

CITY OF CLEWISTON
Regular Commission Meeting
December 16, 2019

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, December 16, 2019. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Mike Pittman of Cross Training Ministries 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, IT Administrator Justin Lucas, Compliance Manager Lynne Mila, Public Works Director Sean Scheffler, Police Chief Aaron Angell, Code Enforcement Officer Debbie McNeil, Community Development Director Travis Reese and City Engineer Andy Tilton. City Attorney Gary Brandenburg joined the meeting at 5:03 p.m.

Visitors Present: Ashleigh Simmons, Laura Smith, Bob Shearman, Steve and Norma Schneider, Matt Beatty, Jerry Cochrane, Mike Pittman, Jonathan Stryker, Ivan Valdes, Christine Howell and Donnie Hughes

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin stated that the agenda needed to be amended to consider a request for approval authorizing a City letter of comment regarding the study underway by the U.S. Army Corps of Engineers related to Lake Okeechobee operations. Mayor Gardner stated that it will be added as Agenda Item No. 10A.

Public Comments – none

1. Consent Agenda

- A. *City Commission Workshop Minutes – August 19, 2019*
- B. *City Commission Meeting Minutes – August 19, 2019*
- C. *Resolution No. 2019-82 – Budget Amendments for FY 2019-2020*
- D. *Resolution No. 2019-83 - FDLE Grant Adjustment Number 9*
- E. *Resolution No. 2019-84 – Authorization to purchase Altec AT41M Bucket Truck*
- F. *Resolution No. 2019-85 – 2020 Regular Commission Meeting Schedule*
- G. *Resolution No. 2019-86 - Declaration of Surplus Equipment*
- H. *Event Application – 2nd Annual Iron Tiger 5K – January 11, 2020*

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

PUBLIC HEARING

- 2. Ordinance No. 2019-09 – Public Hearing – Final Reading – 5:00 p.m.** – Ordinance No. 2019-09 abandons a portion of the right-of-way that adjoins the property of Stephen and Norma Schneider located at 800 West Royal Palm Avenue with deed restrictions.

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-09 by title. She asked if anyone had any comments. After hearing none, she closed the public hearing.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Ordinance No. 2019-09 on final reading. Vote 4 yeas, 1 nay (Commissioner McGahee voted nay.)

PRESENTATIONS

3. Presentation of City of Clewiston Crime Statistics and Department Update – Clewiston Police Chief Aaron Angell

Police Chief Aaron Angell reviewed the January – June 2019 Semiannual Crime Report with the Commission. Manager Martin stated that this review will be a regular process. Chief Angell confirmed that a grand opening of the new police station will be held once they are ready. He stated that they will be looking at their policies and procedures to see how they can improve in their practices. He then presented a video on the accreditation process. Manager Martin applauded Chief Angell's efforts and stated that he encouraged him and is pleased that the department has set accreditation as a priority goal. He also stated that he will be doing an administrative review of our practices and policies in the police department and several other departments.

4. Presentation of C-21 Permit Status and Herbert Hoover Dike Cutoff Wall Project – Andy Tilton, Johnson Engineering, Inc.

City Engineer Andy Tilton updated the Commission on the Herbert Hoover Dike Cutoff Wall Project. Mayor Gardner requested the presentation videos be uploaded to the City's website. Commissioner Rodriguez expressed his concern with the care of the city access roads to the site during the project. Manager Martin stated that the contractor has agreed to repair any damage to the roads caused by the project. He also stated that Public Works Director Sean Scheffler rode the streets that would possibly be used for the project with the project manager and has a thumb drive containing a video of the current status of street conditions for the street sections that will be used by the contractor. Mayor Gardner asked Manager Martin to keep up with the use of the streets and let the Commission know if there are any issues. Commissioner McGahee stated the ultimate goal is to make the community safer by securing the levee and asked the public to be patient. Director Scheffler stated the contractor has been very accommodating. Vice Mayor Atkinson suggested Director Scheffler periodically monitor the truck routes that are actually taken during the project.

Engineer Tilton then reviewed the C-21 permit status and stated that FDOT, engineer and city staff are in the process of developing specifics for inclusion in a contract and schedule for this project. At Commissioner McGahee's request, Engineer Tilton agreed to get prepare a sketch depiction of what the bridge should look like when it is finished.

RESOLUTIONS

5. Approval of Resolution No. 2019-87, Resolution No. 2019-88 and Resolution No. 2019-89 regarding the C-21 Bridge Project.

A. Resolution No. 2019-87 – Resolution No. 2019-87 adopts amendments to the budget for FY 2019-2020.

Manager Martin reviewed the agenda report and Mayor Gardner summarized and read Resolution No. 2019-87 by title. Manager Martin stated that we are having discussions with FDOT about including as eligible costs the additional costs associated with design and engineering.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-87. Vote 5 yeas, 0 nays

B. Resolution No. 2019-88 – Resolution No. 2019-88 approves Change Order No. 01 to Work Order No. 04 in the amount of \$16,800 for the C-21 Bridge Project.

Mayor Gardner summarized and read Resolution No. 2019-88 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-88. Vote 5 yeas, 0 nays

C. Resolution No. 2019-89 – Resolution No. 2019-89 approves Wantman Group, Inc. (WGI) proposal for additional structural engineering services in the amount of \$99,830 for the C-21 Bridge Project.

Mayor Gardner summarized and read Resolution No. 2019-89 by title.

Commissioner Petersen made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-89. Vote 5 yeas, 0 nays

6. Approval of Resolution No. 2019-90 and Resolution No. 2019-91 regarding the East Ventura Avenue Road Resurfacing Design Project.

A. Resolution No. 2019-90 – Resolution No. 2019-90 adopts amendments to the budget for FY 2019-2020.

Manager Martin reviewed the agenda report and Mayor Gardner summarized and read Resolution No. 2019-90 by title. Finance Director Shari Howell confirmed that \$403,000 in grant funding was received. Commissioner McGahee asked if we could do a less expansive area and do a better job and include the drainage and driveway aprons. Engineer Tilton stated that it would be difficult to make adjustments to the scope of the project at this time. Mayor Gardner noted that we can continue to apply for funding each year to enhance Ventura. Engineer Tilton stated that the City could approach FDOT with a revised budget on this project and possibly receive additional monies. Commissioner McGahee requested that we make sure FDOT knows we recognize that we may have a problem in terms of available funding and Manager Martin agreed to do so.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-90. Vote 5 yeas, 0 nays

B. Resolution No. 2019-91 – Resolution No. 2019-91 approves Johnson Engineering, Inc. Work Order No. 17 for \$63,941.36 for the East Ventura Avenue Road Resurfacing Design.

Mayor Gardner summarized and read Resolution No. 2019-91 by title. Vice Mayor Atkinson expressed that he feels the same contractor should design the entire project including the drainage. Engineer Tilton stated that their anticipation was that the design and permitting would be for the entire project and if a portion had to be built at a later or earlier date, it could be done.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-91. Vote 5 yeas, 0 nays

7. Resolution No. 2019-92 – Resolution No. 2019-92 authorizes the renewal of the Irrevocable Standby Letter of Credit from First Bank in the amount of \$28,236 for two one-year periods pending the City Attorney’s review of the letter of credit renewal documents. The letter of credit guarantees the Community Aesthetic Feature Agreement between the City and FDOT and secures the City’s obligation to restore the right-of-way in the event the Local Identification Marker (“Welcome to Clewiston” sign) is removed. The cost for the renewal is \$500 (\$250 per year).

Mayor Gardner turned the gavel over to Vice Mayor Atkinson and abstained from discussion. Manager Martin reviewed the agenda report.

Commissioner Petersen made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-92. Vote 4 yeas, 0 nays (Mayor Gardner abstained from discussion and voting.)

Vice Mayor Atkinson passed the gavel back to Mayor Gardner.

8. Acceptance of Proposals and Approval of Contracts for 2020 Grounds Maintenance Contracts for Areas A and B – A Request for Bids was advertised in the Lake Okeechobee News on November 27, 2019 for grounds maintenance services. Bids were received and opened on December 11, 2019. Bids ranged from \$52,800 to \$59,775 for Area A; \$47,775 to \$66,000 for Area B; and \$104,775 to \$120,000 for Areas A and B combined.

Manager Martin reviewed the agenda report and recommended approval of the contract award. He stated that the staff would do an assessment and compare costs to alternative contracting options before we bid this service again in the future. Director Scheffler confirmed that A Leaf Above is a local contractor. He stated that he reviewed their certificate of insurance and business tax receipt and received favorable comments from the references that were given. He also stated that their equipment looked new and well taken care of and he feels the contractor can fulfill the requirements of the job. Vice Mayor Atkinson expressed his concern with the difference in the amount of the low bid and the other bids for Area B. Director Scheffler stated that he spoke to the contractor with the low bid and was assured that that he is confident with his bid.

A. Resolution No. 2019-93 – Resolution No. 2019-93 accepting the proposal for grounds maintenance services and approving the 2020 Grounds Maintenance Contract for Area A will be provided at the meeting.

Mayor Gardner read Resolution No. 2019-93 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-93. Vote 5 yeas, 0 nays

B. Resolution No. 2019-94 – Resolution No. 2019-94 accepting the proposal for grounds maintenance services and approving the 2020 Grounds Maintenance Contract for Area B.

Mayor Gardner summarized Resolution No. 2019-94. Director Scheffler stated that he has six years' experience with IVG Corp and has no problem recommending them for this contract.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-94. Vote 5 yeas, 0 nays

Mayor Gardner and Director Scheffler thanked Cross Training Ministries, Inc. for their grounds maintenance service to the City over the years. Mayor Gardner noted they do many other services in the City as a non-profit organization. Mike Pittman of Cross Training Ministries stated that they have enjoyed working with the City. Director Scheffler stated his experience working with Cross Training Ministries has been exceptional.

9. Approval of Change Order No. 1 and Final Payment to Florida Design Drilling Corp. for the emergency repair of the City's water system.

Manager Martin reviewed the agenda report with the Commission. Utilities Director Danny Williams confirmed that he prefers to keep the new pump previously installed in place and retain the refurbished pump in stock as a spare.

A. Resolution No. 2019-95 - Resolution No. 2019-95 approves and authorizes the Mayor to sign Change Order No. 1 for the emergency repair of the City's water system. Change Order No. 1 is a project cost deduction in the amount of \$21,495.97 and is necessary to delete from the scope of the contract the installation of the second refurbished well pump and motor.

Mayor Gardner read Resolution No. 2019-95 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-95. Vote 5 yeas, 0 nays

B. Resolution No. 2019-96 - Resolution No. 2019-96 approves the final payment in the amount of \$14,350.39 to Florida Design Drilling Corp. for the emergency repair of the City's water system, pending a final release from Florida Design Drilling Corp. and receipt of a Certification from McCafferty Brinson Consulting, LLC that the work has been completed and inspected, and all warranties are delivered.

Mayor Gardner read Resolution No. 2019-96 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-96. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

10. City of Clewiston Comprehensive Emergency Management Plan Update

Manager Martin noted that a committee reviewed a draft of the plan prepared by City Attorney Gary Brandenburg. It was noted the members of the committee were Community Development Director Travis Reese, City Manager Randy Martin, Commissioner Kristine Petersen and City Attorney Gary Brandenburg. Attorney Brandenburg stated the suggested changes by Community Development Director Travis Reese are marked in the updated draft. He also stated that he has no problems with the changes. He noted that the “Special Needs Population” information on page 6 needs to be updated or deleted. Commissioner McGahee suggested that it be deleted and the Commission agreed. Attorney Brandenburg recommended the Commission tentatively approve the plan with the “Special Needs Population” section deleted and instruct staff to send it on for review by Hendry County and the State of Florida.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to tentatively approve the City of Clewiston Comprehensive Emergency Management Plan with the “Special Needs Population” section deleted and to instruct Community Development Director Travis Reese and City Attorney Gary Brandenburg to send it for review by Hendry County and the State of Florida. Vote 5 yeas, 0 nays

After the vote, Vice Mayor Atkinson asked if Manager Martin had any emergency management director training. Manager Martin responded that he has experience in working in the management role as the emergency management director and he has had local training for administrative officials as well as elected officials and will be seeking more training. He then thanked Attorney Brandenburg for taking the lead to get this updated plan taken care of quickly.

- 10A. Authorization for City letter of comment regarding the study underway by the U.S. Army Corps of Engineers related to Lake Okeechobee operations** – Mayor Gardner stated the U.S. Army Corps of Engineers is requesting comments in regards to recovering the operating plans of Lake Okeechobee and noted that December 20, 2019 is the deadline. Manager Martin stated that he feels the City’s response should follow the Corp’s engineers’ recommendation that the lake level should be 12-15 feet and not resort to levels above or below that range. Mayor Gardner stated that she will help with the draft of the letter.

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson to authorize a letter of comment regarding the operating plans of Lake Okeechobee. Vote 5 yeas, 0 nays

- 11. Attorney/Client Meeting (Shade Meeting)** – This meeting was requested by City Attorney Gary Brandenburg at the November 18, 2019 City Commission Meeting regarding the matter of Clewiston Commons v. City of Clewiston, et al.
- 12. Attorney/Client Meeting (Shade Meeting)** – This meeting was requested by the City Commission at the November 18, 2019 City Commission Meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc.

Attorney Brandenburg reviewed the shade meeting process. He stated that a court reporter, the Commissioners, himself, Manager Martin and Robert Shearman, who is representing the City through Public Risk Management, will be attending the shade meeting regarding the matter of Clewiston Commons v. City of Clewiston and the same personnel other than Robert Shearman will be attending the shade meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc. He also stated that sealed transcripts of the shade meetings will be kept by the City Clerk until the litigations are completed. He urged the Commission to recess the meeting until both shade meetings are completed.

Mayor Gardner recessed the meeting at 6:42 p.m. and then reconvened the meeting at 8:18 p.m. after the two shade meetings were complete.

13. Departmental Monthly Activity Reports - Presented for information only.

Comments from City Manager - none

Comments from City Attorney - none

Comments from the City Commission – Commissioner Petersen and Mayor Gardner wished everyone a Merry Christmas and Happy New Year. Mayor Gardner stated that, as John Wellslager said at the Annual Chamber Dinner, she wishes we all have a perfect vision for 2020. She also reminded everyone that the Annual Christmas Chamber Social at First Bank is this Thursday at 5:30 p.m.

Adjournment

The meeting adjourned at 8:20 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk