

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**May 6, 2019**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, May 6, 2019. The meeting was called to order at 5:30 p.m. by Mayor Gardner. Pastor Carlos Roque of the Clewiston Ministerial Association gave the invocation and the audience joined in reciting the Pledge of Allegiance.

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

**Personnel Present:** Interim City Manager/Finance Director Shari Howell, Interim City Clerk Kathy Combass, Police Chief Aaron Angell, Assistant Police Chief Marci VanD'huynslager, Police Officer Buffie McLeod, Utilities Director Danny Williams, Community Development Director Travis Reese, Code Enforcement Officer Debbie McNeil, City Engineer Andy Tilton and City Attorney Gary Brandenburg.

**Visitors Present:** Laura Smith, Hillary Hyslope, Terry Gardner, Darryl Moore, Fred Stickney, Patricia Astorga, Raoul Bataller, Steve Schneider, Colin Baenziger, Antonio Perez, Donnie Hughes, Steve Buczynski, Phillip Roland, Pedro Diaz, Pepe Lopez and Belinda Smith.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA- none**

**1. Consent Agenda**

- A. *Commission Workshop Minutes – April 1, 2019*
- B. *Commission Meeting Minutes – April 1, 2019*
- C. *Pay adjustment for Interim City Manager duties*
- D. *Proclamation – National Day of Prayer – May 2, 2019*
- E. *Proclamation – Kids to Parks Day – May 18, 2019*
- F. *Proclamation – Community Action Month – May 2019*

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

**PRESENTATION OF PROCLAMATION IN RECOGNITION OF COMMUNITY ACTION MONTH – May 2019 – Fred Stickney, Client Services Specialist III, The Agriculture and Labor Program, Inc.**

Mayor Gardner read the proclamation recognizing May 2019 as Community Action Month aloud and presented the proclamation to Mr. Stickney. She thanked Mr. Stickney for the program's help in this community. Mr. Stickney then provided an overview of the ALPI Program.

**SELECTION OF FINAL CANDIDATES FOR CITY MANAGER POSITION – Colin Baenziger, Colin Baenziger & Associates**

Mr. Baenziger addressed the Commission and explained the recruitment process to the Commission. He stated that he feels we have some very strong candidates and suggested the Commission pick three to five candidates to be interviewed. Mayor Gardner explained that there were a total of approximately 68 candidates and Mr. Baenziger had narrowed it down to eight that he is recommending the Commission consider. She then announced that a community event to give everyone an opportunity to meet the final candidates will be held on May 16 at the Clewiston Chamber of Commerce/Museum. She stated that interviews with each of the Commissioners will be held on May 17. Mr. Baenziger added that a Commission Meeting is also sometimes held that day where the Commission will interview each of the final candidates publicly for 20-30 minutes. Mayor Gardner stated that the Commission's task today is to mark the candidates that they would like to interview. The Commission marked their ballots and provided them to Mr. Baenziger. Mr. Baenziger then read the names of the candidates selected by each Commissioner and the votes were recorded by Interim City Clerk Combass. Mr. Baenziger then announced the total number of

votes that each candidate received. Mayor Gardner explained the reason she did not vote for Mr. Sossamon was because he was the Hernando County Administrator and was terminated last week. There was discussion regarding how many candidates the Commission would like to interview. Mayor Gardner noted that there are expenses in bringing the candidates here and there are guidelines on what can be reimbursed. Commissioner McGahee expressed that she feels the top three candidates should be interviewed and would entertain Randolph Martin as another possibility. Mr. Baenziger clarified that Mr. Sossamon was not just terminated last week; he has been gone for several months. He then explained the reason for his termination. He stated the City would cover expenses for airfare, rental car, hotel and basic meals of the candidates selected for interviews. After a brief discussion, the Commission decided to select the top three candidates for interviews which were Jeff Bishop, John Holman and Leonard Sossamon, and one alternate. Mr. Baenziger then provided an overview of each of the top three candidates plus each of the three candidates tied for fourth place. He then distributed another ballot to the Commission and asked them to vote for a fourth candidate. After the votes were read aloud and recorded, Deborah Waszak was selected as the fourth candidate. Mr. Baenziger stated that he will notify the candidates. Attorney Brandenburg recommended that the Commission approve the selection of the four candidates and the appropriate travel expenses for them to visit the City.

**Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to approve the selection of Jeff Bishop, John Holman, Leonard Sossamon and Deborah Waszak as the final four candidates and the reimbursement of travel expenses for airfare, rental car, hotel and basic meals for each of them to visit the City. Vote 5 yeas, 0 nays**

Mayor Gardner requested that City staff coordinate the tour for the candidates. Interim Manager Howell stated that she has been in contact with the Chamber about using their bus for the tour. It was noted the reception for the final candidates will be held at 5:30 p.m. on May 16 and the one-on-one interviews will be in the morning on May 17. Mr. Baenziger stated that he will schedule the one-on-one interviews. He also stated that if the Commission wished to have a meeting with a 30 minute Q&A for each candidate in the afternoon after the one-on-one interviews, the meeting could be advertised as a special meeting if the Commission wanted to make a decision or they could wait until their next regular meeting on May 20 to make a decision. He recommended the Commission wait until their next regular meeting to make a decision to allow time to think about it and receive input from the public. Attorney Brandenburg stated a special meeting to be held in the afternoon of May 17 would be advertised.

**Vice Mayor Atkinson made a motion, seconded by Commissioner McGahee, to have a special meeting in the afternoon of May 17, 2019 for a public interview of each of the final four candidates, with no decision being made at that special meeting; the decision will be an item on the following agenda. Vote 5 yeas, 0 nays**

## **RESOLUTIONS**

2. **Resolution No. 2019-24** – Resolution No. 2019-24 authorizes the Mayor or her representative to enter into Beautification Grant Contract Number G1584, Financial Management Number 444910-1 for landscape improvements on State Road 25 (US27) right-of-way from Bond Street to West Arcade Avenue with the Florida Department of Transportation.

Mayor Gardner summarized and read Resolution No. 2019-24 by title. Interim Manager Howell stated that this grant is for thirty-five trees and irrigation and we have until June 30, 2020 to get it this project done.

**Commissioner McGahee made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-24. Vote 5 yeas, 0 nays**

3. **Resolution No. 2019-25** - Resolution No. 2019-25 authorizes the Mayor or her representative to enter into Beautification Grant Contract Number G1585, Financial Management Number 444911-1 for landscape improvements on State Road 25 (US27) right-of-way from West Arcade Avenue to Lopez Street with the Florida Department of Transportation.

Mayor Gardner summarized and read Resolution No. 2019-25 by title. Interim Manager Howell stated that this grant is also for thirty-five trees and irrigation and we have until June 30, 2020 to get this project done. She also stated that the City will have a total of approximately \$27,000 to invest in both projects.

**Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-25. Vote 5 yeas, 0 nays**

4. **Resolution No. 2019-26** - Resolution No. 2019-26 adopts the Florida Division of Emergency Management Statewide Mutual Aid Agreement for reciprocal emergency aid and assistance and authorizes the Mayor to sign.

Mayor Gardner summarized and read Resolution No. 2019-26 by title.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-26. Vote 5 yeas, 0 nays**

Before the vote, Interim Manager Howell stated that this agreement replaces a 2001 agreement. She added that it was passed on to the City from Hendry County and is needed in order for the City to participate in statewide mutual aid.

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

5. **Discussion regarding Livestreaming of City Commission Meetings**

Interim Manager Howell explained that the City had discontinued the livestreaming of its meetings and staff was asked to research methods for closed captioning. She reviewed the methods and estimated costs with the Commission and stated that for the short term, staff recommends utilizing the services of PrimeStar Digital Network. She noted that there is no contract with PrimeStar and the City would not be obligated to pay another start-up fee if the City were to stop livestreaming and re-start again.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve utilizing the services of PrimeStar Digital Network. Vote 5 yeas, 0 nays**

**PUBLIC COMMENTS** – Mrs. Laura Smith addressed the Commission and announced that Paws Crossed of Lee County will hold a spay and neuter clinic at the Animal Control Building on Wednesday, May 15, 2019.

Mr. Pedro Diaz addressed the Commission and asked if there was any update regarding the review of setbacks on empty lots. Attorney Brandenburg stated that the Commission instructed former City Manager Johnson to look at alleys as if they were easements. He also stated that he subsequently wrote an ordinance that he believes will be presented to the Planning & Zoning Board for their opinion.

Mr. Steve Buczynski, the current Chapter President of the Hendry Glades Audubon Society, addressed the Commission and informed them that the Audubon Society brings in 600-900 people each year to visit and experience the nature and wildlife in this area. He stated that the Big O Birding Festival will be brought back in March of next year. He expressed his support to Mrs. Smith for bringing the cat population down because house cats are one of the two major causes of the mortality of birds. He asked the community to keep an eye out on their cats particularly during breeding and nesting season. He announced that they are also piloting a plants for birds program and through their membership, horticulture experts and landscape design experts will give recommendations on plants that are suitable for this environment and that would encourage birds and insects to be in this area. He stated that he plans to submit a proposal for a grant through the National Audubon Society to develop that program in our community. Mayor Gardner requested that he keep us posted and asked about the access to STA5. Mr. Buczynski stated that the access to STA5 is temporarily at Blumberg Road and when the South Florida Water Management District finishes their work,

the access will be back on Deer Fence Canal Road. He also stated that they are looking for sponsors and venues to host meeting/conference type activities and their goal is to bring people in that will spend more time in our community. He further stated that they try to recommend places to stay, visit, eat and recreate to people while they are here.

Mr. Phillip Roland addressed the Commission and announced that there is an important meeting about the lake tomorrow night at 6:00 p.m. at Okeechobee High School. He stated that Ramon Iglesias and Mary Ann Martin have done a lot of work to stop the spraying that is being done on the lake but there is still a lot to be done. He stated there are currently only two fishing or bedding areas on the 700 square mile lake. He asked Mayor Gardner to take one of the resolutions regarding the spraying on the lake that was adopted by the City with her to the meeting. Mr. Steve Schneider asked about the prescribed burn on the lake. Mr. Roland stated he thinks they were going to try to burn 5,000-6,000 acres and ended up burning somewhere between 500-1,000 acres. Mayor Gardner stated that, according to the South Florida Water Management District, a permit was pulled for 7,000 acres but they actually only burned 2,000 acres.

#### **COMMENTS FROM CITY MANAGER - none**

**COMMENTS FROM THE CITY ATTORNEY** – Attorney Brandenburg informed the Commission that the Clewiston Commons v. City of Clewiston federal lawsuit is set for mediation on September 17, 2019 and the trial is tentatively set for February 3, 2020. He stated that all cases have to go to mediation before they go to trial. He stated that no action is required.

He then stated that there was an inquiry as to whether the City would be interested in producing a City of Clewiston Code of Ethics which could include the conflict issues, nepotism gifts, disclosure law, sunshine law and public records law. He explained that the City has to abide by the minimum standards adopted by the State but we can adopt additional standards on those items. He stated that it could be codified into a small pamphlet that could be used by the City and all residents and if the Commission would like to proceed, a motion instructing him to prepare a draft would be a way to get it started. Commissioner McGahee stated that she feels it would eliminate some of the ongoing problems that we don't have real clarification on.

**Commissioner McGahee made a motion, seconded by Commissioner Petersen, to instruct City Attorney Brandenburg to prepare a draft of a City of Clewiston Code of Ethics. Vote 5 yeas, 0 nays**

Before the vote, Commissioner McGahee suggested that Attorney Brandenburg provide the other Commissioners with a copy of the Palm Beach County Code of Ethics book that he provided to her and Vice Mayor Atkinson.

**COMMENTS FROM THE CITY COMMISSION** – Commissioner Rodriguez asked for an update on the new Police Department Building and asked when the Seacoast National Bank sign will be removed. Community Development Director Travis Reese explained that if the sign was removed, the cabinet would be open. Police Chief Aaron Angell stated that he has one quote and is working on getting two more for the sign. He also stated that they are anticipating that June 25 will be the official move in date and the date they will begin operating from the building. He further stated that the generator in front of the building will provide temporary emergency power to the building until they can come up with a permanent solution. He added that he and Interim Manager Howell have been working on getting quotes to provide to Hendry County in order to obtain grant funding to help purchase a permanent solution for the building.

Commissioner Rodriguez then asked for an update on the removal of the car stops. Attorney Brandenburg stated that he will be asking the magistrate to re-open that case and set it for a new hearing unless The Royals Companies decides to remove the stops before he has a chance to go to the magistrate. He informed the Commission that he sent a letter last week asking The Royals Companies to remove the stops and indicating that that would resolve their code enforcement issues with the City. He stated that they responded saying that enough time to address all the issues appropriately was not given and he is still waiting on a response from them.

Commissioner Rodriguez then asked for an update on the issue of minors driving golf carts. Police Chief Angell stated that they are continuing to attempt to combat that issue and have reiterated the ordinance through their social media. He also stated that they ask the public to

help as much as possible by reporting it when they see it. Commissioner McGahee stated she loves seeing the community out on golf carts and expressed that she would rather see it be policed than to have it taken away. Commissioner Petersen asked if there was an update from DOT regarding golf cart crossing on US Highway 27. Chief Angell explained that there are no intersections that allow us to move forward to begin that process. Vice Mayor Atkinson stated that former Interim Manager Johnson had directed Public Works Director Scheffler to talk to DOT about a traffic study on the intersections. Commissioner Petersen noted that the Police Department may also want to address those golf carts that are currently crossing US Highway 27. Chief Angell stated that he will pursue that issue and noted that the cost for the preliminary study was approximately \$3,000 to \$5,000. Mayor Gardner asked Chief Angell to look into it. City Engineer Andy Tilton stated that the cost for a full study was in the \$7,000 to \$10,000 range. Commissioner Rodriguez stated that he is not trying to get rid of the golf carts; he is concerned with the safety.

Commissioner Rodriguez then asked for an update from Director Reese regarding the recent sales of the two lots in Commerce Park. Director Reese stated that neither company has submitted any plans. He also stated that there have not been any inquiries on any new businesses. He noted that two single family residences in Orchard Park are being built and the two buildings on WC Owen are now moving forward. He also noted that we hope the construction of the Hampton Inn, after having some contract issues, will re-start soon. Attorney Brandenburg stated that he will have a recommendation coming to the Commission regarding eliminating some easements that should not be in the Park of Commerce Plat. He also stated that staff may be asking for some additional easements and the Commission may want to consider imposing a set of deed restrictions, which are common in industrial parks. He added that there may also be an item coming forward suggesting that the prices awarded to the last buyers need to be increased and that offers should not be brought to the Commission unless they are at least 20% to 25% higher than that. Interim Manager Howell clarified that there has been interest in the Park of Commerce property and expressed that she feels the last two sales were extremely low. She stated that she has discussed this with Attorney Brandenburg and staff is hoping to work out something to bring back to the Commission.

Vice Mayor Atkinson asked if staff is certain the grant for a new generator for the new Police Department will be received and if the generator at the existing Police Department could be moved over to the new Police Department if the grant is not received. Police Chief Angell stated that they feel confident the grant will be received but he is not confident that the generator at the existing Police Department will meet the power needs at the new Police Department. Mayor Gardner stated that the legislative requests are in the budget and on the Governor's desk; we hope to have good news from Lobbyist Screven Watson. Interim Manager Howell stated that she heard that the Ventura Project did not make it.

## **ADJOURNMENT**

The meeting adjourned at 7:07 p.m.

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Mali Gardner, Mayor

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Mary K. Combass, Interim City Clerk