

CITY OF CLEWISTON
Regular Commission Meeting
March 19, 2012

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, March 19, 2012. 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, Commissioner Joseph Miller, Commissioner James Pittman and Commissioner Julio Rodriguez.

Personnel Present: Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, Golf Course Director Adolfo Pena, City Engineer Tommy Perry, 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: Trish Adams, Nenette Aker, Jeff Barwick, Jerry Cochrane, Karen Cochrane, Terry Gardner, Denise Hatton, John Hicks, Christine Howell, Ellie Hough, Diana Hughes, Donald Hughes, Mary Lois Lee, Pepe Lopez, Reva Marshall, Melanie McGahee, Amy McKown, Komi Lee Morrow, Charlie Morrow, Kurt Owen, Al Perry, Paula Pittman, Curtis Pullen, Ernie Rawls, Sandra Rowley, Tom Slager, Francis Spry, Cecil Stone, and John Wellslager.

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

PUBLIC COMMENTS

Commissioner Gardner made the suggestion that we should accept public comments after each agenda item. City Attorney Schoech stated that the Commission could do that but the comments should be limited to that particular item. Commissioner Gardner also felt that public comments should also be allowed at the workshops.

Pastor John Hicks came forward ask about the need for an Event Application for the Easter egg drop event. Recreation Director Ramer stated that he would take care of everything.

Al Perry came forward to speak about the rules and regulations of the ballfields. He stated that he coaches a travel team and he has a good relationship with Recreation Director Ramer. He stated that he has never used the fields at night but it is nice to know that he could if the need arises. Mr. Perry stated that his team rakes the field before and after every practice and he would encourage the Commission not to require the travel girl's team to pay to practice.

Jerry Cochrane asked if public comments were not allowed at the workshops and if not the Commission should consider allowing comments. Mr. Cochrane spoke on the per diem and City Attorney Schoech's recommendation that the City adopt State Statute. He encouraged the Commission not to require employees to pay their own expenses while traveling and that an expense report should be filled out for transparency. City Attorney Schoech stated that the City is bound to follow the Florida Statute regarding per diems but agreed that the per diem is low.

RECOGNITION OF EMPLOYEES FOR EXEMPLARY SERVICE – Mayor Miller asked that Fire Marshal Adam Marquith and Public Works employee, Osmel Fonseca, come forward to receive their certificates. Public Works employee Jeff Conrad was not present to receive his certificate.

1. Consent Agenda

- A. *City Commission Workshop Minutes – February 16, 2012*
- B. *City Commission Regular Meeting Minutes – February 20, 2012*
- C. *Clewiston Commission Workshop Minutes – March 7, 2012*
- D. *Event Application – Community Easter Sunrise Service at the Levee*
- E. *Event Application – Street Dance 4/13/12 – road closure*
- F. *Declaration of Surplus Equipment-1997 Mack Street Sweeper VG6M117B1VB202042*

- G. *Proclamation – National Kids to Parks Day May 19, 2012*
- H. *Proclamation – Paralyzed Veterans of America Awareness Month*
- I. *Proclamation – Donate Life Month*

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

2. **Resolution No. 2012-03** – This resolution is required by our Charter to add the budget amendments (1 – 8) to the FY 2011-12 budget. Finance Director Byrd read the Resolution by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution 2012-03 and budget amendments (1 – 9) for FY 2011-12. Vote 5 yeas, 0 nays.

3. **Discussion of Participating Party Agreement Between All Juices and Beverages, LLC and the City of Clewiston** – Utilities Director McCarthy stated the proposal made by Mr. Perez is that if All Juices & Beverages, LLC creates the 13 grant required jobs, he would receive \$200,000. The City would also grant him the ownership of the land. Mr. McCarthy told the Commission it was their decision.

Antonio Perez came forward to speak on behalf of Gustavo Perez and stated the whole transaction has been hard to understand and their view is the City will have to write a check for over \$360,000 if the jobs are not created. Mr. Perez feels that if he saves the City the money, he should be paid half the amount. A. Perez stated the only risk to the City is the value of the land which is approximately \$50,000 because the City has G. Perez's personal guarantee for the \$400,000 for the building. Commissioner Gardner stated she would love to see a building in the Commerce Park, but wants to be certain that the Commission makes the right decision. She stated that Mr. Perez has been talking to the City since 2009 and she has been a supporter to get something in the park. Commissioner Joseph Miller stated he has some concerns with the proposal and felt the City has to protect itself. Commissioner Miller felt that this situation was different from Prana Sleep because of the value of the building to be built and the number of jobs to be created and that we may be pressured into another bad deal. Commissioner Rodriguez stated we need something in the park and he likes this deal. He stated that Mr. Perez has a great business and this deal is real and he does not feel the City can let this opportunity go by. Mayor Miller stated that he does not think the City should pay money to create jobs. Commissioner Pittman stated after this deal is completed, the PPA will be satisfied.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to approve the PPA with All Juices & Beverages, LLC with no penalty or repayment responsibility if All Juices & Beverages, LLC creates less than 13 jobs; further if All Juices & Beverages, LLC creates the 13 jobs, the City will pay 50% of the grant amount (approximately \$181,000) to them. Vote 3 yeas, 2 nays. Mayor Richard Miller and Commissioner Joseph Miller voted nay.

4. **Approval of Technical Assistance Contract for CDBG Grant Administration Services for Nancy Phillips & Assoc.** – At their February 20, 2012 meeting, the Commission awarded this contract to Nancy Phillips & Assoc. This contract formalizes and outlines Ms. Phillips' responsibilities regarding the CDBG grant administration.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Nancy Phillips and Associates Technical Assistance Contract for CDBG Grant Administration Services and authorize the Mayor to sign. Vote 5 yeas, 0 nays.

5. **Discussion of Revised Honeywell Contract** – Utilities Director McCarthy gave a presentation on the Honeywell proposal. Commissioner Gardner stated that her main concern is the piggybacking on another City's bid. She believes the City should specify our needs and send out an RFP and look at what is unique to our City. Commissioner Pittman asked the pros and cons of piggybacking. Utilities Director McCarthy stated that we have done both on various projects. He stated there are only two companies that can do the AMI portion of the project,

Honeywell and Johnson Controls. Mr. McCarthy stated he felt if we sent out an RFP, the results would be the same and Honeywell would be the choice. He stated that this decision is based on qualifications, not price and the performance contract guarantees that the savings will pay for itself. Commissioner Rodriguez stated he would like to “piece meal” the project for the needs of the City. He wants to take care of our stockholders, our citizens. There was further discussion on the project with Commissioners Rodriguez and Gardner stating they did not support this project. Commissioners Joseph Miller and James Pittman felt the project would save the City money and gave their support to it, as did Mayor Richard Miller.

Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve piggybacking the Port St. Lucie RFP of Energy Services with Honeywell and approve entering into an Energy Services Audit Agreement between the City of Clewiston and Honeywell; subject to City Attorney approval and authorize the City Manager to sign the agreement. Vote 3 yeas, 2 nays. Commissioner Gardner and Commissioner Rodriguez voted nay.

- 6. Approval of Members of Charter Review Committee** – Each Commissioner has recommended the name of a person they would like to see appointed to the Charter Review Committee.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the recommended names of Jeff Barwick, Donald Hughes, Scott Jones, Sherida Ridgill, and Sassy Whitehead to the Charter Review Committee. Vote 5 yeas, 0 nays.

- 7. Commission Approval of Use of Sugarland Park Ballfields** – Staff has developed rules that will apply to all leagues and school teams with a priority listing. These rules will alleviate any misconceptions about the use of the fields.

Commissioner Pittman made a motion, seconded by Commissioner Gardner to approve the Rules for Use of Sugarland Park Ballfields. Vote 5 yeas, 0 nays.

- 8. Library Presentation** – Library Director Eric Tommerdahl gave an informative overview of the library and their services.
- 9. Departmental Monthly Activity Reports** – Presented for information only.

FINANCIAL REPORT FROM THE FINANCE DIRECTOR – Finance Director Byrd

REPORTS FROM CITY MANAGER – None

REPORTS FROM THE CITY ATTORNEY – None

City Engineer Tommy Perry stated there are some issues on the boat basin plan and how you put what’s on paper on the ground. There will not be as many parking spaces as are shown on the plan. He stated he is working with SFWMD on the moving of the S-169.

REPORTS FROM THE CITY COMMISSION – Commissioner Rodriguez remarked that he did not feel the Commission was given all of the information regarding the All Juices & Beverages deal and the City’s liability. He stated we hurt Mr. Perez’s feelings and he feels this is a good deal for the City and that Mr. Perez wants to be a partner with the City.

Commissioner Pittman asked if the money the City received from Buchanan could be used. City Attorney Schoech stated he would have to look at the money, but we would be pursuing Buchanan.

Commissioner Gardner stated at the last Commission meeting she brought up the issue of merit increases approved by the City Manager. She stated that the Commission approved \$53,000 for merit increases and the City Manager approved \$83,000. Commissioner Gardner stated the City Manager said the net effect was well below budget because raises went into effect on anniversary dates crossing fiscal periods, however he sent the Commission an e-mail stating the full cost of the merit increases was in the budget. She stated again that the Commission set a policy and the City Manager overstepped his authority.

Commissioner Gardner stated that staff changed the credit card audit dates requested. City Attorney Schoech stated that he asked for clarification from the Finance Director regarding the 2011 year and it was changed to fiscal year 2011. Commissioner Gardner stated that when the Commission gives direction to the City Attorney, he should take their instructions, not staff. She stated she has a problem with staff changing Commission direction. Commissioner Gardner stated the Commission received an e-mail from the City Manager that he sent to the City Attorney giving him direction on a topic, Florida City Gas, that the Commission has not discussed. The item needs to be on the April agenda and she has a problem with the City Manager directing the City Attorney to do something before the Commission has discussed it. Commissioner Gardner asked Community Development Director Reese to inform the commission at the next meeting if the City has a "temporary business license" and when is it no longer temporary. Commissioner Gardner would like to see an agenda item at the April meeting to look at the costs involved in keeping the Recreation Department running and an update on the East County Recreation and how the City might partner with the county to make recreation affordable for our residents.

Commissioner Pittman agreed we need an update on East Rec and stated all the users of the ballfields should be given a rake so they can repair our fields after they finish. He stated he does not have a problem with the City Manager relating things to the City Attorney. He stated he felt we need a workshop on the downtown development area before the next commission meeting.

Commissioner Joseph Miller and Mayor Richard Miller commended the Recreation Department for the opening day festivities. Mayor Miller stated that the City Manager is eager to learn and correct problems and he is afraid that we are changing the boundaries for him and feels it may have become personal. He stated that the City is doing more with less and the City Manager needs the Commission's guidance and input. Commissioner Gardner felt that each Commissioner has their own way of bringing out things and some of the City Manager's actions have demanded attention and it is her responsibility to handle things her way in a public meeting. A public meeting is the only way she can reply to issues and it is up to the Commission to manage the City Manager.

Adjournment:

The meeting was adjourned at 8:25 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk