

CITY OF CLEWISTON
Regular Commission Meeting
May 20, 2019

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, May 20, 2019. The meeting was called to order at 5:31 p.m. by Mayor Gardner. Pastor Carlos Roque 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, Utilities Director Danny Williams, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Code Enforcement Officer Debbie McNeil, Police Sergeant Buffie McLeod, IT Administrator JD Lucas, City Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Steve Schneider, Christine Howell, Janet Taylor, Phillip Roland, Asa and Betty Godsey, Hillary Hyslope, Cynedra Blake, Pedro Diaz, Jerry Cochrane, Terry Gardner, Lewell Hughes, Antonio Perez, Donnie Hughes, Laura Smith, Raoul Bataller, Colin Baenziger, Kartrice Greaves and Fred Bloetscher.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA- Interim City Manager Shari Howell stated that the Quarterly Securian Pension Plan Update will be deleted and Agenda Item Nos. 2 and 3 will be combined.

1. Consent Agenda

- A. *Commission Workshop Minutes – April 15, 2019*
- B. *Commission Meeting Minutes – April 15, 2019*
- C. *Grant Adjustment Notice*

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

Deleted - QUARTERLY SECURIAN PENSION PLAN UPDATE – Gloria Rosen

PRESENTATION OF SEWER EVALUATION STUDY FINDINGS – Fred Bloetscher

Mr. Fred Bloetscher of Public Utility Management Services, Inc. presented the sewer evaluation study findings to the Commission. He explained that DEP had identified that there was a problem with the infiltration and inflow in the City because the sewer flows were greater than the water flows. He stated that all of the manholes were inspected, GPS'd and GIS'd and documented as to their condition; the entire system was smoke tested and a midnight run was done to look for flow as part of Phase 1. He stated that 897 manholes were found and inspected and 297 openings were found. He also stated that 189 of those openings were on public property and have been corrected; the others are on private property. He stated that those addresses will be provided to the City and suggested that we advise the property owners to have them corrected. He also stated that they are now in the process of getting the City listed so that we can get funding for Phase 2. He stated that areas were found that need attention and explained that pumps burn out because they get clogged from people flushing certain things. He then suggested that the City provide notification to people of things not to flush and offered to provide a flyer that we could use. Mayor Gardner stated that she would like to see bilingual education flyers go out to the public via utilities. Mr. Bloetscher stated that DEP is looking to do a principal forgiveness loan to close out Phase 1. He agreed to find out if there is a limit on the forgiveness for Phase 2.

CITY MANAGER SELECTION – Mr. Colin Baenziger of Colin Baenziger & Associates addressed the Commission and stated that the Commission had interviewed candidates, one-on-one

and as a group together, for the City Manager position last week and suggested that the Commission start the selection with a straw ballot to pick the top two candidates and then do another ballot to see if there is one that has a majority of support. Mayor Gardner stated that she had asked Mr. Baenziger what would happen if the Commission could not make a decision. She asked Mr. Baenziger to share his response with the Commission. Mr. Baenziger stated that the preferred option is to look at the other candidates or go back out and start over, which is no additional cost to the City. Mayor Gardner expressed that it was difficult for her to make a decision. She stated that the Commission has to consider the cost of the decision and what is best for the City. She also stated that she wants to make sure that it is the right decision and feels that they have not looked at every possible candidate. Commissioner Petersen agreed. Mayor Gardner stated that she would support the Commission's decision and would be willing to work with any of the three candidates if that is what the other commissioners decide to do. She stated that she feels we should continue the search. Commissioner Petersen agreed and stated that she wants someone who is absolutely focused on being here in Clewiston. She also stated that she feels the learning curve for those outside of the area is huge and it would be a disservice to the City if the selection were limited to the three candidates. Commissioner Rodriguez stated that even though he feels Mr. Baenziger's program is fantastic, he did not have the wow factor with any of the three candidates. He expressed that he also feels we should go back out and continue the search. Vice Mayor Atkinson expressed that he also feels the three candidates are not right and that we may need to continue the search. Commissioner McGahee stated that she liked one of the three candidates. Mayor Gardner stated that she does have a preference out of the three candidates. Mr. Baenziger stated that there are seven candidates left and suggested that we go find a few more candidates and come back to the Commission. After discussion, the general consensus of the Commission was that the City Manager must have experience but does not have to be from Florida. Mr. Baenziger stated that no revisions need to be done so the search for additional candidates could be done quickly. Commissioner Petersen stated that because it is budget time, we may need to look for help for Interim Manager Howell. Mayor Gardner stated that she realizes the burden on her and confirmed that they will talk about it.

PUBLIC HEARING

2. **PUBLIC HEARING – Interlocal Agreement with Hendry County for Distribution of the 6-cent Fuel Sales Tax** - Florida Statutes 336.025 (1)(d) requires the City of Clewiston to hold a public hearing every two years regarding the interlocal agreement with Hendry County (County) for the 6-cent fuel tax revenue distribution (Local Option Fuel Tax). Hendry County shares this revenue with the cities of Clewiston (City) and LaBelle.
3. **PUBLIC HEARING – Interlocal Agreement with Hendry County for Distribution of the 2-cent Fuel Sales Tax** - Florida Statutes 336.025 (1)(d) requires the City of Clewiston to hold a public hearing every two years regarding the interlocal agreement with Hendry County (County) for the 2-cent fuel tax revenue distribution (Additional or "New" Local Option Gas Tax). Hendry County shares this revenue with the cities of Clewiston (City) and LaBelle.

Mayor Gardner noted that Agenda Item Nos. 2 and 3 are being combined. She summarized each of the agenda items concerning the interlocal agreement with Hendry County for distribution of the 6-cent and 2-cent Fuel Sales Tax and opened the public hearing. City Attorney Gary Brandenburg stated that staff has run numbers on road mileage and population and the existing agreement is favorable to the City on both accounts. He stated the recommendation is to make no changes. Commissioner Rodriguez requested Public Works Director Sean Scheffler to explain how this money can be spent. Director Scheffler stated that one can be used for most anything that is required for maintaining between the right-of-ways and the other has to be used for paving only. Interim Manager Howell stated that it is estimated that we will collect \$325,778 for the first local option fuel tax and \$64,086 for the second local option fuel tax. She explained that the first local option fuel tax supports transportation and the second local option fuel tax is allocated for the capital improvement elements of an adopted comprehensive plan which includes paving. As there were no further comments, Mayor Gardner declared the public hearing closed. The Commission agreed the current allocations are acceptable.

RESOLUTIONS

4. **Resolution No. 2019-27** - Resolution No. 2019-27 authorizes the Mayor to sign the Clewiston Sikes Building Lease Agreement with Little Disciples Learning Center, Inc.

Mayor Gardner summarized and read Resolution No. 2019-27 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-27. Vote 5 yeas, 0 nays

5. **Resolution No. 2019-28** - Resolution No. 2019-28 approves the State Plan of Operations between the State of Florida and the Clewiston Police Department.

Mayor Gardner summarized and read Resolution No. 2019-28 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-28. Vote 5 yeas, 0 nays

6. **Resolution No. 2019-29** - Resolution No. 2019-29 approves the Workforce Innovation and Opportunity Act Work Experience Worksite Agreement between Southwest Florida Workforce Development Board, Inc., as the Regional Workforce Development Board d/b/a CareerSource Southwest Florida and the City of Clewiston and authorizes the City Manager to utilize the Youth Work Experience Program in each department at his/her discretion.

Mayor Gardner summarized and read Resolution No. 2019-29 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-29. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

7. **Recommendation for Inspection and Plan Review Services** – The City received notice from Calvin, Giordano & Associates, Inc., the company providing alternate professional building code inspection services to the City, that they will no longer be providing services in our area. In order to continue these services, staff contacted three firms that provide professional building code inspection services and received information from each firm.

Interim Manager Howell explained that because the contractor that the City was using for alternate building inspections and plan review will no longer provide those services in our area, staff looked at alternate companies to provide those services to make sure that we have a fluid inspection process in place for whatever may happen in the future. She stated that three companies were looked at and staff is recommending the City work out an agreement with C.A.P. Government, Inc. utilizing the Professional Services Agreement between the City of Lake Worth and C.A.P. Government, Inc. City Attorney Brandenburg confirmed that this item will need to come back to the Commission on the next agenda. He stated that he would contact C.A.P. Government, Inc. and work out an arrangement with them. Commissioner Rodriguez stated that he will not support this; he feels this should be looked at during the budget discussions. He stated that we have directors who have multiple hats; he feels we should decide who they really are. Mayor Gardner stated that her understanding is that there are activities in the City and when we have a request for inspections, we need someone who can do those inspections if Director Reese is out. She noted that Hendry County has now contracted with the City of LaBelle to do their inspections and plan review. She agreed that we need to look at the Directors to see what their roles are but feels this is needed as a backup at this time in order to keep the inspections moving. Commissioner Rodriguez stated that he understands that an inspector is needed when Director Reese is out but he does not want to bring in an inspector just to help unless it is needed because the inspections are backed up. Director Reese encouraged the Commission to approve the agreement and put it in place in case something does happen. He stated that during his busiest time, he used the previous contractor approximately eight hours per week. Finance Director Howell agreed to provide the amount remaining in this year's budget for inspections to the Commission. Mayor Gardner noted that the Commission needs to look at everybody's role and the hats that they are wearing.

Commissioner McGahee made a motion, seconded by Commissioner Petersen, to direct staff to work with City Attorney Brandenburg in order to work out an agreement with C.A.P. Government, Inc. for inspection and plan review services utilizing the Professional Services Agreement between the City of Lake Worth and C.A.P. Government, Inc. Vote 4 yeas, 1 nay (Commissioner Rodriguez voted nay.)

Before the vote, Vice Mayor Atkinson asked if a cap on what is going to be approved to be spent this year could be put in the contract. City Attorney Brandenburg suggested that the Commission tell the City Manager the amount of the cap and indicate that no more than that amount can be spent. Mayor Gardner stated that \$25,000 was budgeted but she does not know the amount that is left. Interim Manager Howell suggested that the agreement state that the services would be as needed so that there is nothing that binds the City to spend a certain amount of money.

8. **Police Station Project Update** – Mayor Gardner noted that the update on the Police Station Project was provided at the Workshop and asked if there was any further discussion on this matter. Mayor Gardner noted that the Commission wished to continue with the grant as it is.
9. **Departmental Monthly Activity Reports** - Presented for information only.

PUBLIC COMMENTS – Mr. Jerry Cochrane addressed the Commission and expressed that he had safety concerns because the fence around the Hampton Inn construction area had been removed. Mayor Gardner stated that the owner had notified her that a new construction company will begin working on the building on Wednesday and a new fence would be going up today. Commissioner McGahee stated that things did not work out between the owner and the original contractor and we should see a lot of progress soon with the new contractor.

COMMENTS FROM CITY MANAGER – Interim Manager Howell acknowledged the Chamber and Museum for the use of their facilities and hosting the Meet and Greet for the City Manager candidates. She thanked Bobby Pearce for the narration and tour of the area for the candidates. She then thanked staff for their help with the candidates' visits.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner McGahee thanked Interim Manager Howell for all the work she did organizing the candidates' visits. She stated that she feels that help is needed for Interim Manager Howell and her understanding from Attorney Brandenburg is that there may be a company or corporation that could help with the budget process. She stated that she feels the Commission should authorize Attorney Brandenburg to find that help. Mayor Gardner stated that she feels it is important that we get her that help and suggested that Interim Manager Howell and Attorney Brandenburg discuss this matter and come up with a recommendation to the Commission at the next meeting. Commissioner McGahee asked Attorney Brandenburg if he had a draft of the conflict policy. Attorney Brandenburg confirmed that it will come to the Commission at the next meeting. Commissioner McGahee then requested numbers for the Police Department budget. Interim Manager Howell stated that the budget workshops would begin in June. Commissioner McGahee stated that she is going to be out of pocket the first part of June and would like to begin reviewing the numbers and requested that the trial balance and salaries be provided.

Commissioner Rodriguez expressed his appreciation to the Commissioners for having the courage to agree that the search for the City Manager needs to continue.

Mayor Gardner noted that we began the live streaming of the Commission meetings tonight. She also thanked Interim Manager Howell for her leadership in coordinating the process for the City Manager candidate visits. She requested that staff look at the ordinance regarding tent sales and get the bilingual infiltration flyer out to the public.

Vice Mayor Atkinson requested an update on Trinidad Park. Interim Manager Howell stated that she needs to touch base with Compliance Manager Lynne Mila and Public Works Director Sean Scheffler and will get it to the Commission as soon as she can.

ADJOURNMENT

The meeting adjourned at 6:48 p.m.

Mary K. Combass, Interim City Clerk

Mali Gardner, Mayor