

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**June 15, 2020**

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The City of Clewiston Commission held its regular meeting by telephone conference call on Monday, June 15, 2020. The meeting was called to order at 5:00 p.m. by Mayor Gardner.

**Commissioners in attendance by telephone:** Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Kristine Petersen and Commissioner Julio Rodriguez. Commissioner McGahee joined the meeting at 5:04 p.m.

**Personnel in attendance by telephone:** City Manager Randy Martin, City Clerk Kathy Combass, Utilities Director Danny Williams, Public Works Director Sean Scheffler, Community Development Director Travis Reese, City Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

**Others in attendance by telephone:** Navid Nowakhtar

**Virtual Meeting Instructions on How to Watch and/or Participate:**

The City of Clewiston Commission Meeting will be live on the City's Facebook page at <https://www.facebook.com/cityofclewiston> and the City's website at <http://clewiston-fl.gov/meetings>. Public comments or questions may be submitted via email to the City Clerk at [cityclerk@clewiston-fl.gov](mailto:cityclerk@clewiston-fl.gov) for the Commission's consideration up until 12:00 p.m. on the day of the meeting. Public comments will also be allowed via telephone (Phone # 863-254-4038, Room # 994729) at the time the agenda item is being considered when the Mayor invites public comments. Members of the public, when addressing the Commission, via email or telephone, must state his or her name, address, contact information and agenda item they wish to speak about. Be advised that the Commission may take action on items not listed on the agenda. If this occurs, public comments will be received at the time the item is considered provided you speak up indicating your desire to speak when the Mayor invites public comments.

Mayor Gardner read the Virtual Meeting Instructions on How to Watch and/or Participate by telephone.

**Statement of the Mayor regarding Virtual Public City Commission Meeting:**

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. The members of the City Commission appearing remotely for this meeting are Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez.

Mayor Gardner read the Statement of the Mayor regarding Virtual Public City Commission Meeting.

**Prayer and Pledge of Allegiance** – Mayor Gardner led the audience in reciting the Lord's Prayer and the Pledge of Allegiance.

**Additions/Deletions/Changes and Approval of the Agenda** - none

**Public Comments** - none

**1. Consent Agenda**

- A. *City Commission Meeting Minutes – March 16, 2020*
- B. *Special City Commission Meeting Minutes – March 23, 2020*
- C. *City Commission Meeting Minutes – April 20, 2020*
- D. *City Commission Meeting Minutes – May 18, 2020*
- E. *Event Application – Juneteenth Celebration – June 19, 2020*

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

Before the vote, Commissioner Petersen asked if the participants of the Juneteenth Celebration were going to be able to cross US Highway 27 without disrupting traffic. Manager Martin's response was that the plan is to stop the traffic to allow them to cross the highway. He stated that the time is anticipated to be short based upon the size of the crowd estimated by organizers.

## **PUBLIC HEARING**

2. **Ordinance No. 2020-01 – PUBLIC HEARING – First Reading – 5:05 p.m.** – Ordinance No. 2020-01 amends the § 110-495 of the Clewiston Code of Ordinances to allow for the maintenance and repair of automotive, agricultural and marine equipment within the Commerce Park Industrial District (CPID).

Mayor Gardner summarized and read Ordinance No. 2020-01 by title. She then opened the public hearing. City Manager Randy Martin reviewed the agenda report. After Commissioner Rodriguez questioned whether the purchase of property by Mr. Rivera or the amendment to the ordinance would come first, Manager Martin explained that the amendment to the ordinance is required before any lot could be offered for purchase to Mr. Rivera for the requested use. He stated that a purchase would be formalized once the final reading of this ordinance is approved. Attorney Brandenburg agreed with Manager Martin. Manager Martin explained that this ordinance, if approved, is not exclusive to that one business. After stating that no public comments were received, Mayor Gardner declared the public hearing closed.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2020-01 on first reading and set the second Public Hearing for July 20, 2020 at 5:05 p.m. Vote 5 years, 0 nays**

## **RESOLUTIONS**

3. **Resolution No. 2020-34** – Resolution 2020-34 authorizes Clean Water State Revolving Fund Construction Loan Agreement WW260421 & Grant Agreement SG260422 with the Florida Department of Environmental Protection for project financing to address infiltration and inflow of extraneous water into the City's sewer system as a part of an existing consent decree between the City and state regulators.

Manager Martin reviewed the agenda report and stated the City has been successful in receiving the documents from the state to receive a grant to fund improvements. He expressed that he is proud of staff and appreciates the assistance received from consultants. Manager Martin recommended that Attorney Brandenburg review the memo the attorney had prepared regarding the sequencing and timing of the documents related to the Inflow and Infiltration Project Phase 2. Attorney Brandenburg reviewed his memo and suggested the City's award of the Inflow/Infiltration Project Phase 2 be contingent upon receiving a signed loan agreement back from the state. He explained that the City cannot enter into contracts unless they have the funds fully committed. He suggested the City adopt all of these items tonight and instruct staff to move forward under the sequence described in his memo. After stating that no public comments have been received, Mayor Gardner read Resolution No. 2020-34 by title.

**Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-34 and follow the sequence described in City Attorney Gary Brandenburg's memo dated June 10, 2020. Vote 5 years, 0 nays**

4. **Resolution No. 2020-35** – Resolution No. 2020-35 approves the award of the Inflow/Infiltration Project Phase 2 Contract to American Infrastructure Technologies Corp. and authorizes the Mayor to execute the contract with American Infrastructure Technologies Corp.

Manager Martin explained that this resolution approves the award of a contract for Phase 2 of the project to American Infrastructure. He stated the proper documents have been received and this resolution is contingent upon receipt of the executed loan and grant agreement from the state. Utilities Director Danny Williams reviewed the second phase of the project and confirmed that identified utility system leaks will be repaired in this phase. Mayor Gardner stated that no public comments were received in advance and asked if there were any verbal comments or questions at this time. After hearing none, she read Resolution No. 2020-35 by title and noted that approval of the resolution is based on receiving the executed loan and grant agreement from the state and following the sequencing recommended by City Attorney Brandenburg.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-35 and follow the sequence described in City Attorney Gary Brandenburg's memo dated June 10, 2020. Vote 5 yeas, 0 nays**

After the vote, Manager Martin noted that the City has received letters by DEP approving the award of this contract and the contract for the Lift Stations #21 & #24 Bypass Pump Improvements that was approved at the May 18, 2020 Commission Meeting. He noted that both contracts would be reimbursed through these SRF funds and that staff is developing a list of eligible items of improvements at either the plant or other portions of the wastewater system to utilize any balance of funding that would remain. He added that approval of those items would subsequently come back to the Commission for consideration.

5. **Resolution No. 2020-36** – Resolution No. 2020-36 authorizes the Mayor or her designated representative to apply for CDBG-DR grant funds and enter into an agreement with the Florida Department of Economic Opportunity.

Manager Martin reviewed the agenda report. He clarified that the City is also pursuing other grants under other categories. Vice Mayor Atkinson asked that we keep the culvert crossings that need to be repaired or replaced in mind in case any of these grants would help with that. Manager Martin stated that he, Engineer Tilton and Director Scheffler are looking at which one of these categories would be a good fit for that project. Engineer Tilton reported that he is in the process of looking at each of the culverts in the canals to see which ones need to be replaced or repaired. Mayor Gardner read Resolution No. 2020-36 by title and noted that no written public comments were received. She then invited public comments. No public comments were heard. Attorney Brandenburg explained that he asked that Resolution Nos. 2020-36 and 2020-37 be modified to authorize the CDBG grant applications only and noted the resolutions are appropriate as presented. Manager Martin stated that he agrees with Attorney Brandenburg and if the City is awarded the funding, it would come back for formal action by the Commission.

**Vice Mayor Atkinson made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2020-36. Vote 5 yeas, 0 nays**

6. **Resolution No. 2020-37** – Resolution No. 2020-37 authorizes the Mayor or her designated representative to apply for CDBG-MIT grant funds and enter into an agreement with the Florida Department of Economic Opportunity.

Manager Martin reviewed the agenda report and explained that this is the first time that CDBG has had funding for facility hardening. Utilities Director Williams stated that this funding would be utilized for the electric utility insulators that we would like to replace. Mayor Gardner stated that no written public comments were received and invited public comments. No public comments were heard. She then read Resolution No. 2020-37 by title. Commissioner McGahee asked who will be writing the grants. Manager Martin's response was that the Southwest Florida Regional Planning Council will be doing the bulk of the application on our behalf as part of our membership. Manager Martin noted that this resolution was modified, like Resolution No. 2020-36, to authorize the CDBG grant application only.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-37. Vote 5 yeas, 0 nays**

7. **Resolution No. 2020-38** – Resolution No. 2020-38 approves the agreement between Florida Municipal Power Agency and the City of Clewiston regarding the City’s Advance Metering Infrastructure (AMI) Deployment – Phase 2.

Manager Martin reviewed the agenda report. Navid Nowahktar, FMPA Resource and Strategic Planning Manager, was introduced by Utilities Director Danny Williams. Manager Martin noted that the slide presentation and other documents are available on the City’s website for viewing. Mr. Nowahktar then reviewed the slide presentation. Mayor Gardner stated that no written public comments were received and invited public comments. No public comments were heard. Mayor Gardner then read Resolution No. 2020-38 by title.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-38. Vote 5 yeas, 0 nays**

### **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

8. **Update regarding Septic to Sewer Project with the US Army Corps of Engineers (USACE)** – City Manager Randy Martin

Manager Martin reported that he does not have anything to add as of this date and agreed to keep the Commission up to date.

9. **COVID-19 Update and Discussion** – City Manager Randy Martin

Manager Martin reported that there are now 650 confirmed cases within Hendry County and encouraged citizens to follow the activity and adhere to the CDC and federal and state guidelines. He stated that he is still reluctant to open up the indoor facilities but recommended that on Friday, June 19, 2020, the city re-open all picnic areas with the exception of the Herbert Hoover Dike area which is part of an ongoing construction project area. He also recommended re-opening the ballfields at Sugarland Park and the splash pad and keeping the pool closed for the duration of this season. He stated that he would like to defer any announcement for the Senior Citizen Center until we can coordinate the reopening with all program providers and service agencies. He recommended plans for summer camp be cancelled and that we begin planning for virtual summer camp at all branches of the library in the county. He reported that the June golf camp was cancelled but the July golf camp will be allowed with guidelines and safety procedures. He then recommended the July 4<sup>th</sup> fireworks activities be cancelled and that we begin scheduled activities for the Youth Center and John Boy Auditorium on July 1, 2020. He stated that he is not prepared to finalize a date to re-open the public city buildings where staff is housed because more time is needed to get all safety precautions in place. Mayor Gardner expressed her concern with re-opening the splash pad because the state’s pediatric testing results are up for Hendry County. She stated she likes the idea for virtual camp for the libraries and noted that there would still be requirements for Phase 2 on the rentals. Manager Martin stated that the city is committed to following recommended guidelines and requirements. Mayor Gardner announced that all City staff and their families have the opportunity to be tested tomorrow. She requested Manager Martin continue to provide the Commission with updates received from the health department regarding resurgence trends for the future. Commissioner Rodriguez expressed that he agrees we should take another look at whether or not we should re-open the splash pad.

10. **Old Business** – Vice Mayor Atkinson asked if there is any update regarding the first responder interlocal agreement with Hendry County. Manager Martin stated that he will give an update under his manager’s report.

Vice Mayor Atkinson asked if the total amount discounted this month for the power cost adjustment for COVID-19 was known. Manager Martin stated that he believed the amount was around \$70,000-\$80,000. Utilities Director Williams agreed to get that information and provide it to the Commission. Manager Martin noted that there is a possibility the City may be reimbursed for that amount under the CARES Act.

Vice Mayor Atkinson then asked if there is an update regarding the ownership of the Clewiston Canal. Attorney Brandenburg's response was that it has been determined that the canal was dedicated for navigation to the United States and an inquiry has been put in to the U.S. Army Corps of Engineers to see which agency of the United States would handle any request and no response has been received yet. He added that it appears that the canal right of way was a dedicated easement and thinks that a quiet title action may be needed but is not able to make a recommendation to the Commission at this time. He stated that as additional information comes in, he will advise the Commission.

Vice Mayor Atkinson asked for an update on the Ventura Project. Manager Martin stated the funding will become available in the next state fiscal year which begins July 1. He also stated that Engineer Tilton has essentially completed updating his estimate of cost and anticipates that he will have an update on the project and a tentative schedule at the July 20, 2020 Commission Meeting. He noted that the estimate exceeds the available funding so staff has been looking at ways to bring it closer to the estimate including all budgetary sources. He stated that he will update the Commission on that in July. Vice Mayor Atkinson asked if there have been any discussions with DOT regarding the estimate being higher than the funding that was received. Manager Martin stated that we have made them aware that the project is going to exceed the available funding. He also stated that our anticipation is to go back to DOT to see if there is any additional funding available once we have the bids and know how much we are short.

Mayor Gardner asked for an update on the vacant building ordinance review. Manager Martin stated that a date will be announced soon for a P & Z Board Meeting with an invitation to the CRA Advisory Board and the vacant building ordinance will be discussed at that meeting. He added that P & Z Board Meeting will be held before the next Commission Meeting. Community Development Director Travis Reese stated the meeting date has not been set yet because they are waiting on a modification to the PUD master plan from the contractor for U.S. Sugar, which is a separate agenda item. He added that if the modification is not provided by the end of this week, they will go ahead and set the date for that meeting.

Director Reese announced that there has been a change in the state law that allows for the use of consumer fireworks. He explained that law does not affect the city limits of the City of Clewiston because the City's ordinance regarding fireworks was in place prior to the state law change. Attorney Brandenburg stated that we may need to add additional clarification to that ordinance in the future. Mayor Gardner requested that a public notice be placed on our website and shared on social media so that everyone understands what the City's ordinance states.

#### **11. Departmental Monthly Activity Reports - Presented for information only.**

**Comments from City Manager** – Manager Martin stated that regarding discussions with Hendry County regarding fire services, the county attorney is drafting an updated contractual agreement for our consideration. He reminded the Commission that there were discussions regarding benefits for volunteer firefighters with the fire department last year. He stated that the discussions have been ongoing with Hendry County since then and in discussions with the County Administrator this year, and in anticipation of making sure that sufficient funding is available within the MSBU for East Fire, the County Administrator plans to recommend to the Hendry County Board of Commissioners that they establish up to a 15% increase in the MSBU to take care of funding any agreed upon details of enhanced benefits that would evolve out of the City's forthcoming budget discussions and the County's budget discussions. He recommended the Commission endorse County consideration of up to a 15% MSBU increase. He explained the two main considerations for funding benefits that we are specifically looking at are cancer coverage and enhancing the accident policy benefit so that it would more closely meet the need if any member of our department were injured on duty. He noted this would not be an obligation until the budget is actually adopted. He stated that we want to try to establish an element of capital funding reimbursement and hope to set aside funding that would be available for capital needs to meet our 5 year capital plan that we are developing and will be presenting to the City Commission as well as the County Commission for replacement of some of our major capital items. He recommended the Commission give a favorable response to the County Commission to enhance the benefit of our volunteer firefighter first responders and create the beginnings of a capital reserve fund within the

funds that are collected for future capital replacement items. Mayor Gardner asked if there was anyone from the Commission not in agreement. After hearing no response from the Commission, Mayor Gardner asked Manager Martin to let the County know that the City Commission endorses this project at 15%. Manager Martin stated that he will report that to the County Commission at their meeting tomorrow evening and hopefully they will look favorably upon at least preserving this option through the budget cycle until we can all flesh out specific numbers and agree upon them and bring back a formal agreement with the county in the form of an updated fire agreement for service.

Manager Martin stated that we are actively discussing the CARES Act funding related to COVID-19 that is available now for reimbursement for eligible costs and will update the Commission on how we can possibly benefit.

Manager Martin reported that Finance Director Shari Howell has drafted a preliminary tentative budget calendar and he plans to put together a schedule and get it out to the Commission soon.

**Comments from City Attorney** – Attorney Brandenburg stated that unless the Governor’s emergency declaration with respect to quorums present at city council meetings is extended, the City will need to make arrangements for the next meeting to be in person. Manager Martin stated that we will plan for an in-person meeting unless conditions change and the executive order is extended.

**Comments from the City Commission** – Commissioner Rodriguez stated that since the City’s fireworks show has been cancelled, he feels there will be more fireworks in the neighborhoods and more people in the streets and wanted to make sure that everyone is aware of that.

Commissioner Rodriguez then urged Manager Martin to stay engaged with Hendry County regarding the CARES Act funding as he has heard that Broward County does not want to distribute any of the funding to the cities in that area. Manager Martin assured the Commission that he is going to push hard and does not believe that will be the case for us. He stated that he will be in attendance at the Hendry County Board of Commissioners Meeting tomorrow and stay engaged in any county discussions on the topic.

Commissioner Rodriguez asked if Sugarland Park will be open for team sports or individuals. Manager Martin confirmed the park will be open for everyone.

Commissioner Rodriguez expressed that he feels the City should continue relaxing signage requirements on U.S. Highway 27 at this time. Manager Martin stated that his intent is to continue under the same guidance as long as we are in the emergency declaration.

Commissioner Rodriguez stated that he is still seeing underage drivers on golf carts and does not want to see any child get hurt under his watch. Mayor Gardner stated that it is important that we let the police know when we see something. She asked Attorney Brandenburg if the City could enforce the golf cart ordinance on private property. Attorney Brandenburg stated that it could not be enforced on private property. Mayor Gardner encouraged everyone to let Manager Martin know what they are seeing. She then thanked City staff as they have continued to be here working every day to make sure the business of the City continues and noted that as we go into hurricane season, staff will have additional responsibilities.

## **Adjournment**

**Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to adjourn the meeting at 6:42 p.m. Vote 5 yeas, 0 nays**

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Mali Gardner, Mayor

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Mary K. Combass, City Clerk