 17, 2016. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland.

The audience joined in reciting the Lord's Prayer and 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, Police Chief Don Gutshall, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Karen Moore, Debra Towner, Debbie McNeil, Lynne Mila, City Engineer Scott Jones and City Attorney Gary Brandenburg.

**Visitors Present:** Asa and Betty Godsey, Laura Smith, Gary and Tabitha Yebba, Terry Gardner, Christine Howell, Donnie Hughes, Kevin McCarthy, Ann Dyess, Donnie Hughes, Jerry Cochrane, Attorney Antonio Perez, Raoul Bataller, Attorney Crystal Sands, Ernesto Cordero, Hillary Hyslope, Richard Phelps, Steve Gwinn, Pepe Lopez and Keith Pflum.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA**

City Manager Perry stated he would like to add an Event Application for the Homecoming Parade to the Consent Agenda as Consent Agenda Item I and Commissioner Rodriguez would like to pull Consent Agenda Item G for discussion.

Commissioner Rodriguez expressed his concern that the Food Truck Invasion event will impact local restaurants and felt this matter should have been discussed prior to today. He urged his fellow Commissioners to share their opinion. Mayor Roland stated he is not in favor of the event occurring monthly for six months. He was not in favor of bringing in an event to compete against the City's businesses. Commissioner Gardner expressed she did not have a problem in approving this event for today only to see how the event is received in the community, but is not in favor of approving it for the other dates at this time. She is in favor of supporting a food truck event if it is tied to a special event especially a non-profit agency. She also noted other communities do not require permits or licensing for this type of event. They only require an event application which is what City staff had provided for this event. Commissioner Ridgill stated she was in support of the food trucks for the Lake O Rally event as it is a special event. She felt community feedback should be analyzed after the Food Truck Invasion event. Vice Mayor Petersen stated she attended a food truck event in Wellington and felt people who do not normally go out to eat come out to support this type of event. She would like to see the impact it has on the restaurants in this community.

**1. Consent Agenda**

- A. *Commission Budget Workshop Minutes – September 12, 2016*
- B. *Commission Tentative Budget Hearing Minutes – September 15, 2016*
- C. *Commission Workshop Minutes – September 15, 2016*
- D. *Commission Meeting Minutes – September 19, 2016*
- E. *Commission Final Budget Hearing Minutes – September 26, 2016*
- F. *Proclamation – Red Ribbon Week – October 23-31, 2016*
- G. *Event Application – Food Truck Invasion – October 17, 2016, November 21, 2016, December 19, 2016, January 16, 2017, February 20, 2017 and March 20, 2017*
- H. *Event Application – Love Lake O Rally – November 5, 2016*
- I. *Event Application – Homecoming Parade – November 4, 2016*

**Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the Consent Agenda with the Event Application under Consent Agenda Item G being modified for the Food Truck Invasion of October 17,**

**2016 only and discussion regarding the impact of the October 17, 2016 Food Truck Invasion event to be included on the November 21, 2016 Commission Agenda. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Ridgill stated she will attend the Food Truck Invasion Event after the meeting tonight to see the public's interest and would like Commissioner Rodriguez to come back and provide information on how his business or any other restaurant owner's business was impacted by this event.

**PUBLIC HEARINGS**

2. **Ordinance No. 2016-05 - Final Reading** – Ordinance 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.

Vice Mayor Petersen opened the public hearing by stating the purpose of the public hearing was to discuss and accept input from all interested parties relative to the adoption of Ordinance No. 2016-05. She asked that all citizens desiring to speak on this matter to identify themselves by name and address. She stated all public comments would be incorporated into the official minutes of the meeting. City Attorney Gary Brandenburg asked if there was anyone in attendance that would like to give testimony on this matter. There were none. City Manager Perry summarized Ordinance No. 2016-05 and read it by title. He stated the public hearing was advertised in the Clewiston News on September 29, 2016. As there were no comments regarding this matter, Vice Mayor Petersen closed the public hearing.

**Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve Ordinance No. 2016-05 on final reading and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

3. **Ordinance No. 2016-06 - Final Reading** – Ordinance 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.

Vice Mayor Petersen opened the public hearing by stating the purpose of the public hearing was to discuss and accept input from all interested parties relative to the adoption of Ordinance No. 2016-06. She asked that all citizens desiring to speak on this matter to identify themselves by name and address. She stated all public comments would be incorporated into the official minutes of the meeting. City Attorney Gary Brandenburg asked if there was anyone in attendance that would like to give testimony on this matter. There were none. City Manager Perry summarized Ordinance No. 2016-06 and read it by title. He stated the public hearing was advertised in the Clewiston News on September 29, 2016. As there were no comments regarding this matter, Vice Mayor Petersen closed the public hearing.

**Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to approve Ordinance No. 2016-06 on final reading and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

**ORDINANCES**

4. **Ordinance No. 2016-07 - First Reading** – Ordinance No. 2016-07 amends the size/dimensions of standard parking spaces.

City Manager Perry read Ordinance No. 2016-07 by title. Attorneys Crystal Sands and Antonio Perez were sworn in by City Attorney Brandenburg. Attorney Perez presented a handout consisting of pictures of parking spaces with measurements at various businesses in the City of Clewiston to the Commission. He felt a parking space of 9 ft. x 18 ft. would be sufficient given the space that is available and what has previously been allowed in the downtown area. Commissioner Gardner stated that Margaret Wuerstle of the Southwest Florida Regional Planning Council said a 9 ft. x 18 ft. parking space size is standard. Commissioner Gardner also stated she felt the 9 ft. x 18 ft. parking space size should be the

standard for the US 27 corridor and the downtown district. Commissioner Rodriguez agreed. Commissioner Ridgill stated she would like the requirement for the parking space size inside garages to remain 10 ft. x 20 ft.

**Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve Ordinance No. 2016-07 as drafted on first reading with the second underlining which reads, “unless located along the U.S. 27 Corridor District, whereby a garage space may be nine feet by 18 feet (162 square feet) exclusive of wall thickness and storage area” to be stricken and leaving 200 square feet as the amount to multiply the number of cars required to be kept in the garage by to calculate the total area for a garage. Vote 5 yeas, 0 nays**

Before the vote, Ernesto Cordero was sworn in by Attorney Brandenburg and stated that he felt he was forced to close his business because of a parking issue and felt he was treated unfairly. Raoul Bataller was sworn in by Attorney Brandenburg and expressed his concern with the safety of the traffic pattern in parking lots.

5. **Ordinance No. 2016-08 - First Reading** – Ordinance No. 2016-08 amends Sec. 74-116 of the Code of Ordinances relating to connection charges for electric and water service, and provides for inclusion in the Code of Ordinances, conflict, severability and effective date.

City Manager Perry read Ordinance No. 2016-08 by title.

**Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to approve Ordinance No. 2016-08 on first reading and set the Public Hearing on November 21, 2016. Vote 5 yeas, 0 nays**

Before the vote, Attorney Brandenburg confirmed this ordinance would remove the 6% interest rate that was set to be paid on consumer’s guarantee deposits and that he had reviewed this ordinance.

#### **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

6. **Approval of City of Clewiston Police Department Preliminary Development Order** – The City of Clewiston is requesting approval for a development application for a 9,765 sq. ft. office building to be located at 325 Commercio Street, also described as Lots 42-45, inclusive, in Block 354 of the General Plan of Clewiston. The subject property is zoned Commercial (C).

**Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to approve the City of Clewiston Police Department Preliminary Development Order. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Rodriguez asked if there was an extension for the completion of the office building. City Manager Perry stated an extension had not been approved at this time. The City expects to break ground in January, 2017 and has until June 30, 2017 to complete the construction. Police Chief Gutshall explained the Certificate of Occupancy must be obtained within sixty (60) days of the encumbrance of the funds.

7. **Reappointment of Planning and Zoning Board Members** - Two of the P & Z Board members’ terms have expired. Those members have agreed to serve another two-year term and are as follows: Lewell Hughes and Donald Hughes.

**Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to appoint Lewell Hughes and Donald Hughes to two-year terms on the P & Z Board. Vote 5 yeas, 0 nays**

8. **Lien Reduction – Harold S. Robinson** – Mr. Robinson appeared before the Special Magistrate on September 21, 2016. Special Magistrate Watt recommends reducing the lien from \$24,700 to \$8,000 if the lien payment is made within 30 days of the September 21, 2016 Special Magistrate Hearing. If the lien payment is not made within 30 days of the

September 21, 2016 Special Magistrate Hearing, the lien amount will revert back to the full amount of \$24,700.

**Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to accept Special Magistrate Watt's recommendation to reduce the lien from \$24,700 to \$8,000 if the lien payment is made within 30 days of the September 21, 2016 Special Magistrate Hearing. Vote 5 yeas, 0 nays**

9. **Approval of State Aid to Libraries Grant Agreement between the State of Florida, Department of State and City of Clewiston for and on behalf of Hendry County Library Cooperative** – Finance Director Shari Howell has examined this agreement and it is essentially the same the City has entered into for the last several years.

**Commissioner Ridgill made a motion, seconded by Vice Mayor Petersen, to approve the State Aid to Libraries Grant Agreement between the State of Florida, Department of State and City of Clewiston for and on behalf of Hendry County Library Cooperative. Vote 5 yeas, 0 nays**

10. **Approval of State Revolving Fund Amendment 3 to Loan Agreement WW260410** – The purpose of this amendment is to provide \$182,190 in additional loan proceeds for the construction of the master lift station.

City Manager Perry stated for the record, this is not the City's estimation and is included in the budget.

**Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to approve the State Revolving Fund Amendment 3 to Loan Agreement WW260410 and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

11. **Discussion regarding Veolia Agreement** – The City entered into an Agreement for Operations, Maintenance and Management Services with Veolia Water North America – South, LLC on June 1, 2007 to maintain the operate the City's Water Treatment Facility. The City exercised its option to extend the agreement on July 31, 2013. The extension term will expire December 31, 2016.

City Manager Perry informed the Commission that staff is asking that the City not extend this contract. The City will operate the Water Treatment Plant in-house without Veolia's help. Commissioner Ridgill expressed that she was not happy with the current contractor. Commissioner Gardner requested staff to make sure that Veolia had performed and maintained the plant as required by them according to the contract. Utilities Director Danny Williams assured the Commission that will be done. Attorney Brandenburg recommended a motion that the Commission authorize the City Manager to send a letter to Veolia giving notification the contract will not be renewed after December 31, 2016.

**Commissioner Ridgill made a motion, seconded by Commissioner Gardner, that the City Manager be authorized to send a letter to the contractor to notify them the contract will not be renewed after December 31, 2016. Vote 5 yeas, 0 nays**

12. **Departmental Monthly Activity Reports** - Presented for information only.

**PUBLIC COMMENTS** – Ernesto Cordero addressed the Commission and stated he felt the City was not fair regarding an issue with the fence located at his business. A fence permit has not been issued because his fence is 6" over the 5 ft. maximum height. Community Development Director Reese explained that the fence in the front of Mr. Cordero's business is 5 ½ ft. high and should be no higher than 5 ft. Commissioner Ridgill stated staff was previously instructed to help Mr. Cordero in the permit process and asked what had happened. City Manager Perry explained that staff made an alternate suggestion to help Mr. Cordero. Mr. Cordero admitted that he did not have permits when his business was opened. Mr. Richard Phelps explained that Mr. Cordero was going to rent the building with an option to buy. The fence is needed for protection and cannot conveniently be lowered. He requested the Commission make an exception for this matter. Mr. Steve Gwinn addressed the Commission and explained the fence is needed to protect the property. Commissioner

Gardner stated the City Commission and staff do not want to see any business close. Mr. Cordero, Mr. Phelps and Mr. Gwinn should meet with City staff to discuss the matter and come up with a plan to present to the Commission.

Tabitha Yebba addressed the Commission and thanked them along with City Manager Perry and Police Chief Gutshall for their support regarding the attack on her dog. She recommended stricter policies and rules regarding vicious dogs be put in place for the safety of pets and children. If the vicious animals are not removed, signs should be posted that are visible from the road so that neighbors are aware. City Manager Perry stated the owner of the dogs is aware the notice has to be posted. Staff is reviewing the ordinance to see if stricter rules can be made once an animal is deemed vicious. Commissioner Ridgdill stated the current legislation is once a dog is deemed vicious, the owner can decide to have them humanely put down or to keep them with certain guidelines. Chief Gutshall explained those guidelines must be met including paying all fines. If the owner violates any of the guidelines or signage that is required, the dog will be picked back up and the Commission will have the option of destroying the animal or levying more fines at their discretion. Attorney Brandenburg stated some communities place the issue of whether or not to destroy a dangerous animal that is not taken care of in the hands of their special magistrate. Commissioner Rodriguez asked if the dogs can be removed from the neighborhood after an incident. Attorney Brandenburg stated he will look into that matter as well as possibly excluding specific breeds and will report back at the next meeting. Keith Pflum addressed the Commission and stated that he was not awarded compensation for damages to his property and cats from an attack several years ago. Attorney Brandenburg explained that he would have been compensated if he would have brought the case to county court. Mr. Pflum also expressed his concern that when a call is placed to the Police Department for Animal Control, the first question asked by the dispatcher is if the animal is vicious. Commissioner Ridgdill stated she believed the dispatcher has a checklist and is trying to prioritize their calls.

Christine Howell addressed the Commission and expressed her concern with the height of the grass on both sides of the canal that runs along Avenida Del Rio.

**COMMENTS FROM CITY MANAGER** – City Manager Perry stated the City of Clewiston hosted Congressman Mario Diaz Balart on Saturday, October 15, 2016. Congressman Diaz Balart toured the City of Clewiston and was shown what it has to offer. Vice Mayor Petersen thanked Hillary Hyslope of the Clewiston Chamber of Commerce for the use of their bus and driver for the tour.

**COMMENTS FROM THE CITY ATTORNEY** - none

**COMMENTS FROM THE CITY COMMISSION** – Commissioner Rodriguez expressed his concern regarding the vicious dogs. He feels the dogs should be removed from the neighborhood.

Vice Mayor Petersen requested the matter regarding the City Attorney be placed on the November 21, 2016 Commission Agenda.

Commissioner Gardner stated she did not have a problem with putting vicious dogs to sleep when they have exhibited vicious behavior. Vice Mayor Petersen feels an animal should be put to sleep even if the incident is only a bite. Commissioner Gardner also explained Mr. Cordero opened up his business without a license. City staff was directed to work with him to find a resolution to the situation and Mr. Cordero backed away. City staff would go above and beyond to help him keep his business open. She appreciated that staff is willing again to sit down with Mr. Cordero, Mr. Phelps and Mr. Gwinn to find a solution.

Commissioner Ridgdill stated she did not agree that an animal bite was a reason to put an animal to sleep. She feels that it is not a breed issue, it is an owner issue. Animal licensing would help keep the animals from roaming and tone down their aggression level and their confrontation of other animals and people. Dog parks are needed for socialization and hopefully a dog park could be entertained in the future.

Commissioner Ridgdill asked why there are buildings that do not have paved parking. Community Development Director Reese explained the City can't force paving a parking lot unless the property owner changes the use of the building, sub-divides the building, or if the

building is vacant or abandoned for more than 6 months and then re-opened. Attorney Brandenburg explained the City could add a provision when adopting new rules that requires someone who already has a permit to comply with the new rules within a specified time. Commissioner Ridgdill encouraged the Commission to direct Attorney Brandenburg to do something about the parking issue and if staff had ideas of any other issues to bring them forward to the Commission to also consider. Commissioner Rodriguez agreed and stated he felt that everyone should have to come in compliance.

Mayor Roland stated the City has a 30 year re-occurring contract with FMPA and would like each Commissioner to research if power can be purchased cheaper without a contract. He requested a discussion regarding this matter to be on the November 21, 2016 Commission Agenda.

Attorney Perez addressed the Commission and expressed that he disagreed with some of the comments made regarding the parking issue. He feels the aprons are not enforced and there are new parking lots in which the City did not enforce the rules. He feels it is a lack of political will that the City is not enforcing its rules.

Raoul Bataller addressed the Commission and stated he felt the lack of political will had to do with the City Attorney letting things slide.

**ADJOURNMENT**

The meeting was adjourned at 7:20 p.m.

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Phillip Roland, Mayor

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Mary K. Combass, Interim City Clerk