

CITY OF CLEWISTON
Regular Commission Meeting
March 16, 2020

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, March 16, 2020. The meeting was called to order at 5:01 p.m. by Mayor Gardner. Pastor Angel Ramos from the Faith Lutheran 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 and Commissioner Julio Rodriguez. Commissioner Kristine Petersen was absent.

Personnel Present: City Manager Randy Martin, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Utilities Director Danny Williams, Community Development Director Travis Reese, Police Chief Aaron Angell, Code Enforcement Officer Debbie McNeil, City Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Jaime Rivera, Donnie Hughes, Jimmy Pittman and Billy Joe Haithcock.

Additions/Deletions/Changes and Approval of the Agenda – none

Public Comments – none

1. Consent Agenda

- A. *Proclamation – Water Conservation Month – April 2020*
- B. *Proclamation – Donate Life Month – April 2020*
- C. *Event Application – Alan Jay/EFCU Tent Sale – April 22-25, 2020*
- D. *Resolution No. 2020-13 – adopts amendments to the budget for FY 2019-2020.*
- E. *Resolution No. 2020-14 – FDLE Grant Adjustment Number 10*
- F. *Resolution No. 2020-15 – Release of Lien – 427 East Alverdez Avenue*
- G. *Resolution No. 2020-16 – MacVicar Consulting, Inc. Professional Service Agreement.*
- H. *Resolution No. 2020-17 – Mauldin & Jenkins Letter of Engagement for Professional Auditing Services*

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

Presentation of Proclamation to Libby Pigman, Regional Representative, South Florida Water Management District – Water Conservation Month – April 2020

Mayor Gardner stated that the presentation of the proclamation was scheduled but because the Water Management District has closed their offices due to the Coronavirus, Ms. Pigman was not here to accept the proclamation. She added that the proclamation could be presented to a board member of the South Florida Water Management District during a future visit.

C-21 Bridge Project Update on Permitting Status and Progress on Plans – Andy Tilton, Johnson Engineering, Inc.

City Engineer Andy Tilton addressed the Commission and stated that two of the four permits needed from the South Florida Water Management District were received. The permits received were an environmental resource permit and a right of way permit. He reported that no substantial changes were made by the Water Management District; the revisions were limited to tweaking on how they wanted a few things to be done. He explained that the Water Management District gets to direct how they are going to build the facility that we want to build because the canal that the bridge will be crossing and all of the property that the city will be working on is owned by the District.

RESOLUTIONS

2. **Resolution No. 2020-18** – Resolution No. 2020-18 approves State-Funded Grant Agreement FPN: 445843-1-54-01 between the State of Florida Department of Transportation (FDOT) and the City of Clewiston to provide for FDOT’s participation in the design, construction, and construction engineering and inspection of the City of Clewiston C-21 Bridge Canal Crossing.

Manager Martin reviewed the agenda report and the terms of the agreement. Mayor Gardner read Resolution No. 2020-18 by title. Commissioner Rodriguez asked if additional funding is needed and if we are planning to apply for more funding. Manager Martin responded that additional funding will be needed. City Engineer Tilton stated that he does not have an updated estimate at this time; the estimate before was for the bridge itself and did not include the ramps and other features that have been added. He agreed to share the estimate with the Commission once it is available. Manager Martin stated that it is anticipated that the city will need to request the general assembly make a supplemental appropriation and the city will plan to initiate that process through the appropriate channels once Engineer Tilton finishes the updated estimate. Commissioner McGahee asked what will happen if we don’t get that funding. Manager Martin answered that the city will then have to pursue other sources. Engineer Tilton stated that he hopes to have an updated estimate within the next month and a half.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-18. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

3. **Resolution No. 2020-19** – Resolution No. 2020-19 approves Change Order No. 02 to Work Order No. 04 of the Continuing Agreement for Professional Services between the City of Clewiston and Johnson Engineering, Inc. in the amount of \$28,500 for the C-21 Bridge Project.

Manager Martin reviewed the agenda report and Mayor Gardner read Resolution No. 2020-19 by title. Vice Mayor Atkinson requested an updated total cost of all the engineering services. Manager Martin agreed to provide that information to the Commission when available.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-19. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

4. **Resolution No. 2020-20** – Resolution No. 2020-20 approves FDOT Exhibit A to the Traffic Signal Maintenance and Compensation Agreement setting the compensation to the City for the maintenance of traffic signals and other devices for FY 2020/2021.

Manager Martin reviewed the agenda report and Mayor Gardner read Resolution No. 2020-20 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-20. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

5. **Resolution No. 2020-21** – Resolution No. 2020-21 approves the FMPA letter agreement dated February 25, 2020 for Phase 2 Detail Engineering for Substation T1 & T2 relay differential upgrade and 12010, 12020 circuit breaker replacement.

Manager Martin summarized Resolution No. 2020-21. Utilities Director Danny Williams clarified that this agreement is for the engineering work necessary to rehabilitate the substation. Mayor Gardner read Resolution No. 2020-21 by title and confirmed this project is budgeted.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-21. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

After the vote, Commissioner McGahee asked if FMPA will act as the Project Manager. Director Williams responded that the City will be in control; FMPA will handle the financial part of the project. Manager Martin stated that FMPA assistance is beneficial to the city because of their contacts and resources which do this type work and FMPA also does the procurement process which can be cumbersome and delay the process without their assistance.

6. **Resolution No. 2020-22** – Resolution No. 2020-22 approves the award of the Portable Generator Purchase Contract to Gresco Supply and authorizes the Mayor to execute the Portable Generator Purchase Contract with Gresco Supply on behalf of the City.

Manager Martin reviewed the agenda report. He stated that Gresco Supply was the low bidder and the expense is reimbursable under the grant funds awarded to the city from the Department of Environmental Protection and satisfies one of the mandates of the Second Amended Consent Order between the City and DEP. Mayor Gardner then read Resolution No. 2020-22 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-22. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

7. **Discussion regarding Application for Text Amendment by Rivera's Transmission and Auto Repair** – Rivera's Transmission and Auto Repair submitted an Application for Text Amendment to *Division 13. – CPID Commerce Park Industrial District, Section 110-495. – Permitted uses* of the Clewiston Code of Ordinances to allow repair and maintenance of automotive, agricultural and marine equipment with restrictions.

Manager Martin reviewed the agenda report. Community Development Director Travis Reese stated that Mr. Rivera came to staff to purchase property in the Commerce Park Industrial District (CPID) and was informed after meeting with the Technical Review Committee (TRC) and Manager Martin, that his use did not fit the requirements of the CPID. Director Reese stated that Mr. Rivera met with the TRC again to see if he could get a special exception and was told that the use did not fit the special exception requirements the way the ordinance is written and that he would need to apply for a text amendment to the code to change the permitted uses in the CPID. He noted that the Planning & Zoning Board recommended approval of the text amendment to change the permitted use to allow automotive repair at their meeting on March 9, 2020. Mayor Gardner asked if the existing property owners were given notice of the possible text amendment changes. Attorney Brandenburg's response was that notice has not been given but if the Commission decides to proceed with the amendment and the ordinance is approved on first reading, the Commission could add any other notice provisions that they would like staff to do at that time. Commissioner McGahee expressed that she completely supports the request as Mr. Rivera has operated his business and built his home here and there is limited space available for businesses like this in Clewiston. Mayor Gardner expressed that she feels it is important that we notify the existing property owners and also wants to make sure that whatever is written into the text is enforceable from our code enforcement perspective and meets the standard that were already laid out. She stated that she will support the amendment but wants to make sure that we think ahead of what effects those changes will make for the future. Attorney Brandenburg stated that there are special exception uses that can be changed to say those are conditional uses subject to site plan approval by the Commission so that the Commission would actually see the site plan and could impose conditions on the project that would be enforceable. Vice Mayor Atkinson stated that he supports the amendment but requested that the vehicles being repaired should have active registration and tags. Mayor Gardner asked for public comments. Mr. Jimmy Pittman came forward and stated that he feels the Commission should designate the type of fence that would be required before Mr. Rivera spends any money. Mr. Jaime Rivera stated that he would like to put up a chain link fence

with slats and replace it at a future date with a block wall. Attorney Brandenburg stated the process would be to amend the ordinance and then proceed with the purchase that would be subject to site plan approval by the Commission. The site plan approval will have written conditions of approval and will also state that everything shown on the site plan is a condition of approval so that it all can be enforced in the future by code enforcement. Director Reese mentioned that when the Commission makes those conditions, staff now has the ability with the new system to put that information in the property notes on that parcel so that everyone can see it when the property is pulled up.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to draft an ordinance and bring it back for first reading. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

8. **Request to Schedule Attorney/Client Meeting** – City Attorney Gary Brandenburg requests the City Commission schedule an Attorney/Client Meeting during the next City Commission Meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc.

Manager Martin stated the March 23, 2020 recommended date for the Attorney/Client Meeting was selected because there is a workshop with the Planning and Zoning Board and CRA Advisory Board scheduled that same day. He noted that the workshop may be cancelled because of the guidance received this afternoon regarding the Coronavirus. Attorney Brandenburg informed the Commission that the shade meeting is needed to consider an offer of settlement. It was noted the offer had a 30 day deadline to respond. After discussion, the Commission agreed to schedule a Special Commission Meeting for March 23, 2020 at 4:00 p.m.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez to schedule a Special Commission Meeting for March 23, 2020 at 4:00 p.m. for an Attorney/Client Meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

Vice Mayor Atkinson amended his motion, Commissioner Rodriguez amended his second, to schedule a Special Commission Meeting for March 23, 2020 at 4:00 p.m. for an Attorney/Client Meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc., which Attorney/Client Meeting will be attended by all City Commissioners, City Manager Randy Martin, City Attorney Gary Brandenburg and a court reporter. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

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

Comments from City Manager – Manager Martin announced that City Clerk Kathy Combass is now a certified municipal clerk by the International Institute of Municipal Clerks and is no longer designated as interim. He then reported the City is doing its best to put links with the Coronavirus information on the City’s social media platforms and website. He stated he is attending daily teleconference meetings with Hendry County Emergency Management and other agencies and is pleased with the flow of information as it is changing rapidly. He reported that a national disaster has been declared but there is no recommendation at this point to declare a local state of emergency in our city or county. He stated that most events have been cancelled or are being cancelled in the City and that we will no longer be scheduling any events for organizations to use our facilities during at least the next two weeks. He added that as of the last report, there are no cases identified or confirmed in Hendry County or the City of Clewiston. He then confirmed that he will be sharing summaries of information shared with the Commission as new updates are provided. Mayor Gardner expressed that she feels it is important that first responders are invited to join the conference calls to hear the information firsthand.

Comments from City Attorney - none

Comments from the City Commission - Commissioner Rodriguez urged everyone to stay home as much as possible and continue washing their hands.

Mayor Gardner stated that she feels it is important for business owners to respond to the surveys regarding disaster relief and requested staff to put the link to the survey that the Chamber of Commerce put out today on the City's website. She then announced that Senator Rick Scott and Congressman Mario Diaz-Balart have both reached out to her and said they would be happy to assist if there is anything that the City needs at the federal level.

Manager Martin stated that financial reports are included in the Departmental Monthly Activity Reports and we plan to do monthly summary budget reports and will periodically do a full report to the Commission.

Commissioner Rodriguez requested that "Old Business" be added to the meeting agendas.

Mayor Gardner asked everyone to follow the COVID-19 guidelines from the local state and federal agencies.

Adjournment

Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to adjourn the meeting at 6:10 p.m. Vote 4 yeas, 0 nays (Commissioner Petersen was absent.)

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk