

CITY OF CLEWISTON
Regular Commission Meeting
June 3, 2019

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, June 3, 2019. The meeting was called to order at 5:30 p.m. by Mayor Gardner. Pastor Carlos Roque on behalf of the Clewiston Ministerial Association 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/Finance Director Shari Howell, Interim City Clerk Kathy Combass, Police Chief Aaron Angell, Utilities Director Danny Williams, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Code Enforcement Officer Debbie McNeil, IT Administrator JD Lucas, Compliance Manager Lynne Mila and City Attorney Gary Brandenburg.

Visitors Present: Jerry and Karen Cochrane, Laura Smith, Christine Howell, Ninette Aker, Tena Harris, Terry Gardner, Gloria Rosen, Steve Schneider, Antonio Perez, Donnie Hughes, Pepe Lopez, Frances Spry, Asa and Betty Godsey, Karson Turner and Tish Swangler.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA - Interim City Manager Shari Howell requested that the C-21 Bridge Project Schedule be added for informational purposes as Consent Agenda Item G. She also requested that YMCA's request to use the City's pool and lifeguards for the Harlem summer camp be added as Consent Agenda Item H. Mayor Gardner stated that her understanding is that Interim Manager Howell, City Attorney Brandenburg and Public Works Director Scheffler will review and make the decision as to whether to allow YMCA to use the City's pool and lifeguards for the Harlem Summer Camp. Interim Manager Howell confirmed that is the purpose that it is included on the agenda.

1. Consent Agenda

- A. *Informational Item – Hendry County Property Appraiser letter dated May 30, 2019 regarding estimated taxable value for the 2019 Preliminary Roll*
- B. *Informational Item – Johnson Engineering, Inc. email regarding project updates*
- C. *Informational Item – Johnson Engineer, Inc. Work Order No. 06 for 2019 Overlay Paving Project approved by Interim City Manager*
- D. *Informational Item – Johnson Engineering, Inc. Work Order No. 08 (to be approved by Interim City Manager contingent upon Commission approval of Agenda Item No. 7) for assistance in obtaining permits for a debris management site location*
- E. *Event Application – Nike 7 on 7 Tournament – June 22, 2019 (Permit to be issued contingent upon receipt of certificate of insurance documents and approval of the Fire Safety Permit Application)*
- F. *Proclamation – National Garden Week – June 2-8, 2019*
- G. *Informational Item – C-21 Bridge*
- H. *YMCA request to use the City's pool and lifeguards for the Harlem Summer Camp*

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve the Consent Agenda with Interim Manager Howell, Public Works Director Scheffler and City Attorney Brandenburg reviewing and making the decision on whether to allow YMCA to use the City's pool and lifeguards for the Harlem Summer Camp. Vote 5 yeas, 0 nays

PRESENTATION OF NATIONAL GARDEN WEEK PROCLAMATION – Clewiston Garden Club and Green Thumb Garden Club – Mayor Gardner read the National Garden Week proclamation out loud. She asked the members of both clubs to come forward and presented each of the clubs with a proclamation. Interim Manager Howell stated that the garden clubs have made contributions to the parks and the Green Thumb Garden Club has approached staff asking if they could place some planters in front of City Hall and exchange the plants in those planters out seasonally. She added that both clubs are working together with the schools to make sure the

schools have nice landscaping. Commissioner Petersen noted that this is all in addition to the scholarships that are given to high school students. Mayor Gardner expressed her appreciation on behalf of the Commission to both clubs for their contribution to our community.

QUARTERLY SECURIAN PENSION PLAN UPDATE – Gloria Rosen – Ms. Rosen reviewed the information provided to the Commission regarding the activity in the Clewiston Retirement Plan. She noted that even though the last quarter of 2018 was when there was a downturn in the stock market, the investment gain is very slight but it is a gain. She stated the required contributions to the plan has gone down from \$81,053 that was paid for FY 2017 to \$79,681 for FY 2018 which is due now. She stated the benefits paid has gone up from \$461,350 for FY 2017 to \$530,225 for FY 2018 which is about \$47,000 a month that is being paid out to retirees. She stated that backup is included. She confirmed the investment loss has been recovered, we have held very well and there is no danger. She added that we are advised immediately if there are continued losses.

COMMISSION DISCUSSION ON CITY MANAGER SEARCH – Mayor Gardner stated that Mr. Baenziger arranged for another candidate that was in the area to meet with each Commissioner one-on-one. She also stated that there are other applicants from another search that are interested in applying, other outside inquiries that have been received and the other applicants who were not selected on the first round and are still interested. Commissioner Rodriguez stated that he feels that Randy Martin, who was on the original list of 68 candidates, slipped through the cracks. He noted that Mr. Martin came to Clewiston at his own expense as he was on vacation. He stated that Mr. Martin checked all the boxes for him and feels that he would do an excellent job as the manager for our City. Mayor Gardner noted that Mr. Martin was on the list of 8. She stated that Mr. Baenziger is not here tonight but provided options to continue recruiting, go back to the list of 8 and additional applicants that have reached out to us from the City of Naples search and another applicant from Louisiana that reached out to us. She added that Mr. Baenziger stated that we would take at least another month for the background check to be done on those candidates who have recently reached out to us. She stated that Mr. Baenziger stated that another option would be to select Mr. Martin as the City Manager. Vice Mayor Atkinson stated that he met with Mr. Martin and was very happy and thrilled when he found out that he was in town as he had selected him both times as a finalist and would support the decision for him to be the City's next City Manager. Commissioner McGahee stated that she would be agreeable. Commissioner Rodriguez stated that Mr. Martin said he said he could start in 30 days and it looks like the salary would need to be around the \$180,000 range to start. Commissioner Rodriguez stated that Mr. Martin would also like to be evaluated on a yearly basis. Attorney Brandenburg stated that if the Commission wants to move forward with hiring Mr. Martin as the City Manager, they would need to instruct him to contact Mr. Baenziger to propose a contract and bring it back to the Commission for consideration. Mayor Gardner stated that we can offer the position but there may be some things that don't work out during the contract discussion and that is why she is happy to hear that there are so many others that are interested. Commissioner McGahee noted that the resumes of two Naples candidates are very strong, however she feels the City needs a manager right now. Commissioner Rodriguez recommended that we enter into a two year contract with Mr. Martin. Commissioner McGahee noted that she liked what she heard from Mr. Martin but did not like what she read in an article about him. She expressed that she would like there to be an out for us in the contract if we are not pleased. Commissioner Petersen stated that Mr. Martin's level of research was more than what she saw from the other candidates. She stated that Mr. Martin has the fiscal knowledge and planning and is excited to get back to being a leader of a City. Mr. Pepe Lopez stated that his impression when he met Mr. Martin and his wife was that they were a real nice couple. He stated that Mr. Martin's wife is an ER nurse and would be looking for employment here at the local hospital. Commissioner Rodriguez stated that he would like to set a time to have a meet and greet for Mr. Martin and would be willing to take care of the food for that night if the Commission agrees. Commissioner Petersen stated that Mr. Martin upheld everything on paper but he was very humble about it. Mayor Gardner stated that she also got to visit with Mr. Martin and told him that with the City going out for additional interviews, there is no doubt that he would be on the list for her. She added that if he had interviewed with the other candidates, she would be supporting him; everything shows that if he is hired and an agreement is worked out, he will do his best and lead the City in being a stronger town. She stated that she also feels he should be given the opportunity to be the City's next City Manager and agrees to have the meet and greet for Mr. Martin. She also stated that after talking with Mr. Baenziger regarding the amount of time to do the backgrounds, she feels it is time to go ahead and make this decision.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to hire Randy Martin as the next City Manager and to direct City Attorney Brandenburg to bring a contract back to the Commission at the next meeting. Vote 5 yeas, 0 nays

Before the vote, Commissioner McGahee stated that she is happy that the Commission is going to make a unified decision. Attorney Brandenburg stated that he will bring a contract to the Commission for their consideration at the next meeting.

RESOLUTIONS

2. **Resolution No. 2019-30** – Resolution No. 2019-30 authorizes the Florida Department of Environmental Protection Request for Inclusion which is needed in order to be eligible for the State Revolving Loan Program and request that Phase 2 of the Infiltration Correction Project of the Inflow and Infiltration Program be placed on the August 2019 State Revolving Fund loan priority list.

Mayor Gardner summarized and read Resolution No. 2019-30 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Resolution No. 2019-30. Vote 5 yeas, 0 nays

3. **Resolution No. 2019-31** - Resolution No. 2019-31 authorizes the execution of City of Clewiston Purchase Order No. 20340 for line maintenance services to the City's Transmission Line Number One by Irby Construction Co.

Mayor Gardner summarized and read Resolution No. 2019-31 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve Resolution No. 2019-31. Vote 5 yeas, 0 nays

4. **Resolution No. 2019-32** - Resolution No. 2019-32 authorizes the Mayor to execute a Professional Services Agreement for Building Inspection, Plan Review, Code Enforcement Inspections and Building Official Services with C.A.P. Government, Inc.

Mayor Gardner summarized and read Resolution No. 2019-32 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Resolution No. 2019-32. Vote 5 yeas, 0 nays

5. **Resolution No. 2019-33** - Resolution No. 2019-33 revises the monthly electrical rates as contained in Appendix A, Section 18 of the Code of Ordinances of the City of Clewiston pursuant to Section 74-113 of the Clewiston Code of Ordinances. This resolution is needed in order to revise the rates shown in Appendix A to reflect the actual rates charged. The City Commission approved the one cent per kWh rate increase on February 19, 2001.

Mayor Gardner summarized and read Resolution No. 2019-33 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve Resolution No. 2019-33. Vote 5 yeas, 0 nays

Before the vote, Commissioner Petersen clarified that approval is needed for housekeeping.

6. **Resolution No. 2019-34** - Resolution No. 2019-34 authorizes the Mayor to execute a Contract for Disaster Debris Removal and Disposal Services with Ridgill & Son, Inc.

Mayor Gardner summarized and read Resolution No. 2019-34 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Resolution No. 2019-34. Vote 5 yeas, 0 nays

7. **Resolution No. 2019-35** - Resolution No. 2019-35 authorizes the Mayor to execute a Non-Exclusive License and Use Agreement with United States Sugar Corporation for the use of a parcel of property for debris management in the aftermath of a tropical storm or hurricane.

Mayor Gardner summarized and read Resolution No. 2019-35 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve Resolution No. 2019-35. Vote 5 yeas, 0 nays

8. **Resolution No. 2019-36** - Resolution No. 2019-36 authorizes the Mayor to execute the TPx Communications Service Agreement, Master Service Agreement and Customer Contact Authority, Letter of Agency and UCx International Calling forms in order to convert the City's phone system.

Mayor Gardner summarized and read Resolution No. 2019-36 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve Resolution No. 2019-36. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

9. **Designation of voting delegate for the 93rd Annual Florida League of Cities Conference** – The Florida League of Cities' Annual Conference will be held on August 15-17, 2019 in Orlando, Florida. It is important that each municipality designate one official to be the voting delegate to cast their votes at the Annual Business Session.

Mayor Gardner stated that Vice Mayor Atkinson will be attending the conference.

Commissioner Petersen made a motion, seconded by Commissioner Rodriguez, to designate Vice Mayor Atkinson as the voting delegate to cast their votes at the Annual Business Session. Vote 5 yeas, 0 nays

10. **Approval of method to obtain generator which includes requesting a grant extension for FDLE Grant No. G1619 (Police Station Project)** – Staff recommends approval for staff to move forward with requesting the grant extension and to approval for the Interim City Manager to issue the purchase order for the generator notwithstanding the outcome of the continuation of the grant funding.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve staff to move forward with requesting the grant extension and approve the Interim Manager Howell to issue the purchase order for the generator notwithstanding the outcome of the continuation of the grant funding. Vote 5 yeas, 0 nays

Before the vote, Commissioner Rodriguez requested that when we start using money out of pocket, he would like to know what it is for and how much is needed. Interim Manager Howell confirmed that there is a contingency that is still there. She stated the request for the extension sounds positive but there is no guarantee. Vice Mayor Atkinson noted that this generator is cheaper than the previous quote.

PUBLIC COMMENTS – Mr. Jerry Cochrane addressed the Commission and expressed that he feels it would be advantageous if others attended the Florida League of Cities Conference as there is a lot of valuable information exchanged at the conferences. He also expressed that he feels the \$180,000 salary for the City Manager is not too high; that is the cost of doing business, however he feels the severance package should be limited to two to three months. Mayor Gardner stated that the Commission receives information from the Florida League of Cities every week and webinars are also offered. She also stated that the actual salary range that was advertised for the City Manager position was up to \$190,000 based on qualifications and experience with benefits being the same as other City staff.

COMMENTS FROM CITY MANAGER – Interim Manager Howell stated that we would like to schedule the first budget workshop for June 17, 2019 and agreed to get the workshop

schedule out to the Commission before that date. She stated that most of the budget workshops will be scheduled for June and July and explained that they are typically scheduled right after a Commission meeting. Mayor Gardner stated that on average there are about four or five workshops lasting anywhere from one to four hours.

COMMENTS FROM THE CITY ATTORNEY – City Attorney Brandenburg stated that because the former City engineer has not responded to our public records requests, he feels there is no other option other than to recommend that we file a lawsuit against him on June 10 if he has not provided the documents to us by that date.

Commissioner McGahee made a motion, seconded by Commissioner Rodriguez, to authorize City Attorney Brandenburg to file a lawsuit against the former City engineer on June 10, 2019 if he has not provided us with the requested documents by that date. Vote 4 yeas, 1 nay (Vice Mayor Atkinson voted nay.)

Before the vote, Commissioner McGahee explained that the reason for the request is because there are records that are missing and are needed. Vice Mayor Atkinson suggested that we enter into an agreement with the former engineer because for any public records request to the City, you have to pay for copies and staff's time. City Attorney Brandenburg explained that the agreement indicates that at the end of their contract, they would immediately give the City all of the public records in their possession. He stated that we have asked three times for the records. He also stated that he received a letter from their counsel today indicating that they have given us all of the public records at the end of each of their engagements with the City and unless someone is hiding all of those records, that is not the case. He then explained that public records include all documents that led up to the final documents and stated that the engineer is required by law to provide those documents to us.

After the vote, Attorney Brandenburg informed the Commission that the Clewiston Commons mediation will be held on June 12, 2019 and that he will be attending on the City's behalf.

COMMENTS FROM THE CITY COMMISSION – Commissioner Petersen stated that she will not be available from June 19 through June 23 and July 18 through July 28. She noted that it should only affect any special meetings or budget workshops that are scheduled.

Commissioner Rodriguez suggested that we cancel the first Commission meeting of each month for July, August and September. Mayor Gardner suggested that we have one meeting for July and August but have all the budget workshops that are needed. Commissioner McGahee agreed. Attorney Brandenburg noted that he will be out of the country on July 15. After discussion, the Commission agreed the Commission Meetings for July and August would be scheduled for July 22 and August 19 and then go back to two meetings per month in September. Interim Manager Howell agreed to send a budget workshop schedule out to the Commission. It was noted that the regular workshops would be scheduled for 4:30 p.m. before each Commission meeting. Attorney Brandenburg agreed that he could attend in person or call in if there is something that needs his direction at any of the budget workshops.

Commissioner Rodriguez stated that hopefully we can all be happy with the decisions that have been made regarding the City Manager. He added that he is looking forward to getting Mr. Martin here.

Attorney Brandenburg stated that he felt this agenda was the best agenda that has been put together since he has been here as the City Attorney. He stated that Interim Clerk Combass and Interim Manager Howell did an excellent job on it.

Vice Mayor Atkinson stated that he is happy that we are on the right track with the hiring of a City Manager. He also stated that if it is okay with the Commission, he will work with staff to coordinate a location for the concrete army statue that was donated. The Commission agreed.

Mayor Gardner announced that a Town Hall Meeting is scheduled to be held on June 25, 2019 from 5:00 to 6:00 at City Hall with Representative Byron Donalds and Senator Kathleen Passidomo. She invited the public to come out to meet them and thank them for their efforts. She also stated that she too is excited and confident and hopes to welcome Mr. Martin to

Clewiston. She added that she also agreed with Mr. Brandenburg on the agenda and expressed her appreciation to Interim Clerk Combass and Interim Manager Howell.

ADJOURNMENT

The meeting adjourned at 6:40 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk