

CITY OF CLEWISTON
Regular Commission Meeting
August 21, 2017

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, August 21, 2017. The meeting was called to order at 5:02 p.m. by Mayor Gardner. The audience joined in reciting the Lord's Prayer and the Pledge of Allegiance.

Commissioners Present: Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Kristine Petersen, Commissioner Julio Rodriguez and Commissioner Phillip Roland.

Personnel Present: City Manager Al Perry, Interim City Clerk Mary K. Combass, Finance Director Shari Howell, Public Works Director Sean Scheffler, Recreation Director Lance Ramer, Police Chief Aaron Angell, Community Development Director Travis Reese, Utilities Director Danny Williams, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, City Engineers Tommy Perry and Scott Jones, Loretta Melanson, Karen Moore and City Attorney Gary Brandenburg.

Visitors Present: Pepe Lopez, Christine Howell, Asa and Betty Godsey, Donnie Hughes, Ramon Iglesias, Chris Felker, Ninette Aker, Jennifer Black and Raoul Bataller

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry stated an agreement with Aquatic Systems, Inc. is added as Consent Agenda Item I and Agenda Item Nos. 11 and 14 are deleted.

1. Consent Agenda

- A. *Commission Workshop Minutes – July 13, 2017*
- B. *Commission Budget Workshop Minutes – July 13, 2017*
- C. *Commission Meeting Minutes – July 17, 2017*
- D. *Commission Budget Workshop Minutes – August 1, 2017*
- E. *Turf Management Services Agreement*
- F. *Hope Hospice and Community Services, Inc. Lease Agreement*
- G. *Clewiston Chamber of Commerce Service Agreement*
- H. *Clewiston Museum Service Agreement*
- I. *Aquatic Systems, Inc. Agreement*

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the Consent Agenda. Vote 5 yeas, 0 nays

Mayor Gardner stated that she had asked Ramon Iglesias from Roland and Mary Ann Martin's Marina to share a video with the Commission that shows what a fishing community can do when they decide to make their town a very popular tourist location. Mr. Iglesias stated the video is from the CBS Morning Show and is about a community in Dayton, TN, whose county has a lot of the same similarities as Hendry County. After the video was shown, Mr. Iglesias stated that he asked the Tourism Development Council to get more aggressive so that we can be competitive and get more people to visit our community. Mr. Iglesias and the Commission discussed how important the Lake and fishing is to our community.

ORDINANCES

- 2. Ordinance No. 2017-16 – First Reading** – Ordinance No. 2017-16 prohibits outdoor roadside sales of merchandise within the City.

Mayor Gardner read Ordinance No. 2017-16 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2016-16 on first reading and set the public hearing for September 18, 2017. Vote 5 yeas, 0 nays

3. **Ordinance No. 2017-17 – First Reading** – Ordinance No. 2017-17 establishes a ban on medical marijuana treatment dispensary facilities.

Mayor Gardner read Ordinance No. 2017-17 by title.

Commissioner Petersen made a motion, seconded by Commissioner Roland, to approve Ordinance No. 2017-17 on first reading and set the public hearing for September 18, 2017. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

4. **Approval of Change Order No. 1 and Final Payment for the 2017 Block 402 Drainage Project** – Scott Jones with Johnson-Prewitt & Associates, Inc. has acknowledged this project is complete and satisfactory, including a change order for additional asphalt paving, which totals \$1,216.00, with a total contract price with the change order of \$20,832.00 and recommends issuing final payment in the amount of \$3,177.60 to Diaz Asphalt, LLC.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Change Order No. 1 and final payment to Diaz Asphalt, LLC in the total amount of \$3,177.60 for the 2017 Block 402 Drainage Project. Vote 5 yeas, 0 nays

5. **Approval to accept USDA RBDG Grant in the amount of \$299,489 for the Hampton Inn Utilities Relocation Project** - This Grant will provide necessary funding for the project.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to accept USDA RBDG Grant in the amount of \$299,489 for the Hampton Inn Utilities Relocation Project. Vote 5 yeas, 0 nays

6. **Award of Block 201 Utility Relocation Project** - The City advertised for bids for the Block 201 Utility Relocation Project on May 11, 2017. The bids were opened on June 15, 2017 and ranged from \$198,778.00 to \$340,337.18. City Engineers Tommy Perry and/or Scott Jones with Johnson-Prewitt & Associates, Inc. will have a recommendation.

City Engineer Scott Jones said GO Underground was the low bidder, references have been checked and good reports have been received. He recommends the project be awarded to GO Underground. He stated that they have been working closely with USDA to make sure that everything is done in the right order so that the grant will pay for everything. He also stated that the City was allowed to hold the bids for 60 days for this project. He further confirmed this project is for water and sewer only, the larger water line is there and as the water line is improved the rest of the way in the City, it will tie in nicely with this one. Commissioner Rodriguez expressed that he did not want to send any money back and suggested that all upgrades be done that can be done. Engineer Jones stated that they will do everything they can.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to award the Block 201 Utility Relocation Project bid to GO Underground Utilities in the amount of \$198,778.00. Vote 5 yeas, 0 nays

7. **Award of Clewiston Police Headquarters Project** – The City of Clewiston advertised for bids for the Clewiston Police Headquarters Project on July 2, 2017 and July 6, 2017. The bids were opened on August 3, 2017 and the base bids ranged from \$1,590,000 to \$2,335,058. City Engineers Tommy Perry and/or Scott Jones with Johnson-Prewitt & Associates, Inc. will have a recommendation.

City Engineer Tommy Perry addressed the Commission and recommended the contract not be awarded at this time and the bids be held to allow time for the City to negotiate with the low bidder and look at other options for the police station. He explained the City would not be able to collect the bid bond after thirty days but will be able to enter into a contract with the low bidder if he is willing. He stated the low bidder has indicated they are very interested in the job. He explained that Alternate A would be subtracted from the Base Bid if it was

decided the water line would not be built and Alternate B would be subtracted from the Base Bid if it was decided the old police station building would not be torn down. City Manager Perry stated there is \$1.39 million available.

Commissioner Roland made a motion, seconded by Commissioner Petersen to not award the project at this time and hold the bids until next month. Vote 5 yeas, 0 nays

Vice Mayor Atkinson said he had suggested using the location behind Ace Hardware to construct the new police headquarters because the cost for the water line could be deducted and asked if City Manager Perry or Engineer Perry could negotiate with the low bidder to see if that location could work. City Attorney Brandenburg stated that if there is a significant difference in the subsurface conditions in the two locations, there could be a problem with the other bidders. City Engineer Perry stated that he does not anticipate the subsurface conditions to be significantly different. Commissioner Rodriguez next asked why the building was not reduced to around 5,000 square foot. Engineer Perry stated they were not asked to make that decision and the Police Department said they were looking at a building to serve the community in the next 20 years. City Manager Perry stated the reduction in the square footage and having more time led them to believe they would be okay. He also stated they wanted to maximize the building for the appropriation that was received and there was no way to predict that the bids would come in that high. Vice Mayor Atkinson expressed that he would rather build a new police station if it can be done and keep the Seacoast building on the tax roll.

- 8. Approval of Replacement of Rescue One** – The matter for consideration is a request to issue a P.O. for the replacement of Rescue One which was involved in a wreck on November 23, 2016.

It was noted the county will pay 67% of the \$11,136.63.

Commissioner Roland made a motion, seconded by Vice Mayor Atkinson to approve the replacement of Rescue One. Vote 5 yeas, 0 nays

- 9. Review and Approval of Request to Purchase SmartCOP Computerized Dispatch CAD and Report Management System Software** – Presented by Police Chief Aaron Angell

Police Chief Aaron Angell said we should assume the maintenance price will increase 5% annually.

Commissioner Roland made a motion, seconded by Commissioner Petersen to approve the purchase of the SmartCOP Computerized Dispatch CAD and Report Management System Software. Vote 4 yeas, 1 nay (Commissioner Rodriguez voted nay)

Before the vote, Commissioner Rodriguez said his understanding that what the Police Department has now is working. Chief Angell agreed. Commissioner Rodriguez said he supports the department but he does not support the expense at this time. He stated that he feels the maintenance cost will go up. Chief Angell said his concern is what they would do if there is a failure with the software they are currently using because there is currently no maintenance contract in place. Commissioner Petersen said that she feels if this opportunity is passed at this time, the cost will go up exponentially. Mayor Gardner stated that she will be supporting the purchase because it has shown that it works for us and other law enforcement officers are using it. Chief Angell said he is familiar with the software and has worked with it since 2005. He also stated that he is confident it will service us and confirmed that updates are included in the cost for maintenance.

- 10. Approval of renewal of the 2017 Aerial Mosquito Control Contract and the 2017 Ground Mosquito Control Contract between the City of Clewiston, Florida and Clarke Environmental Mosquito Management, Inc.** – The current contracts expire on September 31, 2017 and may be extended in twelve (12) month increments, not to exceed twenty-four (24) months, with no more than a 2% increase each year.

Mayor Gardner stated City Attorney Brandenburg has reviewed the contract renewals that include the items that were discussed at the August 17, 2017 Commission Workshop. Commissioner Roland asked Public Works Director Sean Scheffler if he asked if the contractor would consider reducing the 2% price increase. Director Scheffler stated the contractor was not interested in reducing amount of the price increase.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve the renewal of the 2017 Aerial Mosquito Control Contract and the 2017 Ground Mosquito Control Contract between the City of Clewiston, Florida and Clarke Environmental Mosquito Management, Inc. for a twelve month period with a 2% increase. Vote 5 yeas, 0 nays

11. **Deleted - Discussion regarding Agreement between the City of Clewiston and Johnson-Prewitt & Associates, Inc. dated January 10, 1977** – At the July 17, 2017 City Commission Meeting, Mayor Gardner asked City Manager Perry, City Attorney Gary Brandenburg and City Engineer Perry to review the clarity of responsibilities in the Agreement.
12. **Discussion and Consideration of City Attorney Gary Brandenburg’s Recommendation Regarding Outstanding Code Enforcement Liens** – This matter was discussed at the July 17, 2017 City Commission Meeting. Code Enforcement Officer Debbie McNeil and City Attorney Gary Brandenburg met on August 1, 2017 to discuss possible ways to deal with City Code Enforcement liens.

City Attorney Brandenburg stated that he along with Code Enforcement Officer Debbie McNeil recommend the City enact an amnesty period of nine months for outstanding Code Enforcement liens. He stated the amnesty period would be advertised so that all of the residents are aware that it is available and during that time, all outstanding liens can be paid in full with no interest or penalties and a 60% reduction of the outstanding principal amount. He also stated that it would be understood that the issues that they were fined for would have to be corrected in order to be eligible for the program. He explained if the lien is not paid in full during the nine month period, the lien would revert back to the full amount, plus penalties and interest and liens that are not paid in full in nine months and exist on non-homestead property that does not have a mortgage superior to the lien, will be referred to him to foreclose and after a title search on the property, if practicable and economical, he will begin the foreclosure proceeding. He next discussed his recommendation regarding future abatements. He suggested an ordinance be adopted to allow the Commission to adopt an Assessment Roll for abatements which will allow abatement costs to be placed on the Tax Bills of property owners and collected as taxes.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve the foregoing recommendation so that City Attorney Brandenburg can prepare an Amnesty Resolution and an Assessment Ordinance. Vote 5 yeas, 0 nays

13. **Approval of the final C-21 Bridge Canal Crossing Site Plan pursuant to Agreement No. 4600003609 Between the South Florida Water Management District and City of Clewiston** – City Engineer Tommy Perry

City Engineer Tommy Perry confirmed that September 1, 2017 is the deadline to submit the site plan to the South Florida Water Management District. City Engineer Perry discussed the reasons that Site B is recommended. He stated that he estimates the cost to be 48% to 55% more to go with Site C than it would be for Site B because a longer bridge would be needed. He explained that Task 2 is to come up with the cost and today it is estimated that cost would be approximately \$1.5 million to \$2 million at Site B. Commissioner Rodriguez stated that he feels Site B should be selected and congratulated Engineer Perry on his presentation. Engineer Perry stated that even though the drawing does not depict exactly what the site looks like now because of the work that is presently being done on the C-21 Canal, it is not significant to the cost. He stated the pads that the office trailers are now sitting on at the Site B location may be used to build the bridge. Engineer Perry confirmed that if the lake level is at 15.5’, the clearance would be 13.5’ and stated the cross sections for each site are shown. Commissioner Roland stated that for \$500,000 more, Site C would allow more room for boats to pass and has contiguous parking. He suggested the City have a special meeting to

