

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**June 18, 2012**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, June 18, 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, City Attorney Charles Schoech, Curtis Clay and Karen Moore.

**Visitors Present:** Trish Adams, Jerry Cochrane, Karen Cochrane, Edgar de la Cruz, Terry Gardner, Asa & Betty & Godsey, John Hicks, Donald Hughes, Paul McGahee, Amy McKown, Bret Nesbitt, Curtiss Pullen, and Jillian Sparks.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA** – City Manager McKown asked that the Interlocal Agreement with Hendry County regarding East Rec be added on Agenda Item # 7 and the Letter to the BOCC regarding recreation funding be added as Agenda Item # 8.

**PUBLIC COMMENTS**

Edgar de la Cruz came forward on behalf of the River Jr. Soccer team to voice the League's appreciation to the City for helping them with the League in many ways, and a special thanks to Recreation Director Ramer for working with them. They presented the City with a plaque and a trophy to show their appreciation. Mayor Miller thanked the team for coming and congratulated them on their season.

Jerry Cochrane came forward to speak about the utility tax that City residents pay. He stated that he has spoken with Utilities Director McCarthy about this and like most cities we provide utilities to unincorporated areas and there is not a sir charge or tax for electric service to those areas. Mr. Cochrane felt that the people in the unincorporated area should pay a sir charge since they do not pay the utility tax.

Police Chief Gutshall recognized two of our police officers, **Officer Jackie Garrett and Officer Jose Rojas**, for heroically diving into a canal at 1:00 a.m. with little regard for their own safety in an attempt to save the occupants of a car crash from drowning. Chief Gutshall presented the officers with a "Life Preservation Bar" for their uniforms and thanked them for their effort in saving a life. Mayor Miller stated that the City of Clewiston is a safer place to live because of officers like Garrett and Rojas. Mayor Miller stated that he realizes the police officers sacrifice a lot in order to fulfill their duties.

**1. Consent Agenda**

- A. *City Commission Workshop Minutes – May 17, 2012*
- B. *City Commission Regular Meeting Minutes – May 21, 2012*
- C. *Proclamation – Bladder Cancer Awareness Month*

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

**Public Hearing**

2. **Ordinance No. 2012-02** – Mayor Miller opened the Public Hearing by stating the purpose of the public hearing is to discuss and accept input from all interested parties relative to Ordinance No. 2012-02 and asked anyone who wished to speak to come forward and state their names and address. City Manager McKown stated the issue before the Commission is to consider Ordinance No. 2012-02 which will repeal the existing City Charter and proposes enactment of a new City Charter and read the Ordinance by title. Official notice of this public hearing was advertised in the Clewiston News on May 31, 2012. There being no comments, Mayor Miller closed the Public Hearing.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to adopt Ordinance No. 2012-02 on final reading and place on the November 6 ballot. Vote 5 yeas, 0 nays.**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

3. **FDEP Amendment 1 to the City of Clewiston's State Revolving Fund Loan Agreements.** The amendment for WW 260400 transfers funds to Loan Agreement WW 260401, adjusts the project costs, and reduces the semiannual loan payment. The amendment for WW 260401 provides an increase due to the transfer of funds from Loan Agreement WW 260400.

**Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to approve the amendments and authorize the City Manager to sign. Vote 5 yeas, 0 nays.**

4. **Integrated Municipal Financial & Utility Billing Software & Implementation Services Bid Award.** The Commission discussed this item with City Manager McKown and Utilities Director McCarthy answering their questions. After the discussion, the Commission requested more information regarding the conversion fees and the duration of the \$25,000 yearly fee for the maintenance contract.

**Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to table this item until the July meeting when the requested information can be provided. Vote 5 yeas, 0 nays.**

5. **Discussion of Tobacco Use Policy.** City Manager McKown stated that City Directors and staff have discussed the implementation of not only a Non-smoking Policy, but a Tobacco Use Policy that would include smokeless tobacco. Mr. McKown stated that we have seen the policy HRMC uses and have asked for the School Board policy. We will have some more examples by the next meeting.
6. **Departmental Monthly Activity Reports** – Presented for information only.
7. **Hendry County Interlocal Agreement regarding East Rec** – City Manager McKown stated that the county wants an agreement in place in order to pay the remaining funds for this budget year. Mr. McKown stated that the City would like to clarify the recreational facilities included in this agreement as the sports complex, summer camp activities and swimming pool under Section III of the agreement.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Interlocal Agreement Between the City and Hendry County Concerning Recreational Facilities, Programs and Services, with the suggested clarification in Section III. Vote 5 yeas, 0 nays.**

8. **Letter to be sent to Hendry County Board of County Commissioners regarding Recreation Funding for 2012-2013 Budget Year.** City Manager McKown stated that the City has been supplementing recreation for all of Eastern Hendry County for many years. Mr. McKown stated that a true amount the City and County should be contributing is about \$375,000 each. Mr. McKown stated that this will not cover new programs, but would help with existing programs. Mr. McKown stated that the amount we are requesting, \$250,000, can be changed at the Commission's discretion.

**Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the letter to be sent to the BOCC and authorize the Mayor to sign and that the funding from the County should relieve City taxpayers who have been paying for the entire amount. Vote 5 yeas, 0 nays.**

**FINANCIAL REPORT FROM THE FINANCE DIRECTOR** – Finance Director Byrd stated the prior month's financials would be sent to the Commission.

**REPORTS FROM CITY MANAGER** – City Manager McKown informed the Commission that Katrina Bryant had discussed the possibility of constructing a skate park in memory of Cameron Crawford with him. We will keep the Commission informed with the findings and progress. The City has two bids advertised; the paving project is due July 10 and the backhoe bid is due June 27. The landscape variance for US 27 has been submitted for approval. Mr. McKown stated that City Attorney Schoech made the change which capped our liability to the railroad agreement and is communicating with FDOT about accepting the change.

**REPORTS FROM THE CITY ATTORNEY** – City Attorney Schoech informed the Commission that his firm has added its 9<sup>th</sup> attorney, Ruth Clemens, to their firm. Ms. Clemens formerly worked for SFWMD.

**REPORTS FROM THE CITY COMMISSION** – Commissioner Rodriguez asked for an update on Code Enforcement. City Manager McKown stated we have hired Julia Leyva who started work today. Julia has already gone through some of the required training. Commissioner Gardner asked if the Commission was seeing budget amendments now. Finance Director Byrd stated there were several on the agenda a couple of months ago. Commissioner Gardner asked if our anticipated revenue was lower than expected. City Manager McKown stated our revenue is down and an updated report will be sent to the Commission next week. Commissioner Pittman asked where the City is on the Comp Plan Amendment. City Manager McKown stated that he felt we needed to have the upcoming workshop before proceeding. Commissioner Pittman stated he agreed that we needed to look at the stop sign situation, but that the Police Department should start the sign review and pass their suggestions on to the City Engineer. Commissioner Pittman asked about the property on S. Dean Duff with the crushed asphalt on it and why it is on our ROW. He asked for an answer on Tuesday. He stated there is crushed pavement on the San Pedro and Trinidad ROW and would like to know what is going on there also.

**Adjournment:**

The meeting was adjourned at 7:25 p.m.

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Richard Miller, Mayor

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Marilyn McCorvey, City Clerk