

**CITY OF CLEWISTON
Regular Commission Meeting
August 15, 2011**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, August 15, 2011. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor Alan Koch gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

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

Personnel Present: City Manager Steve McKown, Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Library Director Eric Tommerdahl and City Attorney Charles Schoech.

Visitors Present: Tony Chihocky, Alan Koch, Gregg Gillman. John Hicks, Donald Hughes, Amy McKown, Curtiss Pullen.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – None

Public Comments – None

1. Consent Agenda

- A. *City Commission Regular Meeting Minutes – July 18, 2011*
- B. *City Commission Special Meeting Minutes – August 1, 2011*
- C. *City Commission Budget Workshop Minutes – August 1, 2011*
- D. *Approval of Reduction of Lien for Motel Plaza LLC*

Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve the Consent Agenda. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent.)

RESOLUTION

- 2. Resolution No. 2011-10 –** This Resolution formally adopts the changes to the Personnel Manual previously approved by the Commission. City Manager McKown read the Resolution by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution 2011-10 with an effective date of October 1, 2011. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent.)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 3. Contractor Designation for FDEP Cleanup –** Mayor Miller stated the City has been notified by the Florida Department of Environmental Protection that contamination has been detected in the City's monitor wells. FDEP has allocated funds for the cleanup, but the City must select a contractor for the project. City Manager McKown stated that Fortis Environmental Group, LLC is the only cleanup contractor that has contacted us. We have checked their credentials and it is the staff's recommendation to approve Fortis Environmental Group, LLC as the contractor and to authorize the City Manager to sign the agreement.

Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve Fortis Environmental Group, LLC as the contractor for the EPA cleanup and authorize City Manager McKown to sign the agreement. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent.)

4. **2011 Paving Bid** – The City advertised for bids for the 2011 paving project in the Clewiston News on July 21, 2011 with an opening date of August 8. However, a bid invitation with the wrong opening date was erroneously sent out by the City's engineering firm to several paving contractors. City Manager McKown stated that the City has several options of how to remedy this and asked City Attorney Schoech for his recommendation. City Attorney Schoech recommended that the bidders who sent in a bid for the opening on August 8th be given the opportunity to resubmit their bid or let their bid stand for the opening on August 18. The bidders who were given the wrong opening date, can send in their bids for opening on August 18.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to allow the bidders who had bids opened on August 8th the opportunity to resubmit their bid or let their bids stand, and open the misinformed bidders on the August 18. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent.)

5. **Hato Potrero Farms Discussion** – City Manager McKown stated we solicited loan proposals from the local banks and received favorable rates and terms. Mr. McKown stated that the business, if we proceed, will be a new business with new employees and will help satisfy our grant requirements.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to authorize the City Manager and City Attorney to move forward in preparing an agreement with Mr. Gustavo Perez (Hato Potrero Farms) and the City of Clewiston for construction of a building in the Commerce Park in an amount not to exceed \$400,000. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent.)

6. **Departmental Monthly Activity Reports** – Presented for information only.
7. **Public Works Departmental Presentation** – Public Works Director Scheffler 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 gave his medical update that he would be having back surgery on Thursday. Mr. McKown feels he will be out of work at least a week, maybe more. Mr. McKown stated that Utilities Director McCarthy, Police Chief Gutshall and City Clerk McCorvey will be performing various parts of his duties during his recovery.

REPORTS FROM THE CITY ATTORNEY – Mr. Schoech stated that beginning October 1, the Legislature increased the waiver of sovereign immunity to 200,000 / 300,000. He stated he will do an analysis of what effect the change will have on the City. Mr. Schoech stated that City representatives met with the attorney for Suzy B's this week. He stated that their attorney's concern was with some of the activity dealing with the construction and occupancy rate of the lounge. Mr. Schoech stated that the occupancy rate could be increased if there was additional parking secured in the form of a contract with neighboring businesses. He stated that he felt they dispelled a number of Suzy B's attorney's concerns. Mr. Schoech stated that we will have another meeting with them and the Police Department to dispel the rumors of discrimination.

REPORTS FROM THE CITY COMMISSION – The Commission discussed the gambian baskets at the levee. Mr. McKown stated that the City had no part in negotiating the agreement with the ACOE, we basically took it over from the county. Mr. McKown stated that we have a meeting with the ACOE on Tuesday morning. Commissioner Pittman stated that he would like to see the City recognize Scott Martin's accomplishments. He is proud of how he represents the City. Mayor Richard Miller expressed his admiration for Dr. Forbes and stated that he will be missed. He stated Dr. Forbes did a lot for this community and especially the hospital.

Adjournment:

The meeting was adjourned at 6:50 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk