

CITY OF CLEWISTON
Regular Commission Meeting
November 15, 2021

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, November 15, 2021. The meeting was called to order at 5:00 p.m. by Mayor Petersen. Pastor Jeff Smith gave the invocation and the audience joined in reciting 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, City Clerk Kathy Combass, Finance Director Shari Howell, Community Development Director Travis Reese, Utilities Director Danny Williams, Interim Police Chief Tom Lewis, Police Commander Dan Brophy, Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Kevin McCarthy, Terry Gardner, Lenette Leyva, Andrea Marrero, Christopher Alston, Brianna Messer, Dustin Nguyen, Issai Vilela, Pastor Jeff Smith, Matt Beatty and Roly Gonzalez.

Additions/Deletions/Changes and Approval of the Agenda – Consent Agenda Item H was removed from the Consent Agenda and renumbered as Agenda Item No. 1.A. to allow it to be voted on separately to avoid the appearance of a conflict of interest.

1. Consent Agenda

- A. *Special City Commission Meeting Minutes – August 23, 2021*
- B. *Special City Commission Meeting Minutes – September 7, 2021*
- C. *Tentative Millage & Budget Hearing Minutes – September 13, 2021*
- D. *City Commission Meeting Minutes – September 20, 2021*
- E. *Special City Commission Meeting & Final Budget Hearing Minutes – September 27, 2021*
- F. *City Commission Meeting Minutes – October 18, 2021*
- G. *Clewiston Elks Turkey Shoot Event Application – November 16-19, 2021*
- I. *Clewiston Christian School Live Nativity Scene Event Application – December 10, 2021*
- J. *Resolution No. 2021-113 – approves the proposal from Wantman Group, Inc. (WGI) for additional structural engineering services for the C-21 Bridge Project*
- K. *Resolution No. 2021-114 – authorizes the purchase of an AA55 Bucket Truck from Global Rental Company, Inc. in the total amount of \$230,978.00*
- L. *Resolution No. 2021-115 – approves the purchase of 9 police vehicles and 1 animal services vehicle from Garber Ford, Inc. in the total amount of \$335,945.20*
- M. *Resolution No. 2021-116 – approves the Hendry County Library Cooperative Annual Plan of Service 2021-2022*

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

1.A. Clewiston Chamber of Commerce Annual Dinner Event Application – December 7, 2021

Commissioner Hyslope stated for the record that she is abstaining from discussion and voting on this item.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Clewiston Chamber of Commerce Annual Dinner Event Application. Vote 4 yeas, 0 nays (Commissioner Hyslope abstained from discussion and voting.)

Public Comments – Ms. Lenette Leyva came forward and expressed her appreciation to the Commission for their consideration of the Clewiston Christian School's Live Nativity Scene event on December 10, 2021. She stated the senior class had been working diligently in planning this

event. Members of the senior class including Andrea Marrero, Student Council President; Christopher Alston, Vice-President; Brianna Messer, Secretary; Dustin Nguyen, Treasurer; and Issai Vilela Chaplain, introduced themselves to the Commission.

PUBLIC HEARINGS

2. **Ordinance No. 2021-01 – Public Hearing - Final Reading – 5:05 p.m.** – Ordinance No. 2021-01 adopts an amendment to the City of Clewiston Comprehensive Plan to change the text of the City’s current 10-Year Water Supply Facilities Work Plan.

Mayor Petersen summarized and read Ordinance No. 2021-01 by title. Manager Martin reported that Consulting Engineer Andy Tilton is incorporating the changes suggested by the South Florida Water Management District.

Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to continue the public hearing and final reading of Ordinance No. 2021-01 to December 20, 2021. Vote 5 yeas, 0 nays

3. **Ordinance No. 2021-05 – Public Hearing – Final Reading – 5:30 p.m.** - Ordinance No. 2021-05 abandons a portion of the alley that adjoins the property of Robert and Whitney McCarthy located at 811 W. Royal Palm Avenue.

The public hearing was postponed until 5:30 p.m. and Agenda Item No. 4 was discussed next.

After Agenda Item No. 5 was discussed, Mayor Petersen summarized and read Ordinance No. 2021-05 by title and asked for public comments. No comments were heard.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Ordinance No. 2021-05. Vote 5 yeas, 0 nays

ORDINANCE

4. **Ordinance No. 2021-06 – First Reading** - Ordinance No. 2021-06 consents to Hendry County, Florida establishing a Municipal Services Benefit Unit known as the Emergency Medical Services Municipal Services Benefit Unit (EMS MSBU) to provide emergency medical services and consents to the establishment of the EMS MSBU within the city limits of the City of Clewiston.

Mayor Petersen summarized and read Ordinance No. 2021-06 by title.

Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2021-06 on first reading and set the public hearing for December 20, 2021. Vote 5 yeas, 0 nays

Before the vote, Manager Martin stated that he heard the County’s presentation on the study which is included in this agenda and if this ordinance is approved on first reading, it will be calendared for final approval at the next meeting. Commissioner Gardner noted that the intent of this ordinance is to reduce the millage. Manager Martin reported that the County will consider a service enhancement in the next budget cycle that will include adding another ambulance unit in the county if this goes forward. The primary discussion was for them to have a more equitable situation that is fair to all users and noted that it was clear in the study that the vast majority of the calls are not related to businesses and industries. City Attorney Brandenburg confirmed that he had reviewed the ordinance and everything looked good to him. Commissioner Pittman clarified for the public that the MSBU for EMS is going to be approximately \$145-\$148 per residential household and the study did not include the number of houses that have zero ad valorem and will be hit with \$145 if this is approved. He feels the City or the County should make sure that information is given to them. Manager Martin stated that it is his understanding that the Hendry County Property Appraiser has until April to give the numbers to the County and the County has until the end of September to adopt a budget ordinance that would take effect on October 1 of 2023. Commissioner Gardner

clarified for the record that the \$145-\$148 assessment would be an annual assessment. Vice Mayor Thompson asked if the assessment would affect churches. Manager Martin confirmed that churches will be excluded from the assessment but parsonages and residences will be included. Vice Mayor Thompson then asked what checks and balances are on that rate. Manager Martin responded that the County Commission is responsible for establishing it annually during their budget process. He stated the County would also be responsible for funding additional manpower and equipment since they provide that service countywide. If approved, it would be funded through the MSBU and the revenues that are received from the insurance proceeds and others by the users. After further discussion, Attorney Brandenburg stated that the City could get out if they did not like what the County is doing in the future with notice. Manager Martin stated that if desired the Commission can make a recommendation to the County that they consider not including the parsonages or homes owned by churches in the assessment. Commissioner Gardner commented that there are a lot of non-profits that may own homes and expressed her concern that it might create a slippery slope for other non-profits. Vice Mayor Thompson stated that he would not compare churches to non-profits. Manager Martin noted that in some jurisdictions, churches own more than just the parsonage. Vice Mayor Thompson stated that his view would be that a parsonage per church should be excluded. Manager Martin suggested the Commission vote on the first reading of Ordinance No. 2021-06 after hearing public comments and then consider any further desired action regarding the parsonages. Mayor Petersen asked for public comments; none were heard.

After approval of the first reading of Ordinance No. 2021-06, Commissioner Pittman stated he feels the city should at least request the County to look at whether parsonages should be exempt. Vice Mayor Thompson agreed and stated that the request should clarify that only the parsonage and church would be exempt; investment property would not be exempt. Commissioner Gardner agreed that the city should request the County to look at it. She then noted that anybody over the age of 65 that is retired in the State of Georgia is exempt from school taxes and expressed her concern that people may start asking for fewer taxes. Manager Martin stated the only action the County is required to take by the end of December is to give notice that they're considering the MSBU. They would not finalize the details of the assessment amount; they would have to use the study to avoid potential critics and litigation. They would have some flexibility and he would be glad to communicate it to the County if it is the consensus of the majority of the Commission. Commissioner Gardner suggested that the city ask the question and see what they say. Manager Martin stated that he could pose the question to the County and ask for feedback. Commissioner Hyslope stated for the record that she did not agree.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to let the County know that the Commission prefers that the County consider not including parsonages or church owned residential units that are not investment property in the assessment. Vote 4 yeas, 1 nay (Commissioner Hyslope voted nay.)

RESOLUTIONS

5. **Resolution No. 2021-117** – Resolution No. 2021-117 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).

Commissioner Gardner stated that she will abstain from discussion and voting on this matter due to First Bank being her employer. Mayor Petersen summarized the agenda item, read Resolution No. 2021-117 by title and asked for public comments. No public comments were heard.

Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-117. Vote 4 yeas, 0 nays (Commissioner Gardner abstained from discussion and did not vote.)

Before the vote, Commissioner Pittman asked if this was something that has to be done every two years until the sign is gone and was this something that was bid out. Attorney Brandenburg's response was that it had to be done and was bid out in the beginning. Commissioner Pittman suggested that to be fair, it should be bid every so many years. Attorney Brandenburg noted that it is a small amount of money. Mayor Petersen expressed that she feels that things may fall through the cracks if you move from place to place. Manager Martin stated that it would be nice if we could do the renewal less frequently. Attorney Brandenburg stated the City could put up a cash bond instead of using a letter of credit. Director Howell stated that cash bonds are very difficult to get. After further discussion, Manager Martin stated that staff can consider options for the future.

Agenda Item No. 3 was discussed next.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

6. **Old Business** – Commissioner Gardner requested that information for the discussion items scheduled for January 2022 be provided to the Commission sometime after the December meeting so they have time to review it. Manager Martin stated that was his plan before scheduling any items for consideration.
7. **Departmental Monthly Activity Reports** - Presented for information only.

Comments from City Manager – Manager Martin provided updates on the status of the capital projects for the public. He reported that the Youth Center project that is funded with donations and some City in kind labor should be complete by the end of the year. The East Ventura Paving Reconstruction Project that is partially grant funded has been awarded and he is expecting the contractor to mobilize soon to begin. The grant funded Ventura Water Quality Project is progressing along with consideration of recommending it as a change order to the street project. The contract for the U.S. Army Corps of Engineers Septic to Sewer System Project, fully funded by the federal government, has been awarded and is moving along. The AMI Project to replace all of our meters and upgrade our infrastructure substantially using partial grant funding and loan for the electric and grant funded for the water is progressing. The County was approved for \$1.8M in federal grant funding which fully funds the project to provide a force main all the way to Airglades from our Wastewater Treatment Plant. This award will take that out of consideration this year for legislative funding. The city is now focusing, and the county has given their support, on fully funding the Wastewater Treatment Plant upgrade modernization and expansion project in the amount of \$13.5M and have made that request to the legislature for full funding, as well as, other items including the water line project upgrade to the Airglades area along the 27 Corridor west and also our Francisco Street improvements to provide an improved access to the Lake. Utilities Director Danny Williams added that the 3rd phase of the I & I Project will start in January. Vice Mayor Thompson asked if the Ventura projects will be two separate projects. Manager Martin stated that there are separate documents for the two grants. He explained that the project could end up being a change order to the original contract for the drainage if the price is right. If the quoted change order is excessive, it could be bid separately and be an entirely separate project. With Director Williams' reminder, Manager Martin also advised that the Alverde & Comercio water line project design was being finalized and would soon be out to bid. Manager Martin further noted that bids for that project could be received early in the New Year with a recommendation to the Commission for a contract. He stated that we are considering phasing that project which will improve water service to affected customers and enhance fire protection capabilities. Manager Martin advised that the primary source of the city share for this project would be recommended utilizing the American Rescue Plan Act funding.

Comments from City Attorney – Attorney Brandenburg advised that there is no new litigation and there is no old litigation for him to report on at this time.

Comments from the City Commission – Commissioner Gardner thanked the many volunteer organizations particularly those honoring veterans. She announced that there is a Wreaths Across America ceremony at 10:00 a.m. at Civic Park on December 18, 2021. There will also be the laying of the wreaths on veterans' graves at the Clewiston and Harlem cemeteries.

She then asked if any permits had been issued or if any requests for permits had been received for Commerce Park. Community Development Director Travis Reese stated there is one permit right now in process but the lead time right now is about 42 weeks on materials for those two metal buildings.

Vice Mayor Thompson stated that, as a Commissioner, it is nice when everything being discussed is positive. Mayor Petersen and Commissioner Hyslope agreed.

Commissioner Hyslope announced that “Coffee with the Chief” sponsored by Hendry County Commissioner Ramon Iglesias will be held tomorrow morning and encouraged members of the Commission to stop by. She then asked for an update on the Police Chief position and if the Recreation Director position had been advertised again. Manager Martin stated that he has received some additional applications for the Recreation Director position and it continues to be advertised, and he hopes to have an update for the Commission on the Police Chief position at the next scheduled workshop.

Commissioner Pittman expressed that he is very thankful for the things that are going on in the City especially the events in October and the Veterans Day ceremony. He then asked for an update on the credit card machines. Finance Director Shari Howell explained that they started working on the credit card machines and the cash receipts in the different departments but pooled cash took precedence because of the comment received in the audit report. She stated that city finances are now on pooled cash like it is supposed to be. There is now some reconciliation work that she has to do for the cash receipts to work with the financial software system. She explained that she preferred to do the pooled cash first so that she would not have to back track and change settings going forward.

Mayor Petersen expressed her appreciation to those who coordinated the “Coffee with the Chief” event for the public. She also expressed her appreciation to Interim Chief Lewis for the work he has been doing in his department to make sure everything is coming together the way it is desired to be. She then expressed her appreciation to Utilities Director Danny Williams and his wife, Libby, for everything they are doing to make things better in the City. The Mayor then stated that she is thankful that this is her home and that she is a part of the positive things happening. She also stated that she is thankful for all of the employees in the Public Works and Utilities Departments and stated that the City has really good services. She then stated that she will not be here for the December meeting and asked that we please convey her blessings for Thanksgiving and Christmas to everyone.

Commissioner Gardner then asked if we should do a formal introduction for the four legged canine present. Attorney Brandenburg then introduced his senior associate, Maizy.

Adjournment

Commissioner Pittman made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 5:54 p.m. Vote 5 yeas, 0 nays

Greg Thompson, Vice Mayor

Mary K. Combass, City Clerk