

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**April 19, 2021**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, April 19, 2021. The meeting was called to order at 5:00 p.m. by Mayor Kristine Petersen. The audience joined in reciting the Lord's Prayer and the Pledge of Allegiance.

**Commissioners Present:** Mayor Kristine Petersen, Vice Mayor Greg Thompson, Commissioner Mali Gardner, Commissioner Hillary Hyslope and Commissioner James Pittman.

**Personnel Present:** City Manager Randy Martin, Finance Director Shari Howell, Finance Specialist Chelsea Strawser, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Code Enforcement Officer Debbie Clay, Police Sergeant Thomas Lewis, Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

**Visitors Present:** Matt Beatty, Dylan Brandenburg, Terry Gardner and Dwight Gale.

**Additions/Deletions/Changes and Approval of the Agenda -** TDC Appointment Discussion and Resolution 2021-45 for Lot 2 of Commerce Park to be sold to Californo Corporation. Engineer Tilton brought a plat draft to show the board for Commerce Park that was to go before the Planning and Zoning Board, then come to the Commission for action at the May Meeting.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the agenda with the additions. – 5 yeas, 0 nays**

**Public Comments – none**

**1. Consent Agenda**

- A. City Commission Meeting Minutes – January 25, 2021*
- B. City Commission Workshop Minutes – February 1, 2021*
- C. City Commission Meeting Minutes – February 15, 2021*
- D. City Commission Workshop Minutes – February 22, 2021*
- E. Event Application – Clewiston High School Graduation Fireworks – May 14, 2021*
- F. Event Application – Hope for Huntington's Disease 5K – May 15, 2021*
- G. Resolution No. 2021-32 – Addendum to Extend Contract for Disaster Debris Removal and Disposal Services with Wherry Truck Lines, Inc.*
- H. Resolution No. 2021-33 – Addendum to Extend Contract for Disaster Debris Removal and Disposal Services with KDF Enterprises, LLC.*
- I. Resolution No. 2021-34 – Addendum to Extend Contract for Disaster Debris Removal and Disposal Services with Ridgill & Son, Inc.*
- J. Resolution No. 2021-35 – Addendum to Extend Contract for Disaster Debris Removal and Disposal Services with Custom Tree Care, Inc.*
- K. Resolution No. 2021-36 – Addendum to Extend Continuing Agreement for Professional Services with McCafferty Brinson Consulting, LLC.*
- L. Resolution No. 2021-37 – FMPA Change Order #2 for AMI Deployment Phase 2 Project*
- M. Proclamation – Donate Life Month – April*
- N. Proclamation – Water Conservation Month – April*
- O. Proclamation – Water Reuse Week – May 16-22, 2021*
- P. Proclamation – Kids to Parks Day – May 15, 2021*
- Q. Proclamation – National Safe Boating Week – May 22-28, 2021*
- R. Proclamation – National Day of Prayer – May 6, 2021*
- S. Proclamation – Municipal Clerks Week – May 2-8, 2021*

Consent Agenda Items N and O were read aloud by Mayor Petersen.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda. Vote 5 yeas, 0 nays**

**PUBLIC HEARINGS**

2. **Public Hearing – Interlocal Agreement with Hendry County for Distribution of the 2-Cent Fuel Tax** – Florida Statute 336.025 (1)(d) requires the City of Clewiston hold a public hearing every two years regarding the interlocal agreement with Hendry County for the 2-cent fuel tax revenue distribution (Second Local Option Fuel Tax).

Mayor Petersen summarized and asked for public comments. No public comments were heard.

3. **Public Hearing – Interlocal Agreement with Hendry County for Distribution of the 6-Cent Fuel Tax** – Florida Statute 336.025 (1)(d) requires the City of Clewiston hold a public hearing every two years regarding the interlocal agreement with Hendry County for the 6-cent fuel tax revenue distribution (Local Option Fuel Tax).

Mayor Petersen summarized and asked for public comments. No public comments were heard.

**RESOLUTIONS**

4. **Resolution No. 2021-38** – Resolution No. 2021-38 approves Change Order 02 to the American Infrastructure Technologies Corporation (AIT) Inflow/Infiltration Project Phase II construction agreement for an additional repair necessary to complete the project.

Mayor Petersen summarized and read Resolution No. 2021-08 by title and stated the financial impact.

**Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-38. Vote 5 yeas, 0 nays**

Before the vote, Vice Mayor Thompson asked for a description of the required repair. Utilities Director Williams replied that there was a collapse in a line in the Harlem area that prompted the need for the extra work. Commissioner Pittman confirmed that the 80% grant, 20% Environmental Protection State Revolving loan terms applied to the change order amount.

5. **Resolution No. 2021-39** – Resolution No. 2021-39 approves the final pay request from American Infrastructure Technologies Corporation (AIT) for the Inflow/Infiltration Project Phase II, contingent upon receipt of contractor's final release of lien.

Mayor Petersen summarized and read Resolution No. 2021-39 by title and stated the financial impact. No public comments were heard.

**Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2021-39. Vote 5 yeas, 0 nays**

6. **Resolution No. 2021-40** – Resolution No. 2021-40 approves the final pay request from Boromei Construction, Incorporated for the Lift Station 21 and 24 Bypass Pumps Improvement.

Mayor Petersen summarized and read Resolution No. 2021-40 by title and stated the financial impact. No public comments were heard.

**Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-40. Vote 5 yeas, 0 nays**

Before the vote, Vice Mayor Thompson inquired if this project covered the entire scope of work for the new bypass pumps. Utilities Director Williams confirmed that this was for final work to tie-in the new pumps. He also stated that work was underway to evaluate the remaining needs for other wastewater system lift stations and pumps, but to pursue funding for additional improvements based on those evaluations (Phase III), phase II needed to be completed and closed out with the state.

**COMMERCE PARK AGENDA ITEMS**

- 7. A. Resolution No. 2021-41** – Resolution No. 2021-41 approves the Contract For Sale and Purchase between the City of Clewiston and Hato Potrero Farms, Inc. of Lots #7 and #9 of Clewiston Commerce Park.

Mayor Petersen summarized and read Resolution No. 2021-41 by title.

**Commissioner Pittman made a motion, seconded Vice Mayor Thompson, to approve Resolution No. 2021-41. Vote 5 yeas, 0 nays**

Before the vote, Mayor Peterson reviewed the estimated financial impact: \$1.20 per square foot for a total of \$133,220.42. Commissioner Hyslope asked if the buyer had disclosed the number of jobs that would be created through this purchase. City Manager Martin replied that while the buyer had not given an exact figure, he had said that with this purchase and the planned expansion of his company's current facility on Obispo Avenue, he expected to increase his current work force by 20%. Vice Mayor Thompson inquired if these would be temporary jobs created for the expansion? Manager Martin stated that it was his understanding these would be permanent jobs. The Manager further advised it was likely that some of the employees would be assigned to the expansion planned for Commerce Park. Commissioner Gardner added the owner had indicated to her that he was having trouble recruiting a sufficient number of employees. The owner attributed the problem to the current additional benefits that unemployment offered which he believes is keeping away potential candidates. Manager Martin stated that many of those additional benefits were expected to be ending soon which may improve recruitment results. Mayor Petersen added that this problem was not just local, but nationwide.

- 7. B. Resolution No. 2021-42** – Resolution No. 2021-42 authorizes the Letter of Intent and the negotiation of a contract with OSGC Services, LLC for the sale of Lot #5 of Clewiston Commerce Park.

Mayor Petersen summarized and read Resolution No. 2021-42 by title.

**Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-42. Vote 5 yeas, 0 nays**

Before the vote, Mayor Petersen reviewed the estimated economic impact: \$1.08 per square foot for a total sale of \$279,097.98. Commissioner Gardner requested Manager Martin review details of the planned business for the public. Manager Martin reported that the planned business would be manufacturing steel frames for walls and other components for the construction industry. To do this their plans are to construct a 100,000 square foot warehouse in phases and eventually employ over 120 people. Once the manufacturing part of the business was running they would also be adding installation crews which would result in approximately 40 more employees. Manager Martin also pointed out that OSGC was hoping to start right away with recruitment and training activities upon the approval of a contract for the property. He pointed out that he proposed a lower price per square foot as incentive because this planned project scope was substantially larger than the other proposed businesses, would create a significantly higher number of jobs, had a high level of investment in manufacturing equipment and the larger proposed facility, and other factors such as the larger size lot 5 (containing 5.9 acres) and that it has more limited access options than other available lots. He indicated that these lot limitations have contributed to lower interest from potential buyers. Vice Mayor Thompson stated that he was in favor of the business because the owners planned to hire local, especially students from the Clewiston High School's trades program. Commissioner Hyslope said she was impressed because this really brought together many elements from the City as the Economic Development Council program helps coordinate with the school's trade program and other training resources for potential employees. City Attorney Brandenburg explained that by not presenting a draft contract at this stage, but rather recommending a Letter of Intent, the City is showing its interest and willingness to discuss other contract term considerations with the prospective buyer and their legal counsel. He further stated that it would be his intent to adhere as closely as possible to the usual contract form in negotiations, but he noted that the letter of intent is non-binding on the parties.

- 7. C. Resolution No. 2021-43** – Resolution No. 2021-43 voids the Contract for Sale and Purchase with Advance Medical Sanitation, Inc. for the sale of approximately 1.5 acres on the interior NW corner designated Lot #10A, Clewiston Commerce Park, previously approved by the City Commission on March 29, 2021.

Mayor Petersen summarized and read Resolution No. 2021-43 by title. There were no public comments.

**Commissioner Pittman made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2021-43. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Pittman asked the Manager to comment on why the City was voiding the contract. Manager Martin stated that the company had failed to comply with the terms of the previously approved contract by not providing the required deposit; and, that upon further evaluation, it was determined the company and its full scope of operations was not an acceptable use for the park considering the identified need for modification of the current zoning regulations which was expected to adversely impact recruitment of other potential tenants to Commerce Park. He further stated that these factors motivated management to recommend the Commission not continue consideration of the proposed related zoning modification.

- 7. D. Draft Ordinance** – This draft ordinance would amend the Code of Ordinances 110-495 (2), Conditional Uses, for the commerce Park Industrial District (CPID), adding Medical Support Services as a Conditional Use.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to not proceed with consideration of the draft ordinance to allow Medical Support Services as a Conditional Use. Vote 5 yeas, 0 nays**

- 7. E. Resolution No. 2021-45** – Resolution No. 2021-45 approves an amendment to the Contract for Sale and Purchase between the City of Clewiston and Californo Corporation for Lot #2, Clewiston Commerce Park, allowing the purchaser to assign the Contract to Sumoney Investments, LLC.

Mayor Petersen summarized and read Resolution No. 2021-45 by title. There were no public comments.

**Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-45. Vote 5 yeas, 0 nays**

Before the vote, City Attorney Brandenburg stated that the usual contract does not allow for the purchaser to assign the contract. In this case, the owner of Californo Corp also owns Sumoney Investments, LLC and for that reason, Commission approval of the amendment to the contract is recommended. He elaborated that this amendment also allows the Mayor to sign the closing documents prior to the next meeting.

Commissioner Gardner requested that the Commission consider adding language making biomedical and/or biohazardous material related business a prohibited use in Commerce Park. She asked that the board consider specifically amending the City's Code of Ordinances Chapter 110 to benefit those businesses that are food related and regulated by FDA or USDA. Commissioner Pittman asked the City Attorney if any use not stated in the allowed or conditional was prohibited. Attorney Brandenburg affirmed. Vice Mayor Thompson inquired if changing the wording on the ordinance would remove flexibility from the Commission. He further questioned whether it was necessary since the board has to approve all sales of parcels. Attorney Brandenburg explained that if there is a very specific use that would not under any circumstances be allowed in that zone, then prohibition language could be added. Manager Martin replied that this would be more for sending a message to potential businesses and the existing businesses. Commissioner Pittman expressed that he would prefer to see the code section for Commerce Park be broad rather than prohibit something that in the future may not affect USDA or FDA regulated businesses. He reiterated that the board would still have approval/denial in the sale of the parcels. Commissioner Gardner said she felt that such medical facilities would better fit into other commercial areas of the city. Mayor Petersen commented that the city could discuss this at a

future meeting. Commissioner Hyslope agreed, adding that such documentation may be a show of “good faith” to existing and expanding businesses in the park.

Attorney Brandenburg transitioned into a brief discussion on the Plat that Consulting Engineer Andy Tilton had passed out prior to the meeting. He stated that there would be some changes to wording on page one before it was presented to the Planning and Zoning Board next week, but that there were no issues with the dimensions and mapping out of lots.

### **CONGRESSIONAL APPROPRIATION REQUEST**

8. **Resolution No. 2021-44** – Resolution No. 2021-44 authorizes an application to the U.S. Congress for a Congressional Appropriation Request to improve portions of West Ventura Avenue.

Mayor Petersen summarized and read Resolution No. 2021-44 by title. No public comments.

**Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-44. Vote 5 yeas, 0 nays**

After the vote, Commissioner Gardner thanked the City Manager for such a fast turnaround on preparation of the application. Manager Martin thanked her and stated that it had been almost 10 years since the last opportunity to apply for this type of funding. He stated that the stated requirements were that the project be under \$1,000,000 and be a priority project for the governmental entity. He explained that fortunately many of the pieces for the request were in place already thanks to the previous work the city had done in planning for this project. It did necessitate gathering some new documentation and formatting the information as required for the congressional application process. Manager Martin stated that he hoped the City would be approved for this funding as it would expedite the process of improving the entire section of Ventura Avenue all the way to WC Owen Avenue. Vice Mayor Thompson asked if the city had already applied for grant monies through FDOT to take the project to WC Owen. Manager Martin affirmed but stated that even if it is approved it would be at least three fiscal cycles before FDOT would provide funding. Manager Martin advised that if the City were to receive the congressional funds, he would pursue with FDOT all options for requesting the funding for other identified needs such as N. Francisco planned improvements also deemed a high priority project in the City’s CIP.

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

9. **Old Business** – None
10. **Departmental Monthly Activity Reports** - Presented for information only.
11. **Discussion of TDC Appointment**

Commissioner Pittman asked for elaboration on this appointment process. Manager Martin stated that the previous Commission board member who was appointed to serve on the County TDC was Melanie McGahee. Upon her resignation from the Commission she vacated that seat on the TDC as well. The County Commissioners make the appointment, but the City Commission has the opportunity to recommend a member to serve in that capacity. Commissioner Pittman asked if the board could make a nomination right away which was affirmed. He then proceeded to make a nomination.

**Commissioner Pittman made a motion to nominate Commissioner Hyslope to serve on the TDC board as the City Commission’s Representative, seconded by Vice Mayor Thompson. Vote 5 yeas, 0 nays**

Commissioner Gardner asked about the process to fill other vacancies on the TDC now since Commissioner Hyslope was already serving on the TDC board in a different capacity. Manager Martin indicated that her other seat would be vacant upon the Commissioners action to appoint her as the City Commission representative. Eligible persons would have to be connected to tourism to fill the other seat once vacant. Commissioner Gardner made the suggestion that the City Commission consider recommending Brenda Lopez and Steve

Buczynski to the County Commissioners to fill two vacancies on the TDC because of their work with the Clewiston Museum and the Audubon Society respectively. Discussion ensued on the process for making recommendations and whether these recommendations should then be passed to the TDC and the current TDC board could then decide whether to make recommendations to the BOCC for vacancies. Vice Mayor Thompson stated that he was not familiar with those persons and would like to see them come before the board prior to the board making a recommendation. Commissioner Gardner stated that she felt as though time was of the essence and it would be best to make a recommendation prior to the next Hendry County Board of Commissioners meeting. She then made a motion to submit the two nominations for the two remaining vacancies after Commissioner Hyslope is appointed as the City Commission representative. Mayor Petersen seconded. Vice Mayor Thompson expressed that he felt it wasn't a hurry to fill the seats. Commissioner Hyslope said there was a lot of money on the table currently for the TDC to make recommendations to the County for spending tourism dollars. Commissioner Gardner said that the money had been accumulating due to the "Heads and Beds" Occupancy Tax. Manager Martin stated he was advised that there was approximately \$500,000 currently in reserves. Commissioner Gardner said that Clewiston was heavily involved in tourism and Commissioner Pittman pointed out that Clewiston's hotels and RV parks contribute heavily to the funding. It was explained that the TDC board makes a recommendation on how the funds are spent, but that the final decision lies with the Board of County Commissioners. Commissioner Gardner explained it was a 9 member board: one from Clewiston, one from LaBelle, one from the county, and the other 6 are county wide; of the 6, some have to be hotel owners and the remaining connected to tourism. Commissioner Pittman stated he knew of Ms. Lopez, but was not familiar with Mr. Buczynski. Manager Martin pointed out the board could make one recommendation and hold off on making a second recommendation if desired. Commissioner Hyslope was hopeful that a person could be recommended that was connected with the tours and the community festival. Commissioner Gardner reiterated that she felt time was of the essence and amended her recommendation to nominate Brenda Lopez for the seat to be vacated by Commissioner Hyslope when she is appointed as the Commission representative. Commissioner Hyslope asked if Ms. Lopez were to try to join the TDC on her own would the process be different than if the City Commission made a recommendation. Manager Martin stated that he was not sure how the process worked, but per the ordinance, the BOCC makes the determination on TDC membership.

**Commissioner Gardner made a motion to recommend Brenda Lopez to the BOCC to serve on the TDC Board, seconded by Commissioner Pittman. Vote 3 ayes, 2 nays - Vice Mayor Thompson & Commissioner Hyslope cast the nay votes.**

**Comments from City Manager – None**

**Comments from City Attorney –** Attorney Brandenburg stated that the briefs have been filed in the Clewiston Commons matter with the special magistrate and that the board would receive a copy. He then thanked Robert Sherman and Kyle Dudek for their hard work on the matter.

**Comments from the City Commission –** Vice Mayor Thompson stated that he was excited for the great things happening with Commerce Park and was hopeful about the potential new funding source for Ventura Avenue.

Commissioner Pittman asked where the city had left off with animal control, especially with regards to accepting cash payments. Manager Martin said that topic would be discussed during the workshop on May 3. Commissioner Pittman expressed that the Police Department is always open and the cash payments would be secure if it was funneled through there. He further requested that some of the items on the old business action sheet be updated such as the old Police Department facility.

Commissioner Gardner said she was hoping to get an update on the Main St Corridor Plan especially regarding ordinances. She also was looking to get an update on recreation, specifically regarding the hiring of a recreation director and potential summer programming.

Commissioner Hyslope echoed Vice Mayor Thompson about the progress in Commerce Park. She wanted to express how pleased she was to see the City working with Hendry County economic development to try and help these businesses find workers because it is

important that Clewiston be able to staff businesses and projects. The city has a lot on the line with Commerce Park and as a community with its reputation. She stated that she looked forward to the May workshop and being able to get departmental reports to be more comprehensive; she felt there was a lot of information there, but that some information was missing. Commissioner Pittman chimed in that the Animal Control report was there, but was lacking the information he desired to see. He also pointed out that the City's volunteer application needs to be updated regarding a hold harmless agreement and recommended no volunteer activity in any department until it was updated. Commissioner Gardner asked that more attention be paid to the formats of the departmental reports because many seem disjointed. Manager Martin stated that he was interested in seeing more consistency as well. Commissioner Hyslope stated that part of that could be addressed in a software solution. She did not want to see departments spending a significant amount of time gathering the data for the Commission, but rather utilize available software/resources.

Mayor Petersen asked for an update about the pool, splash pad, and summer programming. Manager Martin said that the pool will be closed until it can be updated as it does not meet health department and state guidelines. To do so, he felt, would require significant donations or grant funds. The splash pad was not budgeted for this year, but that it is capable of being re-opened, but that the city has to be looking for ways to make it more cost efficient. Vice Mayor Thompson asked if the pool's necessary updates were Covid-19 related? Manager Martin said it was structural due to the age of the facility. Mayor Petersen talked about the limited hours the pool used to be open; she pointed out with the winter population and new solar heating technology the pool could have more usage if that was considered when discussing improvements. Manager Martin pointed out that the City could consider options to partner with a medical facility to share in costs, but that most of the time those types of institutions prefer an indoor facility for patient rehabilitation. Vice Mayor Thompson asked for a rough dollar estimate for the necessary improvements. Commissioner Pittman and Public Works Director Scheffler estimated the costs to update the existing facility to be between \$500,000 and \$700,000. Manager Martin also pointed out that the community would need to consider all factors including the demographic makeup of those citizens most likely to be utilizing the pool when considering its priority as a significant portion of the population does not have access to an alternative. Commissioner Gardner pointed out that the splash pad was being utilized last year by adults, especially on the weekends, but that it was really built for children; she felt this may be because there was not any recreation personnel in the youth center. Vice Mayor Thompson asked about potentially reusing the water, but Mayor Petersen pointed out that the board had previously considered putting in a system to reclaim the water and reuse it, but that it was too costly. She pointed out that it was heartbreaking this past year when it was hot and there were no children playing in the afternoons/weekends so the board needs to think about what can be done for the youth.

## Adjournment

**Commissioner Pittman made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 6:26 p.m. The motion was approved unanimously.**

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Kristine Petersen, Mayor

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Mary K. Combass, City Clerk