

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**August 20, 2012**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, August 20, 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, and Commissioner James Pittman. Commissioner Julio Rodriguez was absent.

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

**Visitors Present:** Jerry Cochran, Andrew Conlyn, Terry Gardner, Asa & Betty Godsey, Denise Hatton, John Hicks, Donald Hughes, Dean Martin, Amy McKown, Tish Swangler, John Wellslager, Mercedes Vary, and Christy & Dave Vaughn.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA** – City Manager McKown asked that Agenda Item No. 9 be discussed directly after the consent agenda, add Employee Pension Plan as Agenda Item No. 10 and Resolution No. 2012-07 regarding the financing for the Honeywell Project be added as Agenda Item No. 11.

**PUBLIC COMMENTS**

Raoul Ballater came forward to ask City Attorney Schoech to clarify the role of Commissioner Pittman and the items he votes on. He specifically asked if Commissioner Pittman could vote on the Honeywell Project and then submit bids for that project. Mr. Schoech stated that the State Statute allows members of the commission to bid on sealed bid projects and he may be awarded the bid if he is the lowest and best bid; however he would not be able to vote on the award of the bid. Utility Director McCarthy clarified that Commissioner Pittman was not bidding on the Honeywell Project, as there was no general contractor work in the project.

Jerry Cochran came forward to speak regarding the City's pension plan. He stated that if the City decided to postpone the purchase of the backhoe that the City could use those funds to pay down the unfunded pension amount. Mr. Cochran urged the Commission to fund the plan the \$300,000, rather than the \$180,000 as it will make a lot of difference in the repayment. Mr. Cochran stated further that the City might consider phasing in the employees contribution to the pension plan over a couple of years. He stated that he had mentioned at the May Commission meeting that non-residents do not pay the utility tax that City residents pay. Mr. Cochran thought that the City should take a second look at this as it would generate a lot of money. Utilities Director McCarthy stated that there are issues if the City tried to collect this tax outside the City limits as it goes to the general fund of the City. Mr. McKown suggested that non-city residents should be charged a fee based upon factors of what the additional costs are to service the area.

The Commission agreed that we should look at this during the next budget workshop and set that workshop for August 27, 2012 at 5:00 p.m.

Mercedes Vary and Brenda Holcomb, representing Active Citizens for Children, came forward to speak about Woodworks Park. Ms. Vary stated they have looked at several companies but have decided upon Leathers Associates because they gave the best pricing and seemed more geared to what they wanted for the park. Ms. Vary stated there will be a Design Day at the elementary schools on August 30 for the children to have a say in what they think the park should have in it. She stated later that day at 6:30 p.m. at the Clewiston Middle School Cafeteria, a preliminary playground design will be revealed. Ms. Vary stated what they are asking for is a commitment as to what funds the City will contribute to the park. Commissioner Gardner stated that the Commission has discussed \$25,000, but we have some critical areas in our budget, however the voluntary Recreation Fund is earmarked for recreation. Mr. McKown stated that this was taken out of this

year's budget, as it will be a match for funds the ACFC raises which will take greater than a year. Mayor Miller stated that he feels the City is behind the project but still needs to look at a lot of things and the ACFC need to keep Recreation Director Ramer involved in what they are doing. Commissioner Pittman stated that a \$25,000 match is what the Commission has discussed.

### 1. Consent Agenda

- A. *City Commission Workshop Minutes – July 12, 2012*
- B. *City Commission Budget Workshop Minutes – July 12, 2012*
- C. *City Commission Regular Meeting Minutes – July 16, 2012*
- D. *City Commission Budget Workshop Minutes – July 19, 2012*
- E. *City Commission Budget Workshop Minutes – July 30, 2012*
- F. *Hendry County Library Cooperative Annual Plan of Service 2012-2013*

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

### MISCELLANEOUS ACTION AND DISCUSSION ITEMS

2. **Annual Contract with Public Risk Management Approval** – The total renewal premium for FY 2012-2013 is \$456,081 which is a 5% increase over the FY 2011-2012 premium. City Manager McKown stated that we would not save any money if we bundled the coverage with PRM and our health insurance coverage. Ernie Redish stated that we should go to PRM and ask if they can do any better or if they might offer solutions that will lower the premium. He stated that Hendry County saved a million dollars last year and we should review this coverage every year to see what is best for the City. City Manager McKown stated that we did go out for bids on this coverage last year. Michelle Jones, World Risk Management representative, stated that 7 members of PRM went out for bids and 6 of the 7 have already renewed. She stated that this is the best offer for the coverage the City has.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to table the PRM contract approval to the September meeting. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent)**

3. **State Aid to Libraries Grant Agreements** – In order for the City to receive State Aid for the Library, the agreement must be approved by the City Commission and signed by the Mayor.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the State Aid to Libraries Grant Agreement and authorize the Mayor to sign. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent)**

4. **Backhoe Bid Award.** The City advertised for bids in the Clewiston News on June 14 for the purchase of a backhoe tractor. The bid from Kelly Tractor was within 10% of the low bid, however, they chose not to match the low bid of \$79,900. City Manager McKown stated that staff pulled the maintenance records for our current backhoe and found we spent about \$3,500 on this machine per year the last three years and suggested we delay the purchase.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to reject all bids for the backhoe tractor. Vote 4 year, 0 nays. (Commissioner Rodriguez was absent)**

5. **Change of Traffic Patterns and Rights of Way at Ventura and San Benito and Aztec and Berner** – The Commission has discussed this change previously. The Commission agreed that the changes to traffic patterns that have been made previously have been good changes. Commissioner Pittman asked that the notice of change signs at the intersections be larger and easier to see.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to move forward with the traffic pattern changes put forth in Police Chief Gutshall's memo: Ventura and San Benito and Aztec and Berner. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent)**

6. **Discussion of All Juices & Beverages** – The Commission has previously approved a Sale and Purchase Agreement for the City to borrow up to \$400,000 to construct a building for All Juices. The bids for this project were opened August 9 and the low bid was \$523,192. City Manager McKown stated that he will have a discussion with Mr. Gustavo Perez on this issue. He further stated that Commissioner Rodriguez offered a great idea to go back to Mr. Perez and see if he still felt he could build the building for \$400,000 by himself. Mr. Perez is to be approached with this idea and with the possibility of changing the office area to one story instead of two.

**No action was taken on this item.**

7. **Honeywell Project** – Honeywell has completed all of the project studies, evaluations, quotes and vendor selection. We have collaborated to reduce the project size without sacrificing the most important parts of the project from a utility and customer service perspective. The project includes the wireless mesh network, automated meters, lift station SCADA system, operational control of the thermostats in 12 of our buildings and 11 security cameras for monitoring high use parks and problem areas. The cost of the scaled down project is \$3,655,000. City Attorney Schoech stated that Honeywell will give the City a bond in accordance with Florida Statute and that the document should not be executed until the financing is secured. Commissioner Gardner stated she did not feel the City should incur any more debt and she is not in favor of the project. Commissioners Pittman and Joseph Miller felt that from a business standpoint, it makes sense and the savings are guaranteed. Mayor Miller stated that the Commission acts as a board for the Enterprise Fund and the money to fund this project comes from the Enterprise Fund and will make our City more efficient, with no increase in rates to the customers.

**Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve the Honeywell Project in an amount not to exceed \$3,655,000, contingent upon financing arrangements being approved by the Commission, and authorize the City Manager to sign the agreement; and authorize Honeywell to obtain financing rates and options, including local institutions, to present to the Commission for final approval. Vote 3 yeas, 1 nay. (Commissioner Gardner voted nay and Commissioner Rodriguez was absent)**

## 8. Departmental Monthly Activity Reports

**PUBLIC HEARING** (This item was discussed early in the meeting due its nature)

9. **Final Development Order for Goodwill Industries of SW Florida, Inc.** – Mayor Miller opened the Public Hearing by stating its purpose was to discuss and accept input from all interested parties relative to the Development Order for Goodwill Industries of SW Florida, Inc. for a seven building, fourteen unit complex to be located at 1016 W. Ventura Ave. Mayor Miller asked all citizens desiring to speak on this matter to identify themselves and that all public comments will be incorporated into the official minutes of the meeting. City Manager McKown summarized the issue and stated that the Planning & Zoning Board met on August 6, 2012 to discuss this matter. Mr. McKown stated that this public hearing was advertised in the Clewiston News on July 26, 2012. Mayor Miller asked for any comments relative to the Development Order. Commissioner Gardner asked what kind of disabilities this development would be equipped for. Andrew Conlyn of Goodwill Industries stated that all of the units in the development would be equipped for wheelchairs, and vision or hearing impaired individuals. Mayor Miller closed the public hearing.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Development Order for Goodwill Industries of SW Florida. Vote 4 year, 0 nays. (Commissioner Rodriguez was absent)**

10. **Pension Plan Discussion** – City Manager McKown stated that we are asking the Commission to put a “hard freeze” on the current pension plan. City Attorney Schoech stated that this was discussed at the workshop and he has spoken with Paul Shamoun at Florida League of Cities and an employment and pension attorney and they concur there is no problem with the City “freezing” the current plan, but they believe that the COLA cannot be reduced. Mr. Schoech stated that he thought the City seek specific legal advice for a pension attorney on the COLA before acting on it.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to table this issue and for the City Attorney to seek specific legal advice from a pension attorney on the matter. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent)**

- 11. Resolution No. 2012-07** – City Attorney Schoech stated all sales of bonds must be by competitive bid, unless the governing body passes a resolution which states it is in the best interest of the City to negotiate. Mr. Schoech stated it is his opinion that the resolution has to be approved before the financing is approved. This resolution will authorize negotiated sales of the financing and will put the City in compliance with the State Statute which allows the negotiation between the various banks, etc. City Manager McKown read Resolution No. 2012-07 by title.

**Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve Resolution No. 2012-07 for the financing of the Honeywell Project. Vote 3 yeas, 1 nay. (Commissioner Gardner voted nay and Commissioner Rodriguez was absent)**

**REPORTS FROM CITY MANAGER** – none

**REPORTS FROM THE CITY ATTORNEY** – City Attorney Schoech informed the Commission that he is working on the Buchanan matter.

**REPORTS FROM THE CITY COMMISSION** –Commissioner Gardner asked to see the default amount for Buchanan and asked for some follow-up information from Finance Director Byrd before Monday's meeting. Commissioner Gardner also announced the public meeting at the auditorium on Thursday at 6:00 p.m. to discuss recreation with the county and school board.

**Adjournment:**

The meeting was adjourned at 7:10 p.m.

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Richard Miller, Mayor

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Marilyn McCorvey, City Clerk