

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**March 4, 2019**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, March 4, 2019. The meeting was called to order at 5:30 p.m. by Mayor Gardner. Pastor Gayle of the Seventh Day Adventist Church gave the invocation and the audience joined in reciting the Pledge of Allegiance.

**Commissioners Present:** Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez.

**Personnel Present:** Interim City Manager Wendell Johnson, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Police Chief Aaron Angell, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Community Development Director Travis Reese, Jose Lopez, City Engineer Scott Jones, Firefighters Robert Hunton, Pete Garcia, James Pittman, Jonathan Stryker, Greg Westberry, Gildardo Mendoza, Mike Irey, Kevin McCarthy, Sam Briefman, David Hubbard, Rob Hunton, Jr., Jeff Edwards, Mike Pittman, Zach Waddell, Tom Waddell and Bradly Bellew and City Attorney Gary Brandenburg.

**Visitors Present:** Laura Smith, Asa and Betty Godsey, Luan Walker, Melkiah Gilliam, Hillary Hyslope, Belinda Smith, Jennifer Black, Wendy Castillo, Raoul Bataller, Anthony Chihocky and Antonio Perez.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA** – Interim City Manager Johnson stated that an Affidavit of Compliance is added to Agenda Item No. 6.

**1. Consent Agenda**

- A. *Commission Workshop Minutes – January 28, 2019*
- B. *Commission Workshop Minutes – February 4, 2019*
- C. *Commission Meeting Minutes – February 4, 2019*
- D. *Event Application – Sugar Festival – March 16, 2019*
- E. *Proclamation – Sugarcane Farmers Appreciation Week – March 11-17, 2019*
- F. *Proclamation – Robert Hunton Retirement – March 1, 2019*

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

**PRESENTATION OF PROCLAMATION – SUGARCANE FARMERS APPRECIATION WEEK** – Mayor Gardner read a proclamation recognizing March 11–17, 2019 as Sugarcane Farmers Appreciation Week. Hillary Hyslope, Belinda Smith and Wendy Castillo of the Clewiston Sugar Festival Committee accepted the proclamation on behalf of the Clewiston Sugar Festival and all sugarcane farmers. Mayor Gardner stated the proclamation will also be presented at the Clewiston Sugar Festival on March 16, 2019 at 11:00 a.m.

**PRESENTATION OF PROCLAMATION – RETIREMENT OF ROBERT HUNTON** - Mayor Gardner read a proclamation recognizing the retirement of Fire Chief Rob Hunton and honoring him for thirty-six years of service to the City of Clewiston. The City Commission presented the proclamation along with a check to Mr. Hunton. Current Fire Chief Travis Reese, along with the City of Clewiston Volunteer Firefighters, also presented a plaque to Chief Hunton.

**PRESENTATION OF AWARD TO JOSE LOPEZ ON BEHALF OF THE CLEWISTON ELKS LODGE** – Public Works Director Sean Scheffler presented a plaque to City of Clewiston Recreation Attendant Jose Lopez, on behalf of the Clewiston Elks Lodge. Director Scheffler explained that each year the Clewiston Elks Lodge recognizes one of the City of Clewiston employees with outstanding performance that year.

**PUBLIC HEARING**

2. **Ordinance No. 2019-01 – PUBLIC HEARING - Final Reading** – Ordinance No. 2019-01 amends Section 102-75, Construction Requirements for Curbs, Curb Cuts and Driveways, to change the date to require property owners to pave, at the property owners' expense, certain driveway aprons no later than February 1, 2020.

Mayor Gardner summarized and read Ordinance No. 2019-01 by title and opened the public hearing. She asked that anyone desiring to speak to please come forward. After being sworn in by City Attorney Brandenburg, Laura Smith expressed that she hopes the letter giving notice to the property owners will be sent to all property owners that actually fall under this ordinance and fully informs everyone. She also requested the City to do its best to minimize the financial impact on the residents and do its part and maximize the overlay paving and pothole repairs. As there were no other comments, Mayor Gardner closed the public hearing.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2019-01 on final reading and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

**ORDINANCE**

3. **Ordinance No. 2019-02 – First Reading** – Ordinance No. 2019-02 revises Article III of the Code of Ordinances to provide alternative purchasing methods for professional services.

Mayor Gardner summarized and read Ordinance No. 2019-02 by title.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2019-02 on first reading and set the public hearing for April 1, 2019. Vote 5 yeas, 0 nays**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

4. **Award of 2019 Country Club Roof Project** - The City advertised for bids for the 2019 Country Club Roof Project for the installation of a new roof on the Clewiston Country Club on January 30, 2019. Four bids were received and opened on February 26, 2019. The bids ranged from \$34,473.18 to \$43,500.00. Public Works Director Sean Scheffler recommends awarding the bid to Bowline Roofing, Inc. in the amount of \$34,473.18.

Interim Manager Johnson stated that the Country Club Board has agreed to subsidize the payment for this project along with the insurance proceeds received by the City.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to accept the bid for the 2019 Country Club Roof Project from Bowline Roofing, Inc. in the amount of \$34,473.18. Vote 5 yeas, 0 nays**

5. **Award of 2019 Hot Spot Paving Project** - The City advertised for bids for the 2019 Hot Spot Paving Project for the paving of intersections and medians at select locations on January 30, 2019. Four bids were received and opened on February 26, 2019. The bids ranged from \$14,486.50 to \$45,512.50. Public Works Director Sean Scheffler recommends awarding the bid to Community Asphalt Corp. in the amount of \$14,486.50.

Public Works Director Scheffler informed the Commission that the seven locations for this project include intersections and medians on Berner Road and Ventura Avenue at San Luiz.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to accept the bid for the 2019 Hot Spot Paving Project from Community Asphalt Corp. in the amount of \$14,486.50. Vote 5 yeas, 0 nays**

6. **Award of 2019 Overlay Paving Project** – The City advertised for bids for the 2019 Overlay Paving Project for the installation of approximately 26,362 square yards of one inch (1”) AP-9.5 asphalt overlay and other associated work on January 30, 2019. Three bids were received and opened on February 26, 2019. The bids (Base Bid + Alternate Bid) ranged from \$221,980.00 to \$258,783.20. Public Works Director Sean Scheffler and City Engineer Scott

Jones of Johnson-Prewitt & Associates, Inc. recommend awarding the bid to Weekley Asphalt Paving, Inc. in the amount of \$221,980.00.

City Engineer Scott Jones addressed the Commission and explained that Community Asphalt Corp. was the low bidder and Weekley Asphalt Paving, Inc. is a local vendor, is within 10% of the low bid amount and has agreed to meet that amount. Director Scheffler stated that this project includes overlay paving on Circle Drive from U.S. 27 on the east end of town around to U.S. 27 on the west end of town; Esperanza from San Jose to Magnolia; two blocks on Arcade from U.S. 27 to Royal Palm; and Olympia from U.S. 27 to Trinidad. Commissioner Rodriguez noted that there was discussion at the workshop as to who the bid should be awarded and asked Director Scheffler for his recommendation. Director Scheffler stated that Community Asphalt did last year's paving project and their work was very good. He also stated that he has worked with Weekley Asphalt on many projects and their work on City streets has also been good. There was a brief discussion regarding the issues with Weekley Asphalt's work for DOT on U.S. 27 and their work on the City's boat basin project. Director Scheffler explained that there could be many reasons for the issues on U.S. 27. He noted that the traffic level is lower and the equipment weight is considerably much lighter on City streets than it is on U.S. 27. He also expressed that he feels the issue on the boat basin project was not Weekley Asphalt's fault. He stated that based on the local vendor preference ordinance and his past experience with Weekley Asphalt on the City streets, he is comfortable in recommending Weekley Asphalt for this project. Vice Mayor Atkinson expressed that he feels it was a failure on Weekley Asphalt as the contractor on the boat basin project. Attorney Brandenburg confirmed that the City is not required to award the project to the local vendor. Director Scheffler stated that there has never been a need to exercise a warranty because of poor workmanship on any of the many projects that Weekley Asphalt has done for the City. He also stated that he has only worked with Community Asphalt twice and has never had any issues.

**Vice Mayor Atkinson made a motion, seconded by Commissioner McGahee, to accept the bid for the 2019 Overlay Paving Project from Community Asphalt Corp. in the amount of \$221,980. Vote 4 yeas, 1 nay (Commissioner Petersen voted nay.)**

7. **Award of 2019 Sidewalk Improvement Project** - The City advertised for bids for the installation of approximately 349 linear feet of five-foot (5') wide, six-inch (6") thick concrete sidewalk replacement with aluminum guardrail, detectable warning surfaces and other associated work on January 30, 2019. Two bids were received and opened on February 26, 2019. The bids (Base Bid + Alternate Bids) were \$43,642.50 and \$57,002.70. Public Works Director Sean Scheffler recommends that all bids received for this project be rejected.

Vice Mayor Atkinson made a motion to reject all bids received for the 2019 Sidewalk Improvement Project and keep the \$25,000 budgeted amount and do a sidewalk project of some sort. Mayor Gardner explained that the Commission awarded a bid that was higher than what was budgeted and Director Scheffler's recommendation is to use the \$25,000 budgeted for the sidewalk project for the overlay project. Director Scheffler stated that there will be a difference of \$15,500 that could be applied toward some sidewalk work in the City. Vice Mayor Atkinson expressed that he does not want to use the money budgeted for sidewalks on the overlay project. Mayor Gardner stated that she would like to see a recommendation from staff on what needs to be done with the budget and projects. She feels it is important to reject the bids at this time. Vice Mayor Atkinson stated that because we have not done a sidewalk project in a couple of years, he wants to make sure a sidewalk project is done this year. Mayor Gardner noted that the State of Florida is going to be doing sidewalks for the City of Clewiston as well. Director Scheffler confirmed that there are three or four sidewalk projects in the five year plan. He also agreed to come back with a sidewalk project for \$15,520. Vice Mayor Atkinson stated that he would like to make sure that the amount budgeted for projects next year will cover that project. Mayor Gardner noted that staff has also been out repairing and laying sidewalks.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to reject all bids received for the 2019 Sidewalk Improvement Project. Vote 5 yeas, 0 nays**

8. **Approval of Change Order Number CO-02 for the Clewiston Police Department Building Renovation Project** – This Change Order in the amount of \$2,831.17 is needed for the addition of material and labor to remove carpet and install VCT Tile in Room 108.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Change Order Number CO-02 for the Clewiston Police Department Renovation Project less the insurance and bond fees. Vote 5 yeas, 0 nays**

9. **Approval of Change Order Number CO-05 for the Clewiston Police Department Building Renovation Project** – This Change Order in the amount of \$20,834.32 is needed for the addition of material, equipment and labor to modify the sallyport.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Change Order Number CO-05 for the Clewiston Police Department Building Renovation Project less the insurance and bond fees. Vote 5 yeas, 0 nays**

10. **Discussion regarding Commission Meeting/Workshop Schedule** – After discussion, the Commission agreed to schedule a workshop at 4:30 p.m. before both monthly commission meetings. Manager Johnson noted that there may be times when a meeting and/or workshop is cancelled because of the lack of an agenda.

11. **Discussion regarding Livestreaming of Commission Meetings** – Attorney Brandenburg explained that the issue with livestreaming City meetings is they need to be ADA compliant. Because the livestreaming is not ADA compliant, he recommended that the livestreaming of the commission meetings be ceased until such time that the City could make them ADA compliant. Manager Johnson noted that Lake City has an active lawsuit filed against them for being noncompliant on their web page. He stated that Lake City has emptied their web page until they can become compliant. He also stated that it is unfortunate that cities have to do these things in order to avoid litigation. It was noted that it would not be a problem if an individual livestreamed the meetings. Manager Johnson encouraged anyone who feels the Commission is acting inappropriately to contact the Florida League of Cities. Regarding the City's website, Interim City Clerk Combass stated that all of the documents that were not ADA compliant were removed and eGov, the City's web design and hosting company has assured us that the other information is compliant.

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

**PUBLIC COMMENTS** – Mr. Anthony Chihocky addressed the Commission and expressed that he would like to see a park in his neighborhood located behind Walmart. He stated that there are parks in each of the other neighborhoods and he feels the taxpayers in his neighborhood pay the highest taxes in the City. Mayor Gardner stated that she does not believe that all neighborhoods have parks and explained the community parks have been built and there is a cost to maintain those parks. She stated that this is a good conversation as we go into budget time.

Mrs. Laura Smith addressed the Commission and asked if a “headhunter” had been hired for the City Manager replacement. Manager Johnson confirmed that a “headhunter” had been hired. Mayor Gardner requested staff to add Mrs. Smith to the email list for the City's weekly report.

Mrs. Smith then asked if there was a resolution with Royals regarding the issue with the wheel stops. Director Scheffler stated that at his last meeting with Laura Echols, she was asked to move the wheel stops off City property and she agreed to move them and also agreed to install “no parking on sidewalk” signs on her property. He felt that is all that the City can legally enforce and require them to do. He clarified that the wheel stops will not be removed; they will be moved off City property. Vice Mayor Atkinson expressed that he feels Royals should either install the six inch sidewalk or install a proper curb. Manager Johnson stated that we can't force them to install a six inch sidewalk because it is not an access point. Vice Mayor Atkinson stated that he feels Mr. Royal knew the sidewalk that was removed was a six inch sidewalk. Manager Johnson added that the engineer designed a four inch sidewalk. Commissioner McGahee said we need to go back and try to settle the issue with

Mr. Royal amicably. She added that the wheel stops need to be removed and that needs to be included in the settlement. Director Scheffler stated that Mr. Royal has never agreed to remove the car stops and Manager Johnson stated that he has asked Mr. Royal to remove them and he refused. Attorney Brandenburg explained that the wheel stops are a tripping hazard for anyone who comes down the sidewalk. He said they have to be removed off City property and they can't be put on the edge of a sidewalk because it would be a tripping hazard. He also stated that the plans indicate six inches on the part where people are supposed to drive over and the rest of it is probably correct at four inches. He added that the work that Royals was doing on site should not have received a CO without any of the offsite work in relation to it being completed, inspected and accepted. He said the sidewalk was never accepted by the City. Commissioner Rodriguez recommended the City accept the sidewalk but require him to pour a proper curbing so that it is attractive and is not a tripping hazard and then the City could plant some trees on the other side. Manager Johnson agreed to go back and meet with Mr. Royal to discuss removing the wheel stops, putting the parking signs up and landscaping. Mayor Gardner asked Manager Johnson to provide the Commission with an update. Vice Mayor Atkinson asked for clarification and expressed that he would like the wheel stops to not just be moved but to be removed altogether. Manager Johnson stated that his position is that the City believes the wheel stops are a tripping nuisance and need to be removed. He also stated that the City has agreed to add the landscaping to prohibit the parking in that area and if Royals removes the wheel stops and the parking stops are appropriately placed on his property, it should stop the parking on the sidewalk. Director Scheffler stated that two Royal Palm trees and six Phoenix Roebelenii will be planted in that area. Mayor Gardner asked Manager Johnson to make sure with Directors that if there are any outstanding issues on a project, a CO cannot be issued.

Mrs. Smith then asked for updates on the new flood maps. Mayor Gardner stated that she heard that the new maps will be issued in June 2019 but will follow up with Enrique Padron with Congressman Diaz Balart's office.

**COMMENTS FROM CITY MANAGER** – Manager Johnson stated that he would like the Commission to agree to a work schedule of three days a week for him due to some family matters. He explained that he would be in the office Monday through Wednesday and would be available for emails, text messages and phone calls on Thursday and Friday. He said he could do the same amount and quality of work in a lesser time and would reduce his contract commensurate with those hours. Mayor Gardner stated her concern is that if he is gone and there is something immediate that needs to be done here. Manager Johnson stated that he would be able to work directly with Director Howell to address any issues and could adjust his schedule to accommodate the City. He added that all of the Directors are doing a good job and he would call the Director of the department that the issue involved. He then stated that staff is in the process of helping him gather the information for the solicitation for the City Manager search.

**COMMENTS FROM THE CITY ATTORNEY** – Attorney Brandenburg stated that the sale to Polaroma has closed and the sale to NQAS will close by the 18<sup>th</sup> of this month. He also stated that regarding the lawsuit in federal court and the appeal of the Special Magistrate order with respect to Clewiston Commons, he recommends the Commission authorize him to execute a joint motion to stay the proceedings in circuit court on the appeal as well as the enforcement of our code enforcement order until we have a decision in the federal court so that the federal court will continue and decide the issue.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to authorize City Attorney Brandenburg to execute a joint motion to stay the proceedings in the circuit court. Vote 5 years, 0 nays**

**COMMENTS FROM THE CITY COMMISSION**

**ADJOURNMENT**

The meeting adjourned at 6:45 p.m.

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Mali Gardner, Mayor

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Mary K. Combass, Interim City Clerk