further discuss this matter. Mayor Gardner stated this is a big decision for the City to make and agreed that a special meeting should be scheduled. She stated a representative from the Corps of Engineers will meet with the City Manager and City Engineers at City Hall on Thursday, August 24, 2017 with aerial pictures of the C-21 Canal and she will request them to leave the property with the improvements that are there. She feels the City should wait to make a decision until after Thursday, August 24, 2017 and suggested the Special Commission Meeting be held on Monday, August 28, 2017 to determine the location of the bridge. The Commission agreed. A Special Commission Meeting was scheduled for Monday, August 28, 2017 at 3:30 p.m. There was a general discussion regarding the number of parking spaces compared to the number of boat ramps, the option of having a vertical wall on one side and a slope on the other side and the option to build a pedestrian crossing under the bridge.

Mr. Pepe Lopez addressed the Commission and expressed his concern regarding the impact on the top of the levee that the bridge at Site C would have. Engineer Perry stated that the US Army Corps of Engineers has said that we could not dig within 50' of the toe and we would not be allowed to take any fill away from the levee but they would consider allowing us to put additional fill on the levee. Commissioner Rodriguez asked Mr. Lopez if he is here as a citizen or on behalf of US Sugar Corporation. Mr. Lopez agreed that it is US Sugar's pleasure to see the bridge at the location of Site B. Mayor Gardner stated this discussion will be continued at the Special Commission Meeting on August 28, 2017 at 3:30 p.m.

14. **Deleted - Discussion regarding the Ownership of North Francisco Street** – City Attorney Gary Brandenburg will provide an update on this matter.
15. **Approval of Non-Exclusive License and Use Agreement between United States Sugar Corporation and the City of Clewiston** – This agreement allows the City to install a “Welcome to Clewiston” sign on property owned by United States Sugar Corporation.

City Manager Perry stated the sign on the west end of town is currently on property that does not belong to the City and needs to be moved. Public Works Director Sean Scheffler stated the sign would be located just east of Lewis Boulevard. It was confirmed that City Attorney Brandenburg had reviewed the agreement.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve the Non-Exclusive License and Use Agreement between United States Sugar Corporation and the City of Clewiston. Vote 5 yeas, 0 nays

16. **Departmental Monthly Activity Reports** - Presented for information only.

PUBLIC COMMENTS – none

COMMENTS FROM CITY MANAGER – City Manager Perry informed the Commission that he had just returned from the Florida League of Cities Conference and had invited every city council that he met to come to Clewiston to see the lake. He also said that David Brown, a former Chief of Police from Dallas, Texas, one of the keynote speakers at the conference, described a time when he lost five officers in one day to a sniper. City Manager Perry encouraged everyone to read his book or listen to his videos.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Petersen stated that she hopes we are keeping in contact with Hendry County as they have hired a new lobbyist. She explained that the County is willing to work with us on water treatment. Mayor Gardner stated the legislative meeting in LaBelle is October 20, 2017.

Vice Mayor Atkinson asked City Manager Perry if he had talked to County Administrator Charles Chapman regarding live streaming. City Manager Perry stated that IT Administrator JD Lucas said that we don't need much to set it up and agreed to discuss the matter with him again tomorrow.

Mayor Gardner congratulated and thanked the Elks for holding the Tiger Tailgate event for the teachers.

Vice Mayor Atkinson asked when the basketball goals will be done and when the fence at the tennis court will be put back up. Recreation Director Lance Ramer stated the top coat on the basketball court has been poured and temporary lines could be put up once the asphalt has cured. Public Works Director Sean Scheffler stated there is a set of drawings for the fence but it has not gone out to bid yet. He also explained that the current ordinance says the fence has to be vinyl coated so the scope of work has changed. Mayor Gardner asked Attorney Brandenburg to determine if the fence that existed could be put back up because it was taken down for a public event and was not damaged.

ADJOURNMENT

The meeting was adjourned at 6:42 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk