

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**January 28, 2013**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, January 28, 2013. The meeting was called to order at 6:00 p.m. by Mayor Phillip Roland.

**Attendance:**

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

**Personnel Present:** Finance Director Ted Byrd, Interim City Manager Don Gutshall, City Clerk Marilyn McCorvey, Recreation Director Lance Ramer, Golf Course Director Adolfo Pena, Community Development Director Travis Reese, Public Works Director Sean Scheffler, City Attorney Charles Schoech, Rhonda Davis, and Karen Moore.

**Visitors Present:** Mark Chamberlain, Jerry Cochran, Terry Gardner, Asa & Betty Godsey, Denise Hatton, John Hicks, Brenda Holcomb, Orvell Howard, Christine Howell, Donald Hughes, Reva Marshall, Paula Pittman, Cynthia Potter, Curtiss Pullen, Gloria Rosen, Mercedes Vary, Dave & Christy Vaughan, and John Wellslager.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA** – Interim City Manager Gutshall asked that a contribution to the Agricultural and Labor Program, Inc. be added to the Agenda as Item 16(A) and authorization for the ICM to sign the Development Order for All Juice, Inc. as Item 16(B). The Commission agreed to the additions.

**PUBLIC COMMENTS** - Jerry Cochran came forward to speak and stated it was on the agenda for additional pay for the interim city managers, but thinks there should be an adjustment to utility staff who are stepping up as well. Mr. Cochran brought to the attention of the Commission that he felt the citizens should have easier access to the names and addresses of sexual predators and offenders in the City. Mr. Cochran was informed that the City has the intention of putting the FDLE link on our web site. Mr. Cochran asked the Commission to consider going back to having two meetings a month until the backlog is covered.

Mayor Roland stated that he would like to hold public comments at the end of the meeting. Consensus of the Commission is to move public comments to the end of meetings.

**1. Consent Agenda**

- A. *City Commission Workshop Minutes – December 13, 2012*
- B. *City Commission Reorganization Meeting Minutes – December 17, 2012*
- C. *City Commission Meeting Minutes – December 17, 2012*
- D. *Event Application – H.C. Fair and Livestock Show Parade – 2/16/13*
- E. *Event Application – H.C. Fair – 2/15/13 – 2/23/13*
- F. *Declaration of Surplus Equipment – Police Department*
- G. *Declaration of Surplus Equipment – Public Works Department*

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

**RESOLUTION**

- 2. Resolution No. 2012-19** - This resolution establishes the basis for the golf course advisory committee. ICM Gutshall read Resolution 2012-19 by title. Mr. Schoech stated he will make the change suggested in the workshop of 5 members with no alternates if the Commission desired.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2012-19 with the change to Section A-5 to 5 members; deleting the reference to alternates. Vote 5 yeas, 0 nays.**

There was discussion of the Commission on the selection of the committee and family members of a director being on the committee. The following members were appointed: Commissioner Gardner – Carol Giddens; Commissioner Pittman – Asa Godsey; Commissioner Rodriguez – Robbie Castellanos; Commissioner Miller – Brandon Pena; Mayor Roland – Karl Larsen.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to accept the Commissioner's nominations for the golf course advisory committee.. Vote 5 yeas, 0 nays.**

3. **Resolution No. 2013-01** - This resolution is for budget amendments due to contributions to the Library. ICM Gutshall read Resolution No. 2013-01 by title.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2013-01. Vote 5 yeas, 0 nays.**

#### **ORDINANCE**

4. **Ordinance No. 2013-01 – First Reading** – This ordinance will establish a retirement system for all current employees as of October 1, 2012. This ordinance was drafted by our pension attorney. ICM Gutshall read Ordinance No. 2013-01 by title. City Attorney Schoech suggested to the Commission that they specify zero contribution by employees at this time, and up to 6% employer contribution. Mr. Schoech also spoke to the Commission about the makeup of the board of trustees for the plan.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2013-01 on first reading with the change in Part Four of the ordinance to zero employee contribution and a City contribution of up to 6% of employee earnings, and set the Public Hearing for February 18, 2013. Vote 5 yeas, 0 nays.**

#### **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

5. **Mosquito Control Contract with Fleming Pest Management Discussion** – Fleming Pest Management currently has no valid contract with the City for mosquito control. City Attorney Schoech stated that he has prepared a contract for the 2012-2013 fiscal year, specifying the Alternative 2 on the bid specs, for \$184,690 for Fleming Pest Management. Mayor Roland asked Mr. Doug Wilson if Fleming was interested in this contract for the current year. Mr. Wilson answered in the affirmative. It was the Mayor's feeling that Mr. Wilson had signed a contract for prior service, but the City is willing to move forward with a new contract. Commissioner Gardner stated Mr. Wilson did sign a contract, however she did not feel it was according to the Commission's instructions. Commissioner Gardner stated she believes when the Commission approves an action, it should be carried out exactly the way the Commission approved. Commissioner Rodriguez stated he has seen no evidence that Mr. Wilson was coerced into signing the contract and will not support any back payment without it. Commissioner Pittman stated he is leery of signing a lump sign contract when there is a possibility of a lawsuit. City Attorney Schoech stated the exposure for past years is minimal because the City does have a contract.

**Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve a contract with Fleming Pest control for FY 2012-2013 in the amount of \$184,690. Vote 5 yeas, 0 nays.**

6. **Interlocal Agreement Between the City of Clewiston and Hendry County Concerning Recreational Facilities, Programs and Services.** – This agreement was drafted by County Attorney Mark Lapp for execution by both parties. Finance Director Byrd stated he has spoken to Acting County Administrator Mark Lapp about his concerns with the agreement and suggests that the item be tabled at this meeting and allow him and Recreation Director Ramer to meet with Mr. Lapp to discuss the concerns.

**Commissioner Gardner made a motion, seconded by Commissioner Miller, to table this item to the February Commission meeting. Vote 5 yeas, 0 nays.**

7. **Renaming of Woodworks Park** – The Active Citizens for Children (ACFC) offered three names to the Commission for their consideration in renaming “Woodworks Park”. The names offered were Sugar Town Playground, Sweetest Town Playground and Woodworks Park II. Mercedes Vary and Brenda Holcomb of Active Citizens for Children (ACFC) came forward to speak and stated the children’s chosen name is Sweetest Town Playground. Christine Howell came forward and stated that we will continue to refer to the park as Woodworks and she would prefer that name remain. She further stated the City really needs this park for the children. Christy Vaughn stated she supports the building of the park and feels it will help bring families here and the City should try to make this park happen. Mr. Vaughn also felt the children’s opinion should be respected for the name of the park. Mayor Roland congratulated the ACFC for the work they are doing and hoped the City might be able to give more to the park, however there are no guarantees.

**Commissioner Pittman made a motion, seconded by Commissioner Miller, to rename the new park Sweetest Town Playground. Vote 5 yeas, 0 nays.**

8. **Contribution to ACFC Discussion** – The Active Citizens for Children (ACFC) has made staff aware that they will soon be requesting funds for the ACFC park they are constructing. The Commission has not taken any official action on the ACFC request for funds. Mercedes Vary and Brenda Holcomb of Active Citizens for Children (ACFC) spoke on this item. Ms. Vary stated she was aware that the City had a voluntary recreation fund and she had requested all of the funds in the fund, however she agreed with the suggested \$25,000 donation from the City. Ms. Vary stated they have done a lot of events for the children at no cost to the City such as Winter Wonderland, Halloween, and the 4<sup>th</sup> of July. Ms. Holcomb stated the ACFC thought they were going to get \$25,000 from the rec fund and the \$25,000 for Florida City Gas (FCG). Ms. Vary asked that the City not say no to the additional \$25,000, but that they would address this need at a later meeting. Library Director Ava Barrett came forward and stated she felt good hearing what was going on for the children, but she is hoping too that the Commission will be as generous to the library as they have a lot of needs also. Commissioner Gardner stated that \$25,000 is an employee’s salary and the purchase of the land by FCG is the first step to give to the ACFC. Mayor Roland again stated the City might be able to reconsider the request later, however there are other needs, such as the water park which is now closed because of unsafe conditions. Commissioner Miller stated the Commission is here at the pleasure of the community and if the community indicates they want an additional voluntary contribution, it will be investigated.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the contribution of the \$25,000 from the purchase of land by Florida City Gas to Active Citizens for Children for the new park. Vote 5 yeas, 0 nays.**

9. **Discussion of Commissioner’s Benefits** – Per the City’s new Charter, the City Commission benefits are set by ordinance. Ordinance No. 2005-08 was adopted by the Commission in November 2005. That ordinance sets compensation for Commissioners at \$400 per month and the Mayor’s compensation at \$600. The Ordinance also sets Benefits as follows: “All Commission members including the Mayor shall be entitled to participate in the city’s health insurance, life insurance, and dental insurance program under the same terms and conditions as all city employees”. The current life insurance benefit for employees is twice the annual salary, with a maximum life insurance for any employee, regardless of salary, of \$160,000. The Commission should clarify, in particular, the life insurance amount for Commissioners. When the Commission sets the benefit level, we will prepare an ordinance setting forth the benefit. Commissioner Gardner stated it is her belief that commissioners, the city manager or directors should not receive any more benefits than other employees.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Commissioner’s life insurance amount of \$160,000 and that all other benefits remain in line with all other employees. Vote 5 yeas, 0 nays.**

- 10. Approval of Site Dedication for the Boat Basin Project and Approval of Boundary Map for Years 2 and 3**– The Site Dedication Form needs to be approved and signed in order to close out the FWC Year 1 grant. Forest Michael came forward to speak and stated we are in the process of closing out Phase I and the City needs to sign the Site Dedication Form to do so. The Commission discussed Phase I and the application for Phase 2. There was discussion on the SFWMD permit which is required to negotiate for Phase 2 and this permit application has not been completed. The Commission concluded that a workshop is needed to move forward with the Phase 2 discussion.

**Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to have a workshop on the Boat Basin Project. Vote 5 yeas, 0 nays.**

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Site Dedication Form and authorize the Mayor to sign and approve the Phase 2 map boundary. Vote 5 yeas, 0 nays.**

- 11. Appointee to Southwest Regional Planning Council** – Commissioner Joseph Miller was the City's designated member of SWRPC. Since Mr. Miller did not seek re-election, a new appointee should be designated.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to appoint Mayor Roland as the City's representative on the Southwest Regional Planning Council. Vote 5 yeas, 0 nays.**

- 12. Consideration of Interim City Managers' Salary** – The Commission asked that this item be put on the agenda for consideration.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve a salary increase of 20% of ICM Gutshall's salary, split equally between ICM Gutshall and City Clerk McCorvey, retroactive to December 3. Vote 5 yeas, 0 nays.**

**Consensus of the Commission was that ICM Gutshall and City Clerk McCorvey should put into effect a retroactive salary increase for Utility Department employees who are acting in the director's absence.**

- 13. Commissioner's Involvement and Assignment to Individual Departments Discussion and Clarification** – Commissioner Gardner asked that this item be placed on the agenda for discussion. Commissioner Gardner stated that according to the Charter, commissioners should continue to be involved in all departments.

- 14. Request from Recreation Department to Establish a 10% Reserve From Monies Received from Various Sponsor Levels** - In order to establish a reserve account, the Finance Department need Commission approval. If approved, the reserve money would be used to develop and enhance new and existing recreational programs. The Commission asked if this fund would be similar to the capital improvement fund at the golf course. Recreation Director Ramer stated it would be similar, but the fund will be for program enhancements, not purchases. Mr. Ramer stated he hopes to generate about \$1600 for seed money in the program this year.

**Commissioner Gardner made a motion, seconded by Commissioner Miller, to approve the establishment of a reserve fund for Recreation program enhancement from sponsor levels. Vote 5 yeas, 0 nays.**

- 15. Appointment to Planning & Zoning Board** – The City has received three applications for the vacancy on the P & Z Board due to the resignation of Ramon Iglesias. The applicants are Donald Hughes, Jerry Cochrane and Michael Atkinson. Commissioner Gardner stated all three of the applicants are qualified to serve on the P & Z Board and all three of the applicants are committed to the City, so she suggested the Mayor pull a name from the hat. The Commission agreed. Mayor Roland pulled the name of Donald Hughes.

**Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to appoint Donald Hughes to the Planning & Zoning Board. Vote 5 yeas, 0 nays.**

- 16. City Manager Update** – The City Manager position has been advertised with the Florida League of Cities and in the Clewiston News.

**A consensus of the Commission was to close the City Manager opening on February 1 and set the regular workshop on February 11, 2013 at 5:00 P.M. to discuss the City manager position, along with the agenda for February 18, 2013 meeting.**

- 16(A). Contribution to Agricultural and Labor Program, Inc.** County Commissioner Janet Taylor asked that the City consider a contribution to this organization as they help people who use City utilities pay their bills. ICM Gutshall stated that ALPI has paid city utility bills in the amount of \$335,790 over the last two years.

**Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve a donation of \$350.00 to ALPI, if it is legal under FL law. Vote 5 yeas, 0 nays.**

- 16(B). Final Development Order for All Juice** – ICM Gutshall informed the Commission a Final Development Order needs to be approved and signed for the All Juice project. Community Development Director Reese stated that All Juice still needs to submit a landscape plan but everything else he has seen meets the minimum requirements.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to authorize ICM Gutshall to sign the Final Development Order for all Juice. Vote 5 yeas, 0 nays.**

- 17. Update on East Hendry County Recreation** – Recreation Director Lance Ramer gave an update on East Hendry County Recreation stating there is a meeting on Tuesday night. Mr. Ramer stated that it is important to get the School Board involved in the process and that we should probably ask to be put on the School Board agenda. It was suggested that the Mayor and Recreation Director meet informally with the Chairman of the School Board and go from there. Mayor Roland stated that a lot of citizens don't understand when this Recreation Board has done everything they can do, the City Commission, County Commission and School Board will run East Recreation.

- 18. Departmental Monthly Activity Reports** – Presented for information only.

**FINANCIAL REPORT FROM THE FINANCE DIRECTOR**

**REPORT FROM INTERIM CITY MANAGER** – ICM Gutshall stated we have a request from the Hendry County Fair about a float in the parade on February 16, Commissioner Gardner stated she felt we should put the float in the parade. ICM Gutshall informed the Commission and audience the FLW tournament will start February 7 – 10. Registration will be at the auditorium on February 6.

**REPORTS FROM THE CITY ATTORNEY** – City Attorney Schoech stated the Buchanan foreclosure is in process and the filing of their response is due this week.

**REPORTS FROM THE CITY COMMISSION** – Commissioner Rodriguez stated the doors at the youth center need to be replaced immediately. Commissioner Gardner thanked Mrs. Christensen for her note regarding the City staff. Commissioner Pittman stated there had been a couple of letters praising the golf course and staff as well.

Christy Vaughn stated the interlocal agreements are great and maybe the City and County might consider overlapping some services such as mosquito control.

**Adjournment:**

The meeting was adjourned at 8:40 p.m.

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Phillip Roland, Mayor

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Marilyn McCorvey, City Clerk