

**CITY OF CLEWISTON  
Regular Commission Meeting  
June 20, 2011**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, June 20, 2011. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor John Hicks gave the invocation and the audience recited the Pledge of Allegiance.

**Attendance:**

**Commissioners Present:** Mayor Richard Miller, Commissioner Mali Gardner and Commissioner Joseph Miller. Commissioner James Pittman and Commissioner Julio Rodriguez were absent.

**Personnel Present:** City Manager Steve McKown, Police Chief Don Gutshall, City Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, Fire Marshal Adam Marquith, Golf Course Director Adolfo Pena, Recreation Director Lance Ramer, Community Development Director Travis Reese, and City Attorney Charles Schoech.

**Visitors Present:** Gregg Gillman, John Hicks, Christine Howell, James LaRue, Amy McKown, Lee McMichael, Nancy Phillips and Curtiss Pullen.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA** – City Manager McKown asked that the authorization of the funding request to Hendry County in the amount of \$675,319 be added as Item E under the Consent Agenda. The Commission agreed.

**Public Comments** – John Hicks, Pastor of the First United Methodist Church and President of the Clewiston Ministerial Association came forward to speak. Pastor Hicks stated that the Ministerial Association wanted to officially go on record as opposing having a casino in our community now or in the future. Pastor Hicks stated they oppose any gaming activity and will strongly defend the spiritual climate of this City and region. Mayor Miller thanked Pastor Hicks for coming and sharing his thoughts.

**1. Consent Agenda**

- A. *City Commission Workshop Minutes – May 12, 2011*
- B. *City Commission Regular Meeting Minutes – May 16, 2011*
- C. *Approval of Purchase Order No. 14603 to Ferrara Fire Apparatus, Inc. for Class A Pumper in the amount of \$250,425 & PO 14617 for additions in the amount of \$1,605*
- D. *Approval of Purchase Order No. 14624 to Fout Bros. Fire Equipment for Super Tanker in the amount of \$177,000*
- E. *Authorization of funding request to Hendry County for 2011-2012 in the amount of \$675,319.*

**Commissioner Joseph Miller made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

**PUBLIC HEARING**

2. **Vehicle for Hire License Approval** – Mayor Miller stated the purpose of the public hearing is to discuss and accept input from interested parties relative to the issuance of vehicle for hire licenses to Arsenio Suarez. City Manager McKown stated the official notice of the public hearing was advertised in the Clewiston News on June 9, 2011. In addition, registered vehicle for hire owners were sent a letter announcing the public hearing. Mayor Miller closed the public hearing.

**Commissioner Gardner made a motion, seconded by Commissioner Joseph Miller, to approve issuing Arsenio Suarez a vehicle for hire license. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

3. **Consideration of CDBG Grant Application** – Mayor Miller stated the purpose of the public hearing is to discuss and accept input from interested parties relative to the application by the

City for a Florida CDBG grant of up to \$700,000 for FY 2011 CDBG funding cycle. City Manager McKown stated the official notice of this public hearing was advertised in the Clewiston News on June 9, 2011.

Nancy Phillips came forward and stated that the City has been granted a waiver that will enable us to apply for a CDBG grant. The cycle opens in July and we must have a couple of meetings before we can send the application in. Ms. Phillips stated the Commission may need to hold a special meeting and suggested August 1 as the date. If approved, Ms. Phillips will begin work on the necessary meetings and advertising. Mayor Miller closed the public hearing.

**Commissioner Gardner made a motion, seconded by Commissioner Joseph Miller, to approve Nancy Phillips going forward with the application process for a CDBG grant of up to \$700,000. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

#### **RESOLUTION**

4. **Resolution – 2011-07** – Mayor Miller stated a new resolution is needed to accompany new signature cards at the various banks. City Manager McKown read Resolution 2011-07 by title.

**Commissioner Joseph Miller made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2011-07. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

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

5. **Award of Bid for Comprehensive, Professional Planning Services to Prepare the Evaluation and Appraisal Report for the City** – City Manager McKown stated that the City went out for bids for this project and LaRue Planning was the low bidder. Mr. LaRue has done work for the City previously and we are pleased he is the low bidder. The price for the Evaluation and Appraisal Report (EAR) services is \$15,500. Jim LaRue of LaRue Planning stated that the new legislation allows the EAR to be more of an analysis and gives the City more local responsibility. Mr. LaRue stated that there will be workshops for local input and the process may take up to six months to finish. He stated that Clewiston will be one of the first to prepare an EAR under the new legislation.

**Commissioner Gardner made a motion, seconded by Commissioner Joseph Miller, to award the EAR Planning Services bid to LaRue Planning in an amount not to exceed \$15,500. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

6. **Declaration of Ten Golf Carts as Surplus Equipment** – City Manager McKown stated that we were offered a small amount for trade in for these carts. Mr. McKown stated that if we declare them as surplus, we will put them out to bid and hopefully get more for them. Golf Course Director Pena stated that the golf carts are 8 years old but are in very good shape. Mayor Miller reminded everyone that these carts are not “street legal”. The carts to be sold are serial nos. B05042132347, K05042199226, B05042132348, K05042199205, B05042132359, K05042199228, B05042132353, B05042132345, K05042199227, and B05042132355.

**Commissioner Joseph Miller made a motion, seconded by Commissioner Gardner, to declare the ten golf carts as surplus and accept sealed bids for them. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

7. **Discussion and Possible Award of Property and Casualty Insurance** – The Commission did not feel they had enough information to award this bid. The item was tabled.

**Commissioner Gardner made a motion, seconded by Commissioner Joseph Miller, to table Item 7. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

8. **Altec Industries Inc. Bucket Truck Purchase** – Utilities Director McCarthy stated that this truck will replace a 16 year old truck. He stated the old truck will be transferred to Public Works for tree trimming, painting, etc. Mr. McCarthy stated that this is a government contract price of \$164,355 for the truck and we budgeted \$190,000 for the purchase. Mr. McCarthy feels the new truck will improve the efficiency of the Electric Department.

**Commissioner Gardner made a motion, seconded by Commissioner Joseph Miller, to approve the purchase of the Altec bucket truck in an amount not to exceed \$164,355. Vote 3 yeas, 0 nays. Commissioner Pittman and Commissioner Rodriguez were absent.**

9. **Departmental Monthly Activity Reports** – Presented for information only.

10. **Community Development/Fire Department Presentation** – Community Development Director Travis Reese and Fire Marshal Adam Marquith gave an informative presentation.

**FINANCIAL REPORT FROM THE FINANCE DIRECTOR** – Finance Director Byrd stated that we are still ahead in the budget game.

**REPORTS FROM CITY MANAGER** – City Manager McKown stated that about 30 years ago, the county signed an agreement with the Army Corp of Engineers (ACOE) to maintain the boat basin park and the structures in that park. We became a party to that agreement when we took the rights from the County. The local ACOE representatives have met with us and they feel that the City is responsible for the rock basket structures. ACOE has made a demand that we start to repair these rock basket structures. Mr. McKown stated that we do not believe that we would have agreed to maintain property that is the ACOE's responsibility. City Attorney Schoech has reviewed the agreement and stated that it is not a well written agreement as far as spelling out the definition of structures. Mr. Schoech stated that you would usually think of the picnic tables, grills etc. as structures, but not a cage of rip rap. Mr. Schoech stated that the granite rocks have either been removed or thrown in the Lake and the concern of the ACOE is safety. The ACOE's position is that the wire cage and stone is included in the definition of structure. Mr. Schoech stated that he feels the rock baskets are a part of the system of maintaining the rim canal and not part of the park structures. Mr. Schoech stated there is no specific language to support either side. Mr. Schoech agrees with the ACOE that there is a problem, but does not feel it is the City's responsibility to remedy the problem. City Manager McKown and City Attorney Schoech will try to set up a meeting with the Colonel to discuss the problem.

City Manager McKown asked the Commission for direction on the right turn on red criteria for the red light cameras. Police Chief Gutshall feels that if we do not ticket right turns on red, that we may be liable for the first accident that is caused because of a rolling right hand turn. City Attorney Schoech stated there continues to be appeals on red light camera tickets because the fines and penalties are different for camera tickets and police officer tickets. Mayor Miller stated that before we implement anything with the red light cameras, we should have the company back out and talk about the issues.

**REPORTS FROM THE CITY ATTORNEY** – None

**REPORTS FROM THE CITY COMMISSION** – Commissioner Joseph Miller asked when the mosquito control spraying would start back up. Mayor Gardner welcomed the visitors from the EDC and the Chamber of Commerce. Mayor Miller asked for an update on the current recreation programs. Recreation Director Ramer stated that summer camp just started up this week. Camp Fun-a-Rama is at capacity and Camp Crayon is almost full. Mr. Ramer stated that 105 kids are also enrolled in sports camp. He stated that basketball and football camps will also be offered this summer. Mr. Ramer stated that the first "Fish Camp" was a success and we are taking applications for the August 8 – 12 "Fish Camp" now.

**Adjournment:**

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

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Richard Miller, Mayor

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Marilyn McCorvey, City Clerk