

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**February 20, 2017**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, February 20, 2017. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Pastor Guillermo Russo of the First Baptist Church gave the invocation and the audience joined in reciting the Pledge of Allegiance.

**Commissioners Present:** Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Kristine Petersen, Commissioner Julio Rodriguez and Commissioner Phillip Roland.

**Personnel Present:** City Manager Al Perry, Interim City Clerk Mary K. Combass, Finance Director Shari Howell, Public Works Director Sean Scheffler, Recreation Director Lance Ramer, Police Chief Don Gutshall, Police Lieutenant Aaron Angell, Community Development Director Travis Reese, Utilities Director Danny Williams, Code Enforcement Officer Debbie McNeil, Karen Moore, Debra Towner, Lynne Mila, City Engineer Scott Jones and City Attorney Gary Brandenburg.

**Visitors Present:** Christine Howell, Pepe and Brenda Lopez, Keith Pflum, Dr. and Mrs. Mobed, Laura Smith, Jerry Cochrane, Brian Sullivan, Terry Gardner, Raoul Bataller, Dr. Leonard Carroll, Diana Hughes, Ramon Iglesias, Elaine Wood, Jennifer Black, Ashly Sergent, Belinda Smith, Mineshkumar Patel, Sean Patel, Kendrick Ward, Harry Patel, Alisha Bostain, Nancy Perez, Ruben Puente and Andy Tilton.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA-** City Manager Perry stated that newly appointed Planning and Zoning Board Member C. Jerry Cochrane will not be sworn in at this meeting as he was sworn in at the February 15, 2017 Planning and Zoning Board Meeting. He also stated that he would like to add Consent Agenda Item I and Agenda Item 11A. Mayor Gardner confirmed the requested changes will be made to the agenda.

**1. Consent Agenda**

- A. *Commission Workshop Minutes – January 19, 2017*
- B. *Commission Meeting Minutes – January 23, 2017*
- C. *Special Commission Meeting Minutes – January 31, 2017*
- D. *Special Commission Meeting Minutes – February 10, 2017*
- E. *Event Application – Sugar Festival – March 17-18, 2017*
- F. *Proclamation – Celebrating the 75<sup>th</sup> Anniversary of FMEA*
- G. *Proclamation – National Problem Gambling Awareness Month – March 2017*
- H. *Proclamation – Sugarcane Farmers Appreciation Week – March 13-19, 2017*
- I. *Memorandum - Authorization to distribute funds from Forfeiture Account*

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the Consent Agenda. Vote 5 yeas, 0 nays**

PRESENTATION OF PROCLAMATION - PROCLAIMING MARCH 13 – 19, 2017 AS “SUGARCANE FARMERS APPRECIATION WEEK”, ACKNOWLEDGING THE VITAL CONTRIBUTIONS SUGARCANE FARMERS MAKE TO THE WELL-BEING OF THE CITY OF CLEWISTON AS WELL AS THE STATE OF FLORIDA AND THE UNITED STATES OF AMERICA

Mayor Mali Gardner read a proclamation recognizing March 13 – 19, 2017 as Sugarcane Farmers Appreciation Week. Elaine Wood, Jennifer Black, Ashly Sergent and Belinda Smith accepted the Proclamation on behalf of the Clewiston Sugar Festival and all sugarcane farmers.

**PUBLIC HEARINGS**

- 2. Ordinance No. 2017-02 – Final Reading** - Ordinance No. 2017-02 creates Sec. 74-7(d) of the Code of Ordinances, provides for standards for discharge of prohibited substances in the

City Wastewater Collection and Treatment System, and creates a Fats, Oil and Grease Best Management Practices Manual.

Mayor Gardner opened the public hearing and stated the purpose of the public hearing was to discuss and accept input from all interested parties relative to the adoption of Ordinance No. 2017-02. She summarized Ordinance No. 2017-02 and read it by title. She stated that official notice of the public hearing was advertised in the Clewiston News on February 2, 2017. As there were no comments, Mayor Gardner closed the public hearing.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-02 and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

3. **Ordinance No. 2017-03 – Final Reading** - Ordinance No. 2017-03 amends Section 110-2 of the Zoning Code to modify the definition of hotel and motel to establish restrictions on length of stay, migrant labor camp, residential migrant housing, and temporary guest worker program housing, and creates a definition of extended stay hotel and motel creating Section 110-395, permitted uses (33) extended stay hotel as a special exception use, to impose time limitations for persons to stay in hotels and motels.

Mayor Gardner opened the public hearing and stated the purpose of the public hearing was to discuss and accept input from all interested parties relative to the adoption of Ordinance No. 2017-03. She summarized Ordinance No. 2017-03 and read it by title. She stated official notice of the public hearing was advertised in the Clewiston News on February 2, 2017. She also stated the Planning and Zoning Board on February 15, 2017 recommended approval of Ordinance No. 2017-03.

Mineshkumar Patel, owner of the Motor Inn, addressed the Commission and asked if this Ordinance applied to migrant workers only. Attorney Brandenburg said the Ordinance applies to everyone equally. Mayor Gardner explained there is a 29 day limit in a consecutive 60 day period on hotels or motels that do not have dining accommodations.

Kendrick Ward, General Manager of the Clewiston Inn, addressed the Commission on behalf of Sean Patel, owner of the Clewiston Inn, and expressed his concern this ordinance will negatively affect their income. Mayor Gardner explained that she feels the 29 day stay limit is plenty of time for someone to do business and if their stay needs to be longer, they should stay at an extended stay facility. Mr. Ward stated there are 7 rooms at the Clewiston Inn that would qualify as an extended stay room.

Harry Patel, owner of the Executive Royal Inn, addressed the Commission and expressed that he did not feel his business could survive if this ordinance was approved. He asked what is achieved if a customer is able to move from one hotel to another hotel every 29 days. Mayor Gardner stated that she hoped in approving this ordinance that families will not be living in hotel or motel rooms without the proper accommodations. There are extended stay facilities available in the City of Clewiston where they could stay. She feels that hotels are for transient use. Mr. Patel asked why he was not notified of this matter as a hotel owner. Mayor Gardner stated that consideration of this ordinance was publicly noticed in the Clewiston News.

Alisha Bostain addressed the Commission and stated that her family stays at the Executive Royal Inn. She stated that her husband lost his job and she did not understand why they are not able to stay there. She asked what is she expected to do with her children. Mayor Gardner stated that her concern is that the transient hotel/motel rooms have turned into permanent housing.

Nancy Perez addressed the Commission and expressed her concern that her family can't afford to move to an extended stay facility. Mayor Gardner suggested that she contact the United Way.

Mineshkumar Patel asked if a customer could stay at his hotel for 29 days, leave for a day and then return for another 29 days. Attorney Brandenburg explained the ordinance states that out of a 60 day period, a customer could only stay there 29 days.

Harry Patel asked how the City will enforce this ordinance. Attorney Brandenburg stated the City will enforce this ordinance through Code Enforcement the same way they enforce all other ordinances.

As there were no additional comments, Mayor Gardner closed the public hearing.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-03 and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

## **ORDINANCES**

4. **Ordinance No. 2017-04 – First Reading** - Ordinance No. 2017-04 allows the reconstruction of single-family homes on 50' wide lots in the R-2 and R-3 zoning districts, as long as an occupied single-family home existed on the same lot within the last five years, amends Section 110-287, Lot and Building Requirements.

Mayor Gardner read Ordinance No. 2017-04 by title. Laura Smith, local realtor and property owner, addressed the Commission and suggested that the 50' lots on the North side of the City in the Pasadena Avenue and Osceola Avenue area that are zoned R-1B also be included in this ordinance.

Community Development Director Travis Reese addressed the Commission and stated there have been a lot of hardships on 50' lots. The purpose of this ordinance is to alleviate the hardship. The City wants to encourage the replacement of a home that has been occupied within the last five years. He also stated there have not been any requests for R-1B zoning. Commissioner Roland stated that he feels the ordinance should cover R-1B zoning. Mayor Gardner said that she did not want to delay this ordinance and feels the Planning and Zoning Board should look at the R-1B lots. Vice Mayor Atkinson stated that he feels the Planning and Zoning Board should also look at the corner lots.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to approve Ordinance No. 2017-04 on first reading and set the public hearing for March 20, 2017. Vote 5 yeas, 0 nays**

5. **Ordinance No. 2017-05 – First Reading** - Ordinance No. 2017-05 creates Sec. 42-1 of the Code of Ordinances, setting forth the City's Anti-Discrimination Policy.

Mayor Gardner read Ordinance No. 2017-05 by title and stated that it was her understanding this ordinance was needed for any state or federal grants for which the City would be applying. City Manager Perry stated that she was correct.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-05 on first reading and set the public hearing for March 20, 2017. Vote 5 yeas, 0 nays**

## **RESOLUTIONS**

6. **Resolution No. 2017-02** – Resolution No. 2017-02 commends the Florida Association of City Clerks for its 45<sup>th</sup> Anniversary.

Mayor Gardner read Resolution No. 2017-02.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to approve Resolution No. 2017-02 and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

7. **Resolution No. 2017-03** – Resolution No. 2017-03 authorizes the Mayor or her designated representative to apply for and accept a Rural Business Development Grant and enter into a Rural Business Development Grant Agreement for the Utilities Relocation Project.

Mayor Gardner read Resolution No. 2017-03.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2017-03 and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

8. **Award of 2017 Road Reconstruction Project** – The Invitation to Bid was advertised in the Clewiston News on January 19, 2017. The bids were opened on February 14, 2017. The bids (Base Bid + Alternate Bid) ranged from \$43,663.50 to \$156,816.00. City Engineer Scott Jones of Johnson-Prewitt & Associates, Inc. recommends awarding the base bid and alternate to OHL Community Asphalt in the amount of \$43,663.50.

Mayor Gardner asked City Engineer Scott Jones for confirmation that the low bidder was not one that the City has had issues with in the past. Engineer Jones confirmed there have not been any issues and he feels that OHL Community Asphalt is very capable of doing the project.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to award the base bid and alternate bid for the 2017 Road Reconstruction Project to OHL Community Asphalt in an amount not to exceed \$43,663.50. Vote 5 yeas, 0 nays**

9. **Award of 2017 West Boat Basin Parking Overlay Project** – The Invitation to Bid was advertised in the Clewiston News on January 19, 2017. The bids were opened on February 14, 2017. The bids (Base Bid + Alternate Bid) ranged from \$18,903.00 to \$133,920.00. City Engineer Scott Jones of Johnson-Prewitt & Associates, Inc. recommends the Commission select from the 2 lowest bidders and award the base bid and alternate in the amount of \$18,903.00.

City Engineer Jones explained this project is to pave the through lane at the boat basin and the alternate bid is to stripe the existing striping pattern for the entire west parking lot. Mayor Gardner stated that OHL Community Asphalt is the low bidder and is the same contractor that was awarded the bid for the 2017 Road Reconstruction Project. Engineer Jones stated that Weekley Asphalt is considered a local vendor, their bid is 3.9% higher than the amount of the low bid and they have agreed to match the low bid.

**Commissioner Roland made a motion, seconded by Commissioner Rodriguez, to award the base bid and alternate bid for the 2017 West Boat Basin Parking Overlay Project to Weekley Asphalt in the amount of \$18,903.00. Vote 5 yeas, 0 nays**

10. **Approval of Agreement for City Attorney for the City of Clewiston, Florida between the City of Clewiston and Brandenburg & Associates, P.A.** – The Clewiston City Commission agreed to hire Gary M. Brandenburg as the City Attorney at the January 23, 2017 City Commission Meeting.

**Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to approve the Agreement for City Attorney for the City of Clewiston, Florida and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

11. **Approval of FDOT Exhibit A to the Traffic Signal Maintenance and Compensation Agreement** – FDOT requires approval of Exhibit A in order to compensate the City.

**Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to approve FDOT Exhibit A to the Traffic Signal Maintenance and Compensation Agreement and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

- 11A. Approval of State Revolving Fund Amendment 4 to Loan Agreement WW260410** – The purpose of this amendment is to provide the City additional time to complete the construction of the master lift station.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve State Revolving Fund Amendment 4 to Loan Agreement WW260410 and authorize the Mayor to sign pending legal review by the City Attorney. Vote 5 yeas, 0 nays**

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

**PUBLIC COMMENTS** – Dr. Mobed addressed the Commission and expressed his concern with hogs in the area of East Del Monte Avenue. He explained the hogs have destroyed his yard. He said that he has set a trap and has caught 3 hogs but he is sure there are many more. City Manager Perry stated that US Sugar had previously loaned a large trap that worked well and agreed to contact US Sugar to ask them to borrow the trap again to catch them.

**COMMENTS FROM CITY MANAGER** - none

**COMMENTS FROM THE CITY ATTORNEY** – City Attorney Brandenburg stated that on behalf of the City a Chapter 120 challenge was filed against a license issued by the Health Department to the Clewiston Inn for a migrant labor camp. He explained because there is a timeframe, the petition was filed before asking the Commission for approval. He asked the Commission to retroactively approve filing of the Chapter 120 challenge.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Roland to retroactively approve the filing of a Chapter 120 challenge against a license issued by the Health Department to the Clewiston Inn for a migrant labor camp. Vote 5 yeas, 0 nays**

Mayor Gardner expressed her thanks to Attorney Brandenburg for addressing issues in a timely manner.

**COMMENTS FROM THE CITY COMMISSION** – Commissioner Rodriguez asked staff in the future to confirm that contractors have performed their job properly before they are paid.

Vice Mayor Atkinson stated that he discussed with Senator Latvala the possibility of re-appropriating the FDLE grant funds for the new police station for next year. It is not known at this time if the grant funds can be re-appropriated for next year. He feels the City should be ready to proceed once it is known if the grant funds will be available for next year. Mayor Gardner asked Finance Director Shari Howell, City Manager Perry and Police Chief Gutshall to contact FDLE to find out if the City would be reimbursed for the amount that has been expended if the project is not completed. Commissioner Roland stated that he feels a mistake was made by allowing this project to go to bid when it was known that the project was over budget. Mayor Gardner also stated the delays on this project that cost the City funds and time are not acceptable. She applauded Finance Director Shari Howell in her preparation of the budget this year. She stated that Director Howell made it clear that there were no extra funds to put into any project.

The meeting was adjourned at 6:26 p.m.

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Mali Gardner, Mayor

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Mary K. Combass, Interim City Clerk