

CITY OF CLEWISTON
Regular Commission Meeting
November 18, 2019

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, November 18, 2019. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Reverend Geraldine Miller of New Bethel AME Church 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: City Manager Randy Martin, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Utilities Director Danny Williams, Compliance Manager Lynne Mila, Public Works Director Sean Scheffler, Police Chief Aaron Angell, Assistant Police Chief Marci VanD’Huynslager, Community Development Director Travis Reese, City Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Steve Schneider, Pepe Lopez, Christine Howell, Geraldine Miller, Matt Beatty, Donnie Hughes, Asa and Betty Godsey, Laura Smith, Jerry Cochrane and Antonio Perez.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – Manager Martin stated there is the addition of an event application from the Clewiston Elks for a Turkey Shoot to be considered for approval. Mayor Gardner stated that the application will be added as Agenda Item 6A.

PUBLIC COMMENTS – None

ANNUAL SECURIAN PENSION PLAN UPDATE – Gloria Rosen – Ms. Rosen presented the pension plan update to the Commission. She stated the investment gain on the retirement plan from August 21, 2013 through November 8, 2019 was \$5,858,088.97. She then reviewed the actuarial report and noted that the recommended contribution requirement as of the end of year is \$47,861 compared to \$79,681 for last year because of how well the funds have done. Ms. Rosen introduced Jeff Reuber, Securian Managed Assets Investment Manager. Mr. Reuber came forward and answered questions from the Commission. He stated that the City had a pretty healthy return for the plan year that ended 9/30/2019 and confirmed that no changes will be made in any of the investments as they are all performing in line with their expectations.

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – July 29, 2019*
- B. *Certificate of Completion of Institute for Elected Municipal Officials – Commissioner Melanie McGahee*
- C. *Declaration of Surplus Equipment – 2012 Freightliner Bucket Truck, VIN 1FVACXDT6CHBR7083*
- D. *Resolution No. 2019-77*
- E. *Resolution No. 2019-78*

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

RESOLUTIONS

- 2. Resolution No. 2019-79** – Resolution No. 2019-79 approves the All-Requirements Project Solar Energy Participation Agreement between the City of Clewiston and Florida Municipal Power Agency All-Requirements Power Supply Project.

Manager Martin summarized Resolution No. 2019-79 and noted that there is an FMPA representative here tonight if anyone has any questions. Compliance Manager Lynne Mila

introduced Chris Gowder of FMPA to the Commission. Mayor Gardner expressed her appreciation to Mr. Gowder for bringing this information to the Commission. She asked why three municipalities withdrew from the project. Mr. Gowder explained that those municipalities were all participants in the first phase and retained the same consultant to do an analysis of their power supply portfolio. He stated that he feels the reason they withdrew was because of the way the consultant analyzed the value of their energy range. Commissioner McGahee expressed that she is not comfortable with this agreement and does not see the benefit to the City. Manager Martin stated that management recommends approval if we want solar in our portfolio. Mayor Gardner read Resolution No. 2019-79 by title.

Commissioner Petersen made a motion to approve Resolution No. 2019-79. The motion died for lack of a second.

3. **Resolution No. 2019-80** – Resolution No. 2019-80 authorizes the Mayor or her designated representative to apply for a State of Florida, Department of Transportation (FDOT) Florida’s Safe Route to School Infrastructure Grant and enter into an agreement with FDOT.

Manager Martin reviewed the grant and Public Works Director Sean Scheffler reviewed the application process with the Commission. Director Scheffler noted that questionnaires will be distributed to two elementary schools. Manager Martin confirmed that we will be asking for support from Hendry County and the schools. Commissioner McGahee stated that she would like to see the application once it is completed and requested that it be shared with the Commission. She then asked why we wouldn’t consider doing the project ourselves since these are just simple sidewalks and we could do it for a lot less money. Director Scheffler stated that FDOT considers other factors which cause the price to go up. Commissioner McGahee said that in her opinion these look like simple sidewalks and saw that there was an option for us to bid the project. Manager Martin agreed to verify that and stated that this is just an estimate and hopefully the bids will be much more reasonable. Mayor Gardner asked if we would be able to add on to the project with additional sidewalks if the bids are lower as there are some priority issues with pedestrian crossings to school areas. Manager Martin stated that we could ask. Director Scheffler stated that the pedestrian areas may need to be addressed at a higher level. Manager Martin stated that he and Director Scheffler will follow up with the Commission on those pedestrian areas. City Engineer Andy Tilton came forward and stated that FDOT has a set of rules and regulations and noted that other issues they look at could be drainage and elevation which would be highly reviewed. Compliance Manager Mila confirmed the application is due the end of December. Commissioner McGahee requested that a preliminary view of the grant application be placed on the December 16, 2019 Commission Meeting.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-80. Vote 5 yeas, 0 nays

4. **Resolution No. 2019-81** – Resolution No. 2019-81 adopts amendments to the Budget for FY 2019.

Manager Martin summarized Resolution No. 2019-81. Mayor Gardner read Resolution No. 2019-81 by title. Commissioner McGahee raised questions on Budget Amendments 8, 9 and 10. Finance Director Shari Howell stated that Budget Amendments 8 and 9 are grants for bulletproof vests and Budget Amendment 10 is for tutoring that is funded with some left over funding from an old grant that funded the Library’s IHELP Tutoring Program .

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-81. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

5. **Request to Commission to Appoint Auditor Selection Committee** – City Manager Randy Martin requests the City Commission appoint an Auditor Selection Committee to assist in the selection of an auditor to conduct the City’s annual financial audit.

Manager Martin summarized the auditor selection process. He stated that as it was discussed at the November 13, 2019 Commission Workshop, seven names were submitted to him and based on a check by the City Clerk, the six who qualify for consideration are Jose “Pepe” Lopez, Mark Dietz, Elaine Wood, Barbara Edmonds, Jeff Smith and Jeff Barwick. He then reminded the Commission that Commissioner McGahee was selected to serve as the Commission representative that will chair the committee and at least two more representatives need to be selected. He recommended the Commission limit the citizen appointees to four because of the limited purpose of this committee. He also recommended there be an odd number of appointees to avoid the possibility of a tie. Commissioner Rodriguez suggested that each commissioner other than Commissioner McGahee, nominate an individual for a five-member committee. Mayor Gardner nominated Elaine Wood; Commissioner Rodriguez nominated Pepe Lopez; Commissioner Petersen nominated Mark Dietz; and Vice Mayor Atkinson nominated Jeff Smith.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve the appointment of Elaine Wood, Pepe Lopez, Mark Dietz and Jeff Smith to the Auditor Selection Committee. Vote 5 yeas, 0 nays

Before the vote, Commissioner McGahee asked if those nominated were in favor of serving on the committee and it was confirmed that everyone was willing to serve.

- 6. Request to Schedule Attorney/Client Meeting** – City Attorney Gary Brandenburg requests the City Commission schedule an Attorney/Client Meeting for the December 16, 2019 City Commission Meeting regarding the matter of Clewiston Commons v. City of Clewiston, et al.

City Attorney Brandenburg requested an Attorney/Client meeting be scheduled for the December 16, 2019 City Commission Meeting regarding the Clewiston Commons v. City of Clewiston case. He stated the persons present at the meeting will be the City Commissioners, City Manager, a court reporter, himself and Attorney Robert Shearman.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez to schedule an Attorney/Client meeting as requested by City Attorney Gary Brandenburg during the December 16, 2019 Commission Meeting. Vote 5 yeas, 0 nays

- 6A. Request for Approval of the Clewiston Elks Turkey Shoot Event Application**

Vice Mayor Atkinson abstained from discussion and voting on this request. Community Development Director Travis Reese explained that the reason an event application is needed for this event is because there will be a discharge of firearms. He confirmed there is no objection to the request.

Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to approve the Clewiston Elks Turkey Shoot Event Application. Vote 4 yeas, 0 nays (Vice Mayor Atkinson abstained.)

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

COMMENTS FROM CITY MANAGER – Manager Martin reminded the Commission that there is a need to formalize our goals and priorities for the coming year and asked them to provide information to him by December. Mayor Gardner expressed that she would like to have a workshop to set those goals and priorities. She requested that a date for the workshop be scheduled for January 2020 at the December 16, 2019 Commission Meeting.

COMMENTS FROM THE CITY ATTORNEY – At the November 13, 2019 Commission Workshop, Attorney Gary Brandenburg informed the Commission that he may be asking the Commission for discussion to possibly amend the complaint in the City of Clewiston v. Johnson-Prewitt & Associates, Inc. matter.

Attorney Brandenburg stated that the City was allocated \$350,000 for design of the C-21 Bridge Project and it has now come to our attention that the project will be over budget by at least \$120,000. He also stated the design standards that were used were wrong and the former city

manager testified under oath that he exclusively relied on Johnson-Prewitt & Associates for those types of decisions and because of that he believes we are going to have to amend our complaint to include that potential professional negligence regarding the standards under which the bridge was designed. He asked the Commission's permission to proceed forward. Commissioner McGahee asked if Attorney Brandenburg could request another attorney/client meeting for this matter so that they can look at some of the answers to the questions that were asked at the last attorney/client meeting so that they would be able to make a better determination on proceeding. Attorney Brandenburg stated that an attorney/client meeting could be scheduled for the December 16, 2019 Commission Meeting and those in attendance would be the City Commissioners, City Manager, a court reporter and himself.

Commissioner McGahee made a motion, seconded by Vice Mayor Atkinson to schedule an Attorney/Client Meeting during the December 16, 2019 City Commission Meeting. Vote 5 yeas, 0 nays

Attorney Brandenburg requested the Commission provide questions to him in advance.

COMMENTS FROM THE CITY COMMISSION – Mayor Gardner stated that she wanted to let the community know how proud she is of the students that attended the South Florida Water Management District Meeting last week. She noted that some of the groups of students in attendance were the Clewiston High School FFA and Public Safety Academy. She stated they were all well behaved and those who spoke at the meeting did a wonderful job in representing the community. She expressed her appreciation to Commissioner Petersen and the other teachers for their work with the students. Next, she announced that the Clewiston Museum is hosting Clewiston History with Donnie Drake on Thursday night at 7:00 p.m. for those who are interested in learning about the history of Clewiston. She then wished everyone a Happy Thanksgiving.

Commissioner Rodriguez asked if there were plans for a tour or ribbon cutting for the new police station. Manager Martin stated that no date has been scheduled but that is the plan once everything on the punch list is taken care of.

Commissioner Rodriguez and Vice Mayor Atkinson each wished everyone a Happy Thanksgiving.

ADJOURNMENT

The meeting adjourned at 6:01 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk