

CITY OF CLEWISTON
Regular Commission Meeting
January 27, 2020

The City of Clewiston City Commission held its regular meeting in the City Hall Commission Chambers Monday, January 27, 2020. The meeting was called to order at 5:00 p.m. by Mayor Mali Gardner. Mayor Gardner asked that we offer a moment of silence to remember that today is the 75th anniversary of the Liberation of Auschwitz by American and allied troops. After the moment of silence, the audience joined in reciting the Lord's Prayer and Breanna Holcomb led us in 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, Police Chief Aaron Angell, Assistant Police Chief Marci VanD'Huynslager, Utilities Director Danny Williams, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, Michael Cox, Adelys Valles, Axel Navarro and City Attorney Gary Brandenburg.

Visitors Present: Laura Smith, Nicole Reid, Matt Beatty, Hendry County Sheriff Steve Whidden, Raoul Bataller, Steve Schneider, Asa and Betty Godsey, John Wellslager, Mark Deitz, Mike Moore, Brenda and Breanna Holcomb and Jerry Cochrane.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin requested that Agenda Item No. 8 be removed from the agenda as he feels it would be premature to act on that matter as there are questions that have been raised and he has not had an opportunity to discuss it with the County administration to get their input.

Public Comments – none

1. Consent Agenda

- A. *City Commission Meeting Minutes – September 9, 2019*
- B. *City Commission Workshop Minutes – September 23, 2019*
- C. *City Commission Meeting Minutes – September 23, 2019*
- D. *City Commission Workshop Minutes – October 14, 2019*
- E. *City Commission Meeting Minutes – October 21, 2019*
- F. *Event Application – Hendry County Fair & Livestock Show – February 11-16, 2020*
- G. *Event Application – Mason's Puzzle Inc. Autism Awareness Walk – April 4, 2020*
- H. *Resolution No. 2020-01 – adopts amendments to the budget for FY 2019-2020*

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

Recognition of 2019 Employees of the Year – Adelys Valles – Police Department; Axel Navarro – Pubic Works; and Michael Cox – Utilities Department.

Mayor Gardner introduced the 2019 Employees of the Year and thanked them for a job well done.

FMPA Financial Analysis and Rate Stabilization Policy Study Presentation – Navid Nowakhtar, FMPA Resource and Strategic Planning Manager, and Ann Beckwith, FMPA Regulatory and Rates Specialist

Mayor Gardner introduced Navid Nowakhtar and Ann Beckwith with FMPA. Manager Martin reminded the Commission this analysis and study is something that was set as a priority during the budget discussions. He expressed his appreciation to FMPA for their timely review which will help in the preparation of the City's next budget cycle. He stated that management will make

specific recommendations for action at a later date. Mr. Nowakhtar presented the information to the Commission. Manager Martin stated that he is pleased with the capital outlay projections on the Advanced Metering Infrastructure (AMI) Project and is planning an update on that project for the next meeting. He stated that as the process goes forward, staff will be considering the rate observations, making recommendations for implementing the findings of the study and developing a comprehensive formal CIP for the electric utility. At Commissioner McGahee's request, staff agreed to forward information on the various rate classes received from FMPA to the Commission. Manager Martin stated that he also asked staff to look at the trend analysis so that we can have a recommendation for a formal rate stabilization policy. He stated he hopes to have a draft of the policy for consideration at the March 2020 meeting and confirmed that it is important to also have completed in the coming months the water and sewer rate study. Director Williams confirmed the water and sewer rate study is expected to be ready in time for the March 2020 meeting. Manager Martin agreed to develop a budget workshop schedule for planning Commission workshops and meetings in the near term.

Presentation regarding Flooding and Flood Risks: Undergoing a Map Change – Community Development Director Travis Reese

Community Development Director Travis Reese stated that new flood maps will be effective May 15, 2020. He reviewed the flood map history and recent changes on the new maps with the Commission. Mayor Gardner inquired about further FEMA review of flood risk and flood zone designations since FEMA didn't take the local system of pumps and canals into consideration in their 2015 analysis? Director Reese's response was that staff has started and will be continuing those conversations. Mayor Gardner requested that the Director's presentation at this meeting be uploaded to the City's website.

RESOLUTIONS

2. **Resolution No. 2020-02** – Resolution No. 2020-02 approves Grant Agreement Number LPA0006 between the Florida Department of Environmental Protection and the City of Clewiston. Execution of this “reimbursement grant” makes the \$381,032.00 FY2020 appropriations funding available for the Clewiston Storm Spill Prevention Project.

Manager Martin reviewed the agenda report and Mayor Gardner read Resolution No. 2020-02 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2020-02. Vote 5 yeas, 0 nays

3. **Resolution No. 2020-03** - Resolution No. 2020-03 approves and authorizes the Mayor to sign Change Order No. 1 from Edgewood Landscape for the US27/Sugarland Highway Phase 3 Beautification Project. Change Order No. 1 adds the expense of irrigation equipment/staff to water the trees included in phase 3 of the project.
4. **Resolution No. 2020-04** - Resolution No. 2020-04 approves the Final Payment to Edgewood Landscape for the US27/Sugarland Highway Phase 3 Beautification Project, funded with the Florida Department of Transportation (FDOT) Beautification Contract No. G1584 (\$99,975) pending receipt of contractor's final release of lien.
5. **Resolution No. 2020-05** - Resolution No. 2020-05 approves and authorizes the Mayor to sign Change Order No. 1 from Edgewood Landscape for the US27/Sugarland Highway Phase 4 Beautification Project. Change Order No. 1 adds the expense of irrigation equipment/staff to water the trees included in phase 4 of the project and deducts one (1) tree/irrigation per unit cost.
6. **Resolution No. 2020-06** - Resolution No. 2020-06 approves the Final Payment to Edgewood Landscape for the US27/Sugarland Highway Phase 4 Beautification Project, funded with the Florida Department of Transportation (FDOT) Beautification Contract No. G1585 (\$99,975) pending receipt of contractor's final release of lien.

Manager Martin reviewed the agenda reports for items 3, 4, 5 and 6 and Mayor Gardner summarized Resolution Nos. 2020-03, 2020-04, 2020-05 and 2020-06. Public Works

Director Sean Scheffler confirmed the final walk through for Phases 3 and 4 has been done. Finance Director Howell explained that the change orders on these projects were needed because we were having some issues with the irrigation and needed to use the contractor's equipment to water the trees. She noted that Change Order No. 1 for Phase 4 also deducted one tree. Director Scheffler confirmed the irrigation is functioning properly now.

Mrs. Laura Smith came forward and stated that she feels there are disparities in the trees for Phases 3 and 4 and asked why the City is accepting those trees. Manager Martin stated that we had concerns but in the final analysis, the design engineer certified that the palms met the specifications that FDOT established. Commissioner McGahee stated that she feels the trees will look better over time.

Manager Martin announced that he and Commissioner McGahee met with the FDOT District Secretary last week and he was very receptive to FDOT providing planning resources to work with us on the entire streetscape and corridor in multiple areas. He stated that we may be able to pursue additional resources from grant funding for this particular landscape improvement and maybe address those issues if there are some disparities still existing then. He added that he was told that the crop of trees available at the time this project was done was not the highest quality.

Commissioner McGahee made a motion, seconded by Commissioner Rodriguez, to approve Resolution Nos. 2020-03, 2020-04, 2020-05 and 2020-06. Vote 5 yeas, 0 nays

7. **Resolution No. 2020-07** – Resolution No. 2020-07 authorizes the Interlocal Agreement between Hendry County and the City of Clewiston regarding the Justice Assistance Grant Program Award (JAG #2019-DJ-BX-0666) for the allocation of funds to help prevent or reduce crime and violence, which funds the City agrees to expend for “Mobile Communications Upgrade”.

Manager Martin reviewed the agenda report and Mayor Gardner read Resolution No. 2020-07 by title.

Mr. Mike Moore came forward and asked for clarification on this item. Police Chief Aaron Angell explained that this is an ongoing project to upgrade the mobile communications system at the police department. He stated that we have been using the funding annually to purchase the equipment needed to transition into a system that would allow the police department to be more effective in serving the public. Manager Martin added that we are using the funding to upgrade our mobile equipment that can't be funded through some of the county's shared resources. He stated that the number one priority in meetings with county officials is to be completely interoperable with the county, sheriff's department and fire department. Mayor Gardner expressed her appreciation to Manager Martin for working with the County Manager to see how this can be addressed.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-07. Vote 5 yeas, 0 nays

8. **Deleted - Resolution No. 2020-08** – Resolution No. 2020-08 authorizes the Interlocal Agreement between the Hendry County Sheriff's Office, Clewiston Police Department and Seminole Police Department regarding procedures for a “9-1-1 public safety answering point” or “PSAP” to provide notice of a public safety emergency to all first responder agencies for which the PSAP does not provide primary dispatch functions.
9. **Resolution No. 2020-09** – Resolution No. 2020-09 authorizes and approves the 2nd Amended Consent Order between the City of Clewiston and the State of Florida Department of Environmental Protection.

Manager Martin reviewed the agenda report. Utilities Director Danny Williams explained the City's consent order with the state is being amended to approve the purchase of the portables instead of four bypass pumps. He then confirmed that Compliance Manager Lynne Mila is working hard to ensure that the city will comply by the deadlines. Manager Martin stated that our goal is to close this out as soon as we can. Commissioner McGahee stated she

wants staff to watch carefully the deadlines of the consent order because there are serious financial implications for failure to comply.

Mayor Gardner read Resolution No. 2020-09 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2020-09. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

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

Mayor Gardner expressed her concern with the information provided on the Clewiston Police Department Crime Trends Report. Manager Martin noted that the City's zip code is bigger than the city limits and all of the data can be accessed under other reports. We don't know the source that the rating agencies use. Chief Angell added that they are all private companies that provide the information and we don't know how they capture the information. Mayor Gardner asked if we could detail zip code 33440 by location. Chief Angell noted that other law enforcement agencies doing work in the City of Clewiston are supposed to report that information to us so that we can accurately capture what is going on in the City and not just what the Clewiston Police Department is doing. Manager Martin stated that some municipalities are seeking out the erroneous reports that reflect poorly on the community and are trying to talk them into reporting and relying upon the accurate data. He also stated that code enforcement data is included and we are going to create data for the Highway 27 corridor code enforcement. Commissioner McGahee asked that we list what each department's plan is to improve the corridor. Mayor Gardner requested inspections and permitting reports for properties along the corridor. She also requested the Utilities report include a list of homes and businesses that have no power and no water and sewer and asked Manager Martin to add commercial businesses on Highway 27 to his list. She then stated that she would like the report to also include liens on properties.

Comments from City Manager – Manager Martin asked Utilities Director Danny Williams to comment on the recent electric utility service outage events. Director Williams stated that one of the outages last week was because FPL lost a feed and did not communicate well with us. He stated they had a meeting today about that and will have a few more meetings. The other outage was due to a pole fire, which is common this time of year. He noted that he has a very small crew and there is a lot to do. He stated they are trying to improve but feels we have to find a way to build the reserve fund as they are limited in what they can do. Commissioner McGahee stated the Capital Improvement Plan is important and the Commission needs to know what is needed in order to keep unplanned outages from happening again. Manager Martin stated that we have to have a five year minimum capital plan and communication with our partners needs to improve. Director Williams stated that they are working on improving the communication with FPL. After further discussion, Director Williams agreed to provide a copy of the agreement that manages the McCarthy Substation to the Commission.

Mr. Raoul Bataller came forward and stated that Glades County once had a problem with their phones not communicating between fire and police. He stated that they searched in the legislature and found the money that was needed for the communication. Mayor Gardner stated that this is a process that we have been working on.

Mr. Mike Moore came forward and asked if there was a traffic safety study on how the palm trees obstruct the view down Highway 27. Commissioner McGahee confirmed that a study was done and stated that, as part of the grant process, a licensed landscape architect was required to designate the placement of the trees. She noted that her office staff feels the trees act as a barrier for them and all of the commercial businesses along Highway 27. Mr. Moore stated that when he stopped at a stop sign and safely moved forward so that he could view the traffic on Highway 27, the front of his vehicle was almost in the way of traffic because of the palms and a big DOT sign. Mayor Gardner stated that FDOT did the traffic safety study.

Manager Martin informed the Commission that we will be requesting assistance on Highway 27 corridor from FDOT to look at the streetscape, traffic calming measures and all the things that were suggested at the recent visioning work session.

Comments from City Attorney - none

Comments from the City Commission – Commissioner McGahee asked if Manager Martin is going to the Hendry County Board of County Commissioners Meeting tomorrow with actual specifics on what the City Commission wants in regards to recreation. Manager Martin responded that he is only going to hear where they are at so that we can make a plan for future negotiations. He stated that he has had some informal feedback that the County wants to work with us on improving recreation services. Commissioner McGahee expressed that she feels it would be beneficial to the City to have a mutual meeting with the County because the amount the County is paying for recreation services is not sufficient for what they are using. She feels it should be addressed before budget discussions. Manager Martin noted that it couldn't be changed under the current agreement unless they mutually agreed but we can let them know that we need to analyze the numbers and make our best case for justifying additional funding. Commissioner McGahee stated that we have to have the number of residents that are actually using the recreation services. Manager Martin stated the reason he was invited to their workshop was to begin the dialogue. Mayor Gardner stated that we need information on who is using our facilities and programs.

Commissioner McGahee asked for an update on the Royals parking lot barrier. Public Works Director Sean Scheffler informed the Commission that he should have the steel plates for the barrier by the end of this week and after further discussion, the City Manager agreed to provide an update on this matter at or before the next meeting on February 17, 2020.

Commissioner McGahee then asked for updates on driveway apron paving and hurricane shutters. Manager Martin stated that he will have a recommendation and report on the driveway apron paving on the February 17, 2020 Commission Meeting Agenda. He also stated that we will be making a recommendation on whether or not to revise our shutter ordinance at a future meeting. Commissioner McGahee suggested that Code Enforcement Officer Debbie McNeil set a goal to issue at least 20 citations for houses with plywood shutters. She also requested Director Scheffler provide a list of the City parks and their users to the Commission and requested City Clerk Kathy Combass provide a monthly accountability report of these items with the meeting agenda.

Commissioner Petersen stated that she wants to ensure that we provide emergency information to the public in a timely manner. Manager Martin stated that our social media platforms are the most effective way to provide the information but we have to make sure the information is accurate.

Mayor Gardner announced that she had the honor of attending an event at the White House on Friday. She stated that 170 mayors from across the country attended and that this is the first time since she has been a member of the City Commission that we have received an invitation to attend a White House event. She stated that she was proud to represent and speak about the City and distributed a handout of President Trump's remarks from the meeting to the Commission.

Mrs. Laura Smith came forward and expressed that she feels the City's current ordinance regarding hurricane shutters should be revised so that we can penalize those who don't comply with financial penalties. Attorney Brandenburg confirmed that we could do that and explained that the person receiving the citation would either pay the citation or appeal it to the special magistrate. Manager Martin stated that we can look at strengthening the enforcement portion of the ordinance but he is concerned with the determination of in season and out of season. Mayor Gardner asked Manager Martin to work with Attorney Brandenburg on this matter. Mrs. Smith then asked if the City's ordinance that supports our vision for U.S. Highway 27 is in place. It was noted that the ordinance is not in place and Attorney Brandenburg will be reviewing drafts of an ordinance. Mrs. Smith stated she feels there should be financial penalties for those who don't comply with this ordinance also.

Adjournment

The meeting adjourned at 7:19 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk