

**CITY OF CLEWISTON
Regular Commission Meeting
December 16, 2013**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, December 16, 2013. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. The audience recited The Lord's Prayer and the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Richard Miller, Commissioner James Pittman, and Commissioner Julio Rodriguez.

Personnel Present: City Manager Al Perry, Finance Director Ted Byrd, City Clerk Marilyn McCorvey, Library Director Ava Barrett, Recreation Director Lance Ramer, Community Development Director Travis Reese, Utilities Director Danny Williams, City Attorney Charles Schoech, and City Engineer Tommy Perry.

Visitors Present: Robbie Castellanos, Terry Gardner, Asa & Betty Godsey, Ana Guardia, Donald Hughes, and Curtiss Pullen.

ADDITIONS/DELETIONS/CHANGES TO THE AGENDA – City Manager Perry asked that a discussion on the Special Assessment for East Hendry County Rec be added to the agenda as Item 9-A. The Commission agreed.

1. Consent Agenda

- A. *City Commission Workshop Minutes – November 14, 2013*
- B. *City Commission Meeting Minutes – November 18, 2013*
- C. *Identity Theft Prevention Program Report*
- D. *Event Application – Hendry County Fair Parade – February 15, 2014*
- E. *Event Application – Hendry County Fair & Livestock Show – February 14 – 22, 2014*
- F. *Non-Exclusive License & Use Agreement with U.S. Sugar for Golf Course Sign*
- G. *Surplus Equipment Declaration*
- H. *Approval of 2014 Commission Meeting Schedule*

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

RESOLUTIONS

- 2. Resolution No. 2013-13** – This resolution adopts a budget for the Haiti Drainage Project with the funds coming from road impact fees identified by the County and awarded to the City. City Manager Perry read Resolution No. 2013-13 by title.

Commissioner Pittman made a motion, seconded by Commissioner Miller, to approve Resolution No. 2013-13. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 3. Award of 2014 Mowing Contract** – The City advertised for bids for the 2014 mowing contract and received 4 bids ranging from \$67,800 to \$170,000. Public Works Director Scheffler has examined the bids and recommends awarding the bid to the low bidder, Landworx.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to award the 2014 mowing contract to Landworx in an amount not to exceed \$67,800. Vote 5 yeas, 0 nays.

- 4. Proclamation – Healthier Me Year** – This Proclamation supports 2,014 Pound Off in 2014 in our community. City Manager Perry read the Proclamation. Mary Proudy with the Florida Department of Health in Hendry and Glades Counties spoke briefly on the Proclamation and thanked the Commission for their approval.

Commissioner Gardner made a motion, seconded by Commissioner Miller, to approve the “Healthier Me Year” Proclamation. Vote 5 yeas, 0 nays.

5. **Bid award for Haiti Drainage Project** – The City advertised for bids for the Haiti Drainage Project and received only one bid. The bid amount, \$38,800, falls well within the budget for the project and it is recommended that we move forward with the project and award the bid to Ridgill & Son.

Commissioner Pittman made a motion, seconded by Commissioner Miller, to award the Haiti Drainage Project to Ridgill & Son in the amount of \$38,800. Vote 5 yeas, 0 nays.

6. **Bid Award for Mosquito Control** – The City advertised for Mosquito Control Services. The City received two bids, Clarke Environmental and Fleming Pest Mgmt. City Attorney Schoech stated the fact that one of the bids was not sealed is not an issue. Public Works Director Scheffler stated he had spoken to Clark Environmental who stated they could perform the contract and assured him they will have an office in the area and someone will be in the Clewiston area every day. Commissioner Gardner questioned the different chemical names on the two bids. Mr. Scheffler stated the names are a trade issue, but the result required is to kill mosquitoes and he will modify the chemicals if needed.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to award the Mosquito Control bid to Clark Environmental in an amount not to exceed \$167,420.66 for a 12 month contract. Vote 5 yeas, 0 nays.

7. **Appointment to Industrial Development Authority Board** – Commissioner Gardner is currently our representative on this Board and asked for this item to be on the agenda. Commissioner Gardner stated that she did not feel she could devote the time that will be needed for this Board and asked the Commission to appoint another member. Mayor Roland stated that he would serve on this Board if the Commission desired.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to appoint Mayor Roland to the Industrial Development Authority Board. Vote 5 yeas, 0 nays.

8. **Golf Course Discussion** – Robbie Castellanos came forward to give the Commission an update on the Golf Course Advisory Board recommendations. Mr. Castellanos informed the Commission that the John Boy Memorial Golf Tournament had been set the coming year for May 2. It is hoped that this will become an annual event the first Saturday in May. Mr. Castellanos stated the Advisory Board is getting a list of all tournaments so a calendar of recurring events can be put together. Mr. Castellanos praised Robbie Rush for his energy and organization and set up of the pro shop. Mr. Castellanos stated the Advisory Board would like to see a contract for tournaments to determine what the real costs are to put on a tournament. Mr. Castellanos stated he wanted the golf course to make a profit every time a tournament is played, not to take away from the tournament proceeds for charities, but the golf course has to make a profit. Mr. Castellanos stated there is also a draft agreement for the tee signs. He stated an outside company has been doing this for years, but there is no reason the golf course cannot sell the ads and increase revenue. Mr. Castellanos stated it is only about \$5700 per year, but every amount helps. The course flags have been replaced and Toni and Miller Couse donated new rakes for the sand traps. Mr. Castellanos stated a bag drop has been established and signs are being erected so visitors know where to go. He stated the Board has done all they can do to get the golf course sign erected on US27, it is in the hands of FDOT now. Mr. Castellanos stated he feels there should be some incentives to be a member of the golf course. He recommended giving members the small lockers which are currently not being used. He stated we currently give members range balls when they pay their dues in full. Mr. Castellanos stated the Board has recommended an advertising program that will cost about \$4700. The new players will be traced to see which ads are bringing in customers. Mr. Castellanos stated that pricing has been a challenge for the Board. The Board recommended going up on the rates which we did December 1, but we had a lot of complaints, so the Board recommended going back to \$25, plus tax for the remainder of this fiscal year. Mr. Castellanos stated his understanding is that the Board's responsibility is to bring in more revenue and improve the golf course and he takes that responsibility seriously. The Commission thanked Mr. Castellanos and the other members for serving on the Golf Course Advisory Board.

9. Departmental Monthly Reports – Presented by information only.

9-A. Discussion on Special Assessment for East Hendry County Rec. – City Manager Perry stated it is his understanding that cities cannot assess MSBU's. City Attorney Schoech stated MSBU'S cannot be created by a City, but the City can levy assessments by authority of Florida Statute 170. The City has the ability to levy a non-ad valorem assessment, but the levy must benefit the land, and must be fairly and proportionately allocated. Mr. Schoech stated this issue has been in the courts for a number of years, and the issue is what is the benefit to the property. Mr. Schoech stated it was his understanding that the County was going to cover the City under their current MSBU, however the County Attorney has told him the City would levy the assessment for residential and commercial property inside the City. Mr. Schoech stated he was not sure there was a benefit to commercial property and the courts are very clear that you cannot have a non-ad valorem assessment where there is no benefit to the property. Mr. Schoech recommended that if the City proceeds with a non-ad valorem assessment, there must be a benefit to the property demonstrated. Florida Statute 125 gives the authority to the County to impose an MSBU, but does not include the City. Commissioner Gardner stated that she thought the County would be administering the MSBU and that is what she wants to do. Her concern is reducing the taxes to City taxpayers. Mayor Roland stated he is upset that this opinion has just come up now and asked why we did not know this six months ago. Commissioner Miller stated there was a misunderstanding and he too thought the County was going to administer the MSBU. Commissioner Pittman stated there may be a problem with the County administering the MSBU and asked how City Attorney Schoech would have known the City was not going under the County's MSBU.

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business.

COMMENTS FROM THE CITY COMMISSION – The Commission wished everyone a Merry Christmas and Happy New Year. The Commission also praised the ACFC Winter Wonderland and thanked City staff for their help. Commissioner Pittman stated he wanted to make sure that the TRC is meeting and asked that a mechanism be set up to trip when that committee should meet on projects. Mayor Roland stated the City has a great staff and are truly appreciated.

ADJOURNMENT: The meeting was adjourned at 6:35 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk