

**CITY OF CLEWISTON
Regular Commission Meeting
December 18, 2017**

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, December 18, 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 and Commissioner Phillip Roland. Commissioner Julio Rodriguez was absent.

Personnel Present: City Manager Al Perry, Interim City Clerk Mary K. Combass, Finance Director Shari Howell, Community Development Director Travis Reese, Police Chief Aaron Angell, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Library Director Natasha Hayes, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, City Engineer Scott Jones, City Attorney Gary Brandenburg, Robbie Hansen, JD Lucas, Shirley Reynolds and Buffie McLeod

Visitors Present: Laura Smith, Asa and Betty Godsey, Chris Felker, Andy Tilton, Jerry Cochrane, Raoul Bataller, Pepe Lopez, Terry Gardner, Juana Hernandez and Carlos Cruz

CALL MEETING TO ORDER

PRAYER AND PLEDGE OF ALLEGIANCE

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry stated that Agenda Items 4 and 5 have been pulled from the Agenda and Agenda Item 12A has been added to the Agenda.

1. Consent Agenda

- A. *Commission Workshop Minutes – November 16, 2017*
- B. *Commission Meeting Minutes – November 20, 2017*
- C. *Special Commission Meeting Minutes – November 27, 2017*

Exhibit: Agenda Item No. 1A – 1C

Recommendation: Recommended motion is to approve the consent agenda.

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

RECOGNITION OF 2017 EMPLOYEES OF THE YEAR – Shirley Reynolds – General Services; Buffie McLeod – Police Department; Robbie Hansen – Public Works Department; and JD Lucas – Utilities Department.

The Commission recognized the 2017 Employees of the Year and expressed their appreciation to them for their hard work.

PRESENTATION OF CERTIFICATE OF COMPLETION OF THE 2017 INSTITUTE FOR ELECTED MUNICIPAL OFFICIALS TO VICE MAYOR MICHAEL ATKINSON

Mayor Gardner presented the Certificate of Completion to Vice Mayor Atkinson.

PUBLIC HEARINGS

- 2. PUBLIC HEARING - Ordinance No. 2017-20 – Final Reading** – Ordinance No. 2017-20 enacts a new Chapter 2, Article V., “Employment Screening” to provide for criminal history

record checks pursuant to Section 166.0442, Florida Statutes; finds certain positions of municipal employment or appointment to be critical to security or public safety within the City; finds certain public facilities to be critical to security or public safety within the City; provides for modifications to positions of municipal employment or appointment and modifications to public facilities to be made by resolution adopted by the City Commission.

Mayor Gardner summarized and read Ordinance No. 2017-20 by title. She stated that official notice of the public hearing was advertised accordingly and opened the public hearing. As there were no comments, Mayor Gardner declared the public hearing closed.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-20 and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

ORDINANCES

3. **Ordinance No. 2017-21 – First Reading** – Ordinance No. 2017-21 amends Section 102-75 to change the date to require property owners to pave, at the property owners' expense, certain driveway aprons no later than February 1, 2019.

Mayor Gardner summarized and read Ordinance No. 2017-21 by title. She explained this ordinance, if approved, will provide time for the process of the driveway apron project.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Ordinance No. 2017-21 on first reading and set the public hearing for January 22, 2018. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

RESOLUTIONS

4. **Deleted - Resolution No. 2017-24** – Resolution No. 2017-24 approves amendments to the St. Lucie Power Sales Contract and Project Support Agreement; consents to the transfer and assignment of a 15.202% power entitlement share in the St. Lucie Project; consents to amendments of the St. Lucie Power Sales Contract and Project Support Agreement; provides for the mutual release for obligations and claims related to FMPA; provides for the mutual waiver and release of the City of Vero Beach, Florida from obligations related to the St. Lucie Project; and provides for the assignment of certain rights and obligations under the St. Lucie Power Sales Contract and Project Support Contract.

This agenda items was pulled as noted above.

5. **Deleted - Resolution No. 2017-25** – Resolution No. 2017-25 approves Amendment No. 2 to the All-Requirements Power Supply Project; consents to the transfer and assignment of a 32.521% power entitlement share in the Stanton Project, a 16.4887% power entitlement share in the Stanton II Project and a 15.202% power entitlement share in the St. Lucie Project; consents to the waiver of certain of the All-Requirements Power Supply Project Contract; provides for the mutual release for obligations and claims related to FMPA; provides for the mutual waiver and release of the City of Vero Beach, Florida from obligations and claims related to the All-Requirements Power Supply Project; and provides for the assignment of certain rights and obligations under the Vero Contracts.

This agenda item was pulled as noted above.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

6. **Approval of Change Order No. 1 for the US27/Sugarland Highway Phase One Beautification Project** – The Commission awarded the US27/Sugarland Highway Phase One Beautification Project contract to Edgewood Landscape at its regular meeting November 20, 2017. A Change Order is needed to change pricing and quantities.

Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to approve Change Order No. 1 for the US27/Sugarland Highway Phase One Beautification Project. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

7. **Award of 2018 Overlay Paving Project** – The City advertised for bids for the 2018 Overlay Paving Project on November 2, 2017. The bids were received and opened on December 5, 2017. The bids (Base Bid + Alternate Bid) ranged from \$114,143.55 to \$215,113.50. City Engineer Scott Jones of Johnson-Prewitt & Associates, Inc. recommends awarding the base bid and alternate bid to Lynch Paving in the total amount of 114,143.55.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to award the base bid and alternate bid to Lynch Paving in the total amount of \$114,143.55. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

Commissioner Roland stated that he feels we are losing roads faster than we are overlaying. Public Works Director Sean Scheffler said that \$120,000 was budgeted for paving and another paving project on the alley on Bond Street will be done at a later time. Mayor Gardner said she feels the City should apply for SCOP funding and look at alternatives to increase the amount of roads that are paved. Commissioner Roland stated the City is not spending what is being received for paving. Mayor Gardner requested a discussion on this matter be included on next month's agenda.

8. **Award of 2018 Automated Side Loader Bid** – The City advertised for bids for the 2018 Automated Side Loader on November 30, 2017. The bids will be/were received and opened on December 15, 2017. Public Works Director Sean Scheffler will have a recommendation.

Public Works Director Sean Scheffler noted there were nine bids that ranged from \$226,449 to \$255,646. He recommended that we purchase the New Way Sidewinder from Palm Peterbilt for \$226,708. He noted the low bid did not meet the specs.

Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to award the bid to Palm Peterbilt in the total amount of \$226,708. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

9. **Approval of Requested Changes to Police Department Employee Classification Document** – Chief of Police, Aaron Angell is requesting changes be made to the Police Department's Employee Classification Document.

Police Chief Aaron Angell stated that he would like to add an executive staff member to the Police Department's Employee Classification Document so that there would be little disruption in the absence of the Police Chief. He also stated that one lieutenant position has recently been eliminated but he would like to keep the other lieutenant position on the manning document in case it is needed for future growth and/or expansion. He confirmed there would be no financial impact from the requested changes this year but stated there may be a financial impact the following years.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the requested changes to the Police Department Employee Classification Document. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

Chief Angell thanked the public and community for their support of the "Shop with a Cop" Program. He stated they provided 60 children, who were very thankful, with Christmas.

10. **Discussion Regarding Process for Treating Driveway Aprons as a City Project** – At the November 16, 2017 City Commission Workshop, Mayor Gardner asked for City Attorney Brandenburg's advice on the project process.

Mayor Gardner reminded the Commission that Public Works Director Sean Scheffler recommended concrete be used to construct the aprons and engineering services be used for the elevation and flow. The Commission agreed to ask Attorney Brandenburg to proceed

with the process for the City project. Mayor Gardner confirmed that staff will also include recommendations for funding and the process for repayment.

11. Discussion Regarding Purchasing Procedures – City Attorney Gary Brandenburg

Mayor Gardner said Finance Director Howell had previously provided information regarding other cities' purchasing procedures. Mayor Gardner expressed that she would be in favor of budgeted items in excess of \$25,000 and less than \$75,000 not having to come back to the Commission for approval if they are approved by the Finance Director and reviewed by the City Attorney for legal sufficiency.

Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to have a purchasing ordinance prepared for first reading providing that budgeted items in excess of \$25,000 and less than \$75,000 do not have to come back to the Commission for approval if they are approved by the Finance Director and reviewed by the City Attorney for legal sufficiency. Vote 4 yeas, 0 nays (Commissioner Rodriguez was absent)

Mayor Gardner stated that she wanted to be clear on the purchasing process and asked how a City Commissioner or employee who owns a business can do business with the City. Attorney Brandenburg stated that elected members of the board and appointed board members are prohibited from doing business with the City. He also stated there are limited exceptions and suggested that if any elected members, employees or appointed board members are doing business with the City, staff should check with him to see if it falls within one of the exceptions. He further stated that it is permissible for appointed board members to participate in a sealed bid process with the City but elected members are prohibited. He added that if it has been done in the past, it may still be subject to prosecution and agreed to look up the statute of limitations.

12. Recycling Update – Public Works Director Sean Scheffler

Director Scheffler stated that he discussed the City's interest to begin recycling as quickly as possible with Emory Smith of the Lee County Solid Waste Authority, who agreed to meet with him and City Manager Perry after the first of the year to discuss the matter.

12A. Clewiston Police Station Renovation – Police Chief Aaron Angell explained that some changes had to be made to the cost estimates because the original came in a little higher than what was anticipated. He also stated that Revision 1 details the project and shows the total cost of the project minus the contingency for the renovation is \$427,679, which comes in under the budget that was originally anticipated. He said alternates will be done when this project goes out for bid. Community Development Director Travis Reese confirmed that he has reviewed the revisions and the cost estimates look solid. Chief Angell confirmed that all furnishings and security equipment are part of the purchase and will be left in the building and Attorney Brandenburg confirmed the closing is scheduled for January 2, 2018. Chief Angell stated that CPZ Architects, Inc. has done a remarkable job and it has been a pleasure to work with them. City Manager Perry stated that he will include Vice Mayor Atkinson in the meetings to further review Revision 1 of the Conceptual Cost Estimate if the Commission will allow them to make the appropriate changes they see fit. Attorney Brandenburg stated that a contract, drawn up and provided by the architect, will need to be approved by the Commission for the actual construction costs. He suggested the architect be told to move ahead with the design of the construction documents and put the project out for bid and then the contract, construction documents and bid will come back to the Commission for approval on January 8, 2018. He added the final conceptual plan with any changes that may have been made will also be available at that time. He then stated that he has not seen the lease agreement, which needs to be approved before the closing on January 2, 2018 or the Commission will need to delegate authority to him.

Commissioner Roland made a motion, seconded by Commissioner Petersen, to authorize the City Attorney, City Manager and Police Chief to negotiate a lease and authorize the Mayor to sign on behalf of the City. Vote 4 yeas, 0 nays. (Commissioner Rodriguez was absent)

The Commission and Attorney Brandenburg confirmed that the architect's contract will be addressed at the January 8, 2018 Commission Meeting.

13. Departmental Monthly Activity Reports - Presented for information only.

PUBLIC COMMENTS – Mr. Jerry Cochrane addressed the Commission and expressed his concern that spraying on the Lake has destroyed the vegetation. Mayor Gardner stated that the South Florida Water Management District meets weekly and she knows that matter is being looked at. She also stated that the City approved a resolution regarding this matter and Commissioner Roland is visiting areas to distribute copies of the resolution and other information. She further stated that the Okeechobee News and Hendry-Glades Sunday News have written articles about the issue.

Mr. Cochrane next expressed his concern with the amount of money that is being used to resurface roads. He stated that he feels the gas tax money that is received is supposed to be used for roads. Mayor Gardner stated that this matter will be discussed next month.

Commissioner Roland said he will be meeting with the FWC on January 11, 2018 to discuss spraying on the Lake and the depth of the Lake. He agreed to give the time of the meeting at the January 8, 2018 Commission Meeting.

COMMENTS FROM CITY MANAGER – City Manager Perry stated that we just received notice that funding has been awarded to the City for Phase Two of the US 27/Sugarland Highway Beautification Project.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Vice Mayor Atkinson asked for an update regarding repairs to US Highway 27. Mayor Gardner requested staff to reach out to the area supervisor at the FDOT headquarters in Bartow and invite them to visit. Vice Mayor Atkinson stated that he will also call Senator Passidomo.

Mayor Gardner announced that everyone is invited to the Annual Chamber Social at First Bank tomorrow at 5:30 pm. She then stated that the holiday season is a time to reflect and look forward and she has no shame on decisions that she has made over the years knowing that her intent is to make the City better and stronger. She further stated that she counts her blessings and is thankful for the blessings of this community and for everyone who makes this town, America's Sweetest Town. She added that she looks forward to increased prosperity in 2018 and wished everyone a Merry Christmas and a blessed and prosperous new year.

ADJOURNMENT

The meeting was adjourned at 6:07 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk