

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**June 17, 2019**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, June 17, 2019. The meeting was called to order at 5:30 p.m. by Mayor Gardner. The audience joined in reciting the Lord's Prayer and the Pledge of Allegiance.

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

**Personnel Present:** Interim City Manager/Finance Director Shari Howell, Interim City Clerk Kathy Combass, Assistant Police Chief Marci VanD'Huynslager, Police Sergeant Buffie McLeod, Utilities Director Danny Williams, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, City Engineer Andy Tilton and City Attorney Gary Brandenburg.

**Visitors Present:** Steve Schneider, Laura Smith, Christine Howell, Jerry Cochrane, Phillip Roland, Antonio Perez, Pedro Diaz, Donnie Hughes, Asa and Betty Godsey, Jimmy Pittman, Kartrice Greaves and Terry Gardner.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA - none**

**1. Consent Agenda**

- A. *Informational Item – Mayors letter dated June 6, 2019 regarding farming practices lawsuit*
- B. *Informational Item – 2020 Census New Construction Program Registration Form*
- C. *Informational Item – C-21 Bridge Project Updated Timeline*

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

**RESOLUTIONS**

- 2. Resolution No. 2019-37 -** Resolution No. 2019-37 approves the City Manager contract. The resolution and contract will be provided on Monday, June 17, 2019.

**Exhibit:** Agenda Item No. 2

**Recommendation:** Commission Discretion.

Attorney Brandenburg reviewed the provisions of the agreement with the Commission. He stated that Mr. Martin is able to begin on July 22, 2019, is extremely excited and is looking forward to working with us. There was a brief discussion on whether to purchase or lease a vehicle for Mr. Martin or pay him a vehicle allowance. Attorney Brandenburg stated that state law has certain requirements for paying vehicle allowance that include filing a monthly vehicle mileage register with the City. He stated the mileage report will be very low and the payment for the vehicle allowance will be high which will show conflict and lead to criticism. He recommended leasing a new vehicle for him to avoid that. Mayor Gardner stated that they will start looking at the options. Commissioner McGahee stated that she feels this is a strong contract and is willing to take a risk based on Mr. Martin's credentials. Mayor Gardner expressed that she feels experience and professionalism is important and that Mr. Martin will be a great asset to the City and the community. She thanked Attorney Brandenburg for his work on negotiating an agreement that is fair to the City and Mr. Martin for the future. Commissioner Rodriguez expressed that he feels that Mr. Martin is the right guy and thinks this is a fair contract. Commissioner Petersen stated that she feels that the salary for Mr. Martin will be well invested and his planning platform is needed to move forward. Mayor Gardner then read Resolution No. 2019-37 by title.

**Commissioner McGahee made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-37. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

Before the vote, Mayor Gardner asked if anyone from the audience would like to come forward. There were no further comments.

- 3. Resolution No. 2019-38** - Resolution No. 2019-38 authorizes the Mayor to execute a Contract for Disaster Debris Removal and Disposal Services with Wherry Truck Lines, Inc.

Mayor Gardner summarized and read Resolution No. 2019-38 by title.

**Commissioner Petersen made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2019-38. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

- 4. Resolution No. 2019-39** - Resolution No. 2019-39 authorizes the Mayor to execute a Contract for Disaster Debris Removal and Disposal Services with KDF Enterprises, LLC.

Mayor Gardner summarized and read Resolution No. 2019-39 by title.

**Commissioner Petersen made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-39. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

- 5. Resolution No. 2019-40** - Resolution No. 2019-40 authorizes the Mayor to execute a Contract for Disaster Debris Removal and Disposal Services with Ceres Environmental Services, Inc.

Mayor Gardner summarized and read Resolution No. 2019-40 by title.

**Commissioner Petersen made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2019-40. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

- 6. Resolution No. 2019-41** - Resolution No. 2019-41 authorizes the Mayor to execute a Contract for Disaster Debris Removal and Disposal Services with Custom Tree Care, Inc.

Mayor Gardner summarized and read Resolution No. 2019-41 by title.

**Commissioner Petersen made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2019-41. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

Commissioner Rodriguez asked if there are enough contractors so that they can be out working the day after the disaster. Attorney Brandenburg explained that these contracts lock in the pricing but it does not mean that they will immediately start working when we contact them. He stated that they typically go to the area that pays the most. Interim Manager Howell noted that one of the contractors is local. Commissioner Rodriguez stated that he would like more contractors to look into the process with FEMA to get approved for the next cycle. Mayor Gardner noted that the RFP went out to everyone. Interim Manager Howell stated that Hendry County takes the lead for emergency management and encouraged any of the local contractors to get certified by FEMA and contact Hendry County to see when the next RFP would be.

- 7. Resolution No. 2019-42** - Resolution No. 2019-42 authorizes the Mayor to execute an Amendment to the Sikes Building Lease Agreement with Little Disciples Learning Center, Inc.

Mayor Gardner summarized and read Resolution No. 2019-42 by title. She stated that per discussions with City staff, the recommendation is that the contract be honored with insurance for property damage coverage in the amount of \$500,000 or the replacement cost

value coverage. She stated that we don't know what the replacement cost coverage is at this time.

**Commissioner Rodriguez made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2019-42 pending receipt of the Certificate of Insurance with property damage coverage in the amount of the lesser of \$500,000 or the replacement cost value. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

8. **Resolution No. 2019-43** - Resolution No. 2019-43 authorizes the Mayor to execute a letter of support for the Glades County School District's application for a Florida Job Growth Grant Fund for opening iTECH GLADES Technical College.

Mayor Gardner summarized and read Resolution No.2019-43 by title.

**Commissioner Petersen made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2019-43. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

9. **Resolution No. 2019-44** - Resolution No. 2019-44 authorizes the Mayor to execute the agreement between the City of Clewiston and Edgewood Landscape and Nursery, Inc. for Phase 3 of the installation of Royal Palms on Sugarland Highway.

Mayor Gardner summarized and read Resolution No. 2019-44 by title. Commissioner Rodriguez asked if there are any repairs or any trees that need to be replaced. Compliance Manager Lynne Mila stated that our contract with Edgewood provides for a one year warranty however there is a time period to close out the grant. Commissioner McGahee stated that we should feel good that we are finishing the project under budget. It was noted that Phase 3 of the project was from Bond Street to West Arcade.

**Commissioner McGahee made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-44. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

10. **Resolution No. 2019-45** - Resolution No. 2019-45 authorizes the Mayor to execute the agreement between the City of Clewiston and Edgewood Landscape and Nursery, Inc. for Phase 4 of the installation of Royal Palms on Sugarland Highway.

**Exhibit:** Agenda Item No. 10

**Recommendation:** Recommended motion is to approve Resolution No. 2019-45.

Mayor Gardner summarized and read Resolution No. 2019-45 by title. It was noted that Phase 4 of the project was from West Arcade to Lopez.

**Commissioner McGahee made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-45. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

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

11. **Recommendation for joining Hendry County in their RFP for Special Magistrate Services** – The City of Clewiston, along with the City of Moore Haven, City of LaBelle and Glades County, received an invitation from Hendry County to join them in their RFP for Special Magistrate Services. The City currently has an agreement with Davis & Ashton, P.A. for Special Magistrate Services and asks for direction from the Commission on how to proceed.

The Commission agreed to continue working with Davis & Ashton, P.A. for Special Magistrate services. Mayor Gardner requested staff to notify Hendry County that the City is going to continue using Davis & Ashton, P.A. for special magistrate services.

12. **Appointment of Voting Member and Alternate to the Southwest Florida League of Cities** – The City of Clewiston received an invitation to become a member of the Southwest

Florida League of Cities. If the City wishes to become a member, a voting member and alternate should be appointed.

Mayor Gardner expressed that she would like to join the Southwest Florida League of Cities for one year. She feels it would be beneficial to meet with elected officials from other communities.

**Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to appoint Mayor Gardner as the voting member and Vice Mayor Atkinson as the alternate. Vote 3 yeas, 1 nay (Commissioner McGahee voted nay and Vice Mayor Atkinson was absent.)**

**13. Request to make payment to Boromei Construction, Inc. for the Police Station Renovation Project**

Mayor Gardner reviewed the request with the Commission.

**Commissioner McGahee made a motion, seconded by Commissioner Petersen, to make payment to Boromei Construction, Inc. down to 5% depending upon the fire suppression system being installed and the final 5% being paid upon the issuance of the final Certificate of Occupancy. Vote 4 yeas, 0 nays (Vice Mayor Atkinson was absent.)**

Before the vote, Commissioner Rodriguez asked who will be doing the final punch list. Community Development Director Travis Reese stated that he will be doing the final punch list for building code inspections and fire safety and Police Chief Aaron Angell will be doing a list for the other items. Commissioner Rodriguez expressed that he would like to know what items are left to complete the building, the cost to complete those items and if those items will be covered under the grant. He also stated that he would like to know when the roof and A/C will need to be replaced. Interim Manager Howell confirmed that she has the accounting for the grant and agreed to provide it to Commissioner Rodriguez. She stated that Police Chief Angell is working with her on a critical timeline for the remaining items. She reminded the Commission that at the June 3, 2019 Commission Meeting, they approved for staff to request an extension on this project, which has been granted by FDLE with the funding contingent upon receiving it again through the legislature. She stated the total cost for the generator and installation, estimated to be \$30,000, is the only item that we may not get funding for. She reviewed the items needed to be complete and noted that some of them need to be complete by June 25. She stated the communications equipment will be moved from the old police station to the new police station and the cost to move that equipment is \$16,282. She stated the budget lines in the grant were reviewed and revised to fit what was actually happening when the grant adjustment for the time extension was done and there will be monies left over that Chief Angell has requested that we put into communication. She stated that they are currently having some radios tested to see if the equipment that we have will work. She added that CPZ Architects previously said that a new roof would be needed in 5-6 years and the roof and air conditioner will be on the capital outlay for the Police Department building. Commissioner Rodriguez expressed that he wants to make sure that all of the items are documented. Interim Manager Howell stated that she will make sure the Commission receives the timeline. She also confirmed that we have a temporary generator and the new generator would be in place by November 8, 2019.

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

**PUBLIC COMMENTS – None**

**COMMENTS FROM CITY ENGINEER –** City Engineer Andy Tilton addressed the Commission and stated that the C-21 Bridge Project plans are being reviewed by the South Florida Water Management District as part of their review of the project through the grant process, which review should be complete by the end of this month. He also stated that the plans and the application for the South Florida Water Management District Environmental Resource Permit have been drafted and sent to the City for review prior to submittal. He added that he hopes to have U.S. Army Corps of Engineers permit application draft also to the City for review and will follow that up with the application for the right-of-way permit

that is needed to do this work. Engineer Tilton pointed to the area on a map for the new bridge and stated that it will be located at the western edge of the paved parking. He then stated that the Trinidad Park work is complete under the FRDAP Grant and that he is working with Compliance Manager Lynne Mila and Interim Manager Howell to get that paperwork finished.

**COMMENTS FROM CITY MANAGER - none**

**COMMENTS FROM THE CITY ATTORNEY** – Attorney Brandenburg stated the mediation regarding Clewiston Commons failed to result in a settlement so more information on this matter will be provided in the future. He also stated that he filed a public records lawsuit against the City’s former engineering firm and will also have a report about that in the future.

**COMMENTS FROM THE CITY COMMISSION** – Commissioner Rodriguez stated that he would like the public to have a chance to meet Randy Martin, the City’s new City Manager and noted that he agreed to provide the catering for the Meet & Greet. Mayor Gardner asked Interim City Clerk Combass and Interim Manager Howell to work with Commissioner Rodriguez and Mr. Martin to schedule a date for the Meet & Greet.

Mayor Gardner stated that she is looking forward to Mr. Martin coming and the start of the budget workshops.

**ADJOURNMENT**

The meeting adjourned at 6:28 p.m.

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Mali Gardner, Mayor

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Mary K. Combass, Interim City Clerk