

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**May 16, 2022**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, May 16, 2022. The meeting was called to order at 5:00 p.m. by Mayor Kristine Petersen. Pastor Angel Ramos of the Faith Lutheran Church 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, Director of Operations Danny Williams, Finance Director Shari Howell, Police Chief Tom Lewis, Police Commander Tito Nieves, Consulting Engineers Andy Tilton and Joe DeBono and City Attorney Dylan Brandenburg.

**Visitors Present:** Terry Gardner, Pedro Diaz, Roly Gonzalez, Laura Smith and Joshua Brown.

**Additions/Deletions/Changes and Approval of the Agenda** – Manager Martin stated that a modified event application for the J. Brown Funeral & Cremation Services Grand Opening was provided for Consent Agenda Item G.

**1. Consent Agenda**

- A. *City Commission Meeting Minutes – April 18, 2022*
- B. *Resolution No. 2022-028 – FDOT State Highway Lighting Maintenance, and Compensation Agreement Work Order, Contract Number ASG07 for FY 2022-2023*
- C. *Resolution No. 2022-029 – All Florida Contracting Services, LLC Change Order No. 1 in the amount of \$10,702 for the Wastewater Treatment Plant Genset Project*
- D. *Resolution No. 2022-030 – Appointment of Jeff Smith as the fifth trustee of the Firefighter Pension Board.*
- E. *Proclamation – Community Action Month – May 2022*
- F. *Proclamation – National Police Week – May 11-17, 2022*
- G. *Event Application – J. Brown Funeral & Cremation Services Grand Opening – June 5, 2022*

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

**PRESENTATION OF NATIONAL POLICE WEEK PROCLAMATION** – Mayor Petersen read the proclamation and presented it to Police Chief Lewis and Police Commander Nieves, who accepted the proclamation on behalf of the Clewiston Police Department. Commander Nieves expressed his appreciation for the support of the community.

**Public Comments** – none

**PUBLIC HEARINGS**

- 2. Ordinance No. 2021-01 – Public Hearing – Final Reading – 5:05 p.m.** – Ordinance No. 2021-01 adopts Comprehensive Plan Text Amendment (DEO #21-01ESR) related to updates to the City's 10-Year Water Supply Facilities Work Plan.

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2021-01 by title. She asked for citizen comments; none were heard.

**Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2021-01. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Gardner commented on the importance of this ordinance for the Clewiston.

3. **Ordinance No. 2022-08 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-08 rezones a parcel of property located on the west side of South Lopez Street between W. Haiti Avenue and W. El Paso Avenue from R-2 Two-Family Residential to R-3 Multiple Family Residential pursuant to the Zoning Land Use Change Application by Derek Beck of Piper’s Properties, LLC.

Mayor Petersen opened the public hearing then summarized and read Ordinance No. 2022-08 by title. She asked for citizen comments. Mrs. Laura Smith of 206 Ridgewood Avenue came forward and stated that she was in favor of the rezone but asked the Commission to go back and consider amending the ordinance regarding the time to re-build on a 50’ R-2 lot. Manager Martin stated that he would take the information to the City’s Community Development Director who can then present it to the Planning & Zoning Board for their consideration at their next meeting.

**Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2022-08. Vote 4 yeas, 0 nays (Commissioner Pittman abstained from discussion and voting.)**

Before the vote, Commissioner Gardner asked Manager Martin to highlight the differences between R-2 and R-3 zoning and what that would look like for the neighborhood. Manager Martin explained that the primary difference in this case is multi-family vs. duplex. The R-3 zoning will allow for the number of units that the .77 acre site will accommodate as long as all other requirements are met. He pointed out that the Downtown Commercial District and US 27 Commercial Corridor District referenced on page 2 of the Staff Report Rezoning Request have not yet been created and will be considered at an upcoming workshop. He then clarified that there are different building code requirements for townhouses and apartments and noted that the units previously built by the applicant on WC Owen were considered apartments. He stated the ordinance, if approved, would rezone the property to R-3 and confirmed all the R-3 requirements would have to be met. Commissioner Gardner asked Manager Martin what the owner intends to do with the property. Manager Martin stated that at the P&Z Board Meeting, the developer or representative, Mr. Beck, indicated that their intention is to develop it similar to the development already complete on a similar sized property located on WC Owen. Commissioner Pittman stated that he will abstain from discussion and voting on this matter due to the subject property being owned by his family member.

## **RESOLUTIONS**

4. **Resolution No. 2022-031 –** Resolution No. 2022-031 approves Johnson Engineering, Inc. Work Order No. 2020-016 in the amount of \$38,310 for the Total Dissolved Solid (TDS) Assessment Plan Project.

Mayor Petersen summarized and read Resolution No. 2022-031 by title. She asked for citizen comments; none were heard.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2022-031. Vote 5 yeas, 0 nays**

Before the Commission’s action, Consulting Engineer Andy Tilton reported that the work order was needed because the Florida Department of Environmental Protection (FDEP) would not accept the monitoring plan that had been approved years ago and issued an administrative order requiring the City to make adjustments. They convinced FDEP to put a temporary well and piezometer in at the location that might become a monitoring well on the permanent plan going forward so that the City would not have to spend the money twice. He noted that a geologist had been working on this project with him and City Compliance Officer Lynne Mila as well as McCafferty Brinson engineers. He then introduced Joe DeBono, another engineer with Johnson Engineering, to the Commission and stated that Mr. DeBono had been assisting him on this project and some of the other items included on this

agenda and would be able to answer any questions. Commissioner Pittman asked if the funding of this change order was in conjunction with what we are doing with the sewer plant. Director Williams confirmed that this is wastewater and is also part of our permit renewal for which the city has applied. Engineer Tilton stated the state's administrative order which was previously issued stipulates the things the City has to do to come into full compliance. Manager Martin stated that the funding will need to come from the wastewater budget and noted that it was not anticipated a year ago when the budget was prepared that the city would be required to do this. Engineer Tilton stated the engineering arrangement with McCafferty Brinson and Johnson Engineering working together on the project results from their initial development of the monitoring plan which has not been accepted by FDEP. The state is now requiring this 18 month study period before coming back to them with the plan. Engineer Tilton does not anticipate that the plan will be significantly different from what they have already prepared because of the physics of the site. After the study period data is considered, they will just have to get more information put together in a format that FDEP will understand and accept.

5. **Resolution No. 2022-032** – Resolution No. 2022-032 approves Johnson Engineering, Inc. Work Order No. 2020-017 in the amount of \$28,000 for injection well IW-I and DZMW-I Sampling.

Mayor Petersen summarized and read Resolution No. 2022-032 by title. She asked for citizen comments; none were heard.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2022-032. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Gardner asked if the sampling was sent to DEP monthly. Engineer DeBono responded that they will keep DEP abreast with all the results that are obtained from the monthly samplings and then a comprehensive report will be complete at the end.

6. **Resolution No. 2022-033** – Resolution No. 2022-033 approves Johnson-Davis, Inc. Change Order No. 1 in the amount of \$205,490 to award Phase 2 of the Alverde Ave. and Comercio St. Water Main Improvements Project.

Mayor Petersen summarized and read Resolution No. 2022-033 by title. She asked for citizen comments; none were heard.

**Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2022-033. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Gardner stated that the city has been talking about this project for a long time. Manager Martin commented that the City is going to be benefitted with having improved fire protection and water pressure in the vicinity of all the public buildings in this location. The privately owned properties will similarly benefit. In recommending approval, he added he was pleased that this element of the project was included in the design and that the city was fortunate to receive favorable bids. Commissioner Pittman asked if the building hookups were included in the bids. Director Williams confirmed they were. Manager Martin emphasized the value of the larger service lines and additional fire hydrants included in the entire project scope which will significantly improve firefighting capabilities in the affected downtown area.

7. **Resolution No. 2022-034** – Resolution No. 2022-034 approves Zep Construction, Inc. Change Order No. 01 in the amount of \$24,217.75 for additional services relating to the creation, manufacturing, and installation of decorative mechanically stabilized earth (MSE) wall panels for the Bridge Over C-21 Canal Project.

Mayor Petersen summarized and read Resolution No. 2022-034 by title. She asked for citizen comments; none were heard.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2022-034. Vote 5 yeas, 0 nays**

Before the vote, Manager Martin confirmed that funding for this work is included in the available state funding received for the project. He then mentioned that larger versions of the drawings of the bridge walls were available if anyone wanted to look at those in more detail. It was pointed out that the brick work depicted in the drawing was not included in this work order but included for illustrative purposes. It was noted that staff and the engineer are still waiting on FDOT approval of the recommended change order but it was not anticipated that they would not approve. Manager Martin advised staff and the engineer feel this is a very competitive price for up to a total of 40 embossed wall blocks spread evenly on each side of the bridge.

After the vote, Manager Martin explained that with regard to the brick detail sections illustrated on the sketch, this would entail adding the brick façade accent which would not impact the structural integrity of the bridge. The feature would just be attached in those specific locations. Staff and engineer are getting unit pricing estimates, and this process has not been completed. The cost may entail an additional change order, but only if the bridge contractor was engaged to do the addition. If the contractor provides a price, the city will consider it. This element is a feature that as noted can wait until the bridge is complete, but staff recommends consideration of the brick accent and the illustrated larger fish logo additional features at some point. If we go with the larger lake outline and larger fish logo, it is proposed to be identical to the logos currently depicted on the two city welcome signs on US 27 entering the city. One reason this design is being considered is the FDOT contractor for those signs already has the mold design which is typically a large portion of the associated cost. It is expected to be less expensive using the same mold to get four of these logo signs with two on each side of the bridge flanking the waterway beneath. In response to Commission questions, it was confirmed these larger logos would be lighted and that the color of the brick would not be the color depicted in the drawing. Brick color would be similar to the brick used on the welcome sign structures. In other discussion of the drawings, it was noted that the original contract price included 5 decorative street lights as depicted. Going forward, as previously discussed, decorative street lights throughout the City being replaced or added would be similar to those lights in design for uniformity. Manager Martin stated that once pricing is received on the other aesthetic improvements a recommendation will come back to the board for consideration.

## **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

8. **Request to Schedule Attorney/Client Meeting** – City Attorney Dylan Brandenburg requests the City Commission schedule an Attorney/Client Meeting on May 23, 2022 regarding the matter of Clewiston Commons v. City of Clewiston, et al., Case No. 2:18-cv-00339-SPC-MRM; Case No. 26-2018-CA-777.

Attorney Brandenburg stated that he is recommending the Attorney/Client Meeting to request advice regarding this ongoing litigation as there have been updates concerning this litigation. He stated the City Commission, City Manager, himself and insurance counsel will be present at the meeting. Commissioner Pittman stated the workshop would need to be re-scheduled and suggested scheduling the Attorney/Client meeting a little earlier and a workshop with a few items after the Attorney/Client meeting. Manager Martin stated that was an option if the Commission so chooses, however, no one can predict how long the Attorney/Client meeting may take and anyone wishing to attend the workshop would have to wait including all staff involved. He also noted that the insurance attorneys were already scheduled for 5:00 p.m. to begin the meeting.

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Attorney Brandenburg's request for an Attorney/Client Meeting on May 23, 2022 and to schedule a Special City Commission Meeting for May 23, 2022 at 5:00 p.m. with those listed in Attorney Brandenburg's memo dated May 5, 2022 in attendance. Vote 5 yeas, 0 nays**

9. **Auditor Selection Committee Appointments** – To comply with applicable statutory requirements, City Manager Randy Martin requests the City Commission appoint a member of the City Commission to serve on the Auditor Selection Committee as chair of the committee due to the resignation of former City Commissioner Melanie McGahee who previously served in that capacity. Additionally, due to the appointment of Jeff Smith to the

Firefighter Pension Board and the recommendation that members of the Firefighter Pension Board not serve on multiple boards, Manager Martin requests the City Commission appoint an individual to fill his vacancy on the Auditor Selection Committee.

Mayor Petersen summarized the agenda item and asked for citizen comments; none were heard.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to appoint Vice Mayor Thompson to serve as Chair of the Auditor Selection Committee. Vote 5 yeas, 0 nays**

Before the vote, Manager Martin stated the Commission did not have to appoint someone to fill Mr. Smith's vacancy tonight but it would be best to do it soon as the staff needs to start the RFP process. Manager Martin stated that this vacancy was not advertised because there was not a vacancy until Mr. Smith was appointed to the Firefighter Pension Board. Commissioner Gardner stated that since not all of the applicants for the Firefighter Pension Board were selected, she would like to appoint Chuck Pelham to the Auditor Selection Committee if he is willing to serve.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to appoint Chuck Pelham, if he is willing to serve, to fill the new vacancy on the Auditor Selection Committee. Vote 5 yeas, 0 nays**

- 10. Board/Committee Member Vacancies** – One (1) vacancy on the Planning & Zoning Board; one (1) vacancy on the Board of Building Commissioners; and two (2) vacancies on the Community Redevelopment Advisory Board (CRAB).

Mayor Petersen reviewed the agenda report and asked for citizen comments; none were heard. Manager Martin noted that the two applications were the only applications received thus far.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to appoint Carolina Bentancor to the Planning and Zoning Board. Vote 5 yeas, 0 nays**

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to appoint Hitendra "Harry" Patel to the Board of Building Commissioners. Vote 5 yeas, 0 nays**

Commissioner Gardner mentioned that Community Redevelopment Advisory Board is an important board and asked the City Clerk to re-advertise the notice of the vacancy and suggested that the Chamber of Commerce also advertise that notice because the Community Redevelopment Agency is the business community. There was a brief discussion regarding the inactivity of the board. Manager Martin stated that we expect to have more interest with things changing and now that the city has more funding available to really consider doing some improvements.

- 11. Old Business** - Commissioner Hyslope asked Manager Martin for an update on progress to fill the Recreation Director position. Manager Martin stated that he had been working on that today and his goal was to finish it by the end of the month.

Commissioner Gardner asked if there were any updates on the outstanding liens. Manager Martin stated that progress had been made and an update would be given when lien reduction requests are brought to the Commission for consideration.

Manager Martin mentioned that he was planning to bring the recommended recreation advisory board documents to the Commission for consideration at the June meeting. Commissioner Gardner stated that she felt it was important to have an advisory board for the City's parks and suggested the board also bring ideas to the school system to get kids involved in taking pride in our parks.

Vice Mayor Thompson requested polo and button-up shirts with the City name and logo be provided for the Commission by next month so that the City is represented when they attend certain events. Director Williams agreed to check on that item.

Vice Mayor Thompson commented on this weekend's issue with the woodpecker in a resident's chimney. He stated that one of the benefits of living in our small community was that it was nice that the city staff can all respond to and take care of small issues.

- 12. Departmental Monthly Activity Reports** – Commissioner Pittman asked if a budget workshop schedule would be provided to the Commission. Manager Martin stated the schedule would be provided to the Commission by the next meeting.

Commissioner Gardner stated that the permit report reflects that deceased people and people that have sold their homes are pulling permits. Manager Martin stated that it was his understanding that we use the property appraiser's records but agreed to look into it. Commissioner Gardner then requested a report, in chronological order, of actions the Building Board has taken on properties within the City. Next, she stated that she would like to get police reports with more information. She noted that there is a lot of information provided on cats and dogs but other information for law enforcement issues was very limited. Manager Martin stated that part of the reason for the information on the animal services report was because of the need for communication with the County which shares the cost. Management is collecting data in similar fashion to the breakdown of fire calls outside and inside the city as one basis utilized in determining cost share for animal services.

**Comments from City Manager** – Manager Martin recommended the Regular Commission Meeting currently scheduled for June 20, 2022 be moved to June 23, 2022 so that all Commissioners are able to attend. Commissioner Gardner added that June 20, 2022 was also a federal holiday. Manager Martin noted that some workshop items could be added to the June agenda because the regular meeting agenda was not expected to be very heavy at this point. The consensus of the Commission was to reschedule the June 20, 2022 Regular Commission Meeting to June 23, 2022.

**Comments from City Attorney** - none

**Comments from the City Commission** – Commissioner Gardner thanked Mr. Joshua Brown for opening his business in Clewiston and also expressed her appreciation to the Clewiston Policy Department.

Vice Mayor Thompson stated that Clewiston continues to make strides in the right direction and he was happy to be a part of it.

Commissioner Pittman asked if a staff engineer could have done the work described in the work orders for agenda items 4 and 5. Manager Martin stated that they could have done certain parts of it; particularly the early parts of communicating with FDEP and the applications and possibly the monitoring.

Commissioner Pittman then suggested that staff recommend something different for the application or procedure for rentals due to the action at this weekend's event at the John Boy Auditorium so that those things don't happen again. Director Williams stated that the City's rental application is pretty good and explained that staff set up the auditorium for the number of people specified on the rental application. City staff noticed that the renter set up the rest of the City's chairs and brought in more chairs right before the event. They asked the rental to take out half the people in attendance. One staff person was threatened and \$1,000 was offered to staff to look the other way. Manager Martin noted that the insurance and fee is based on the number of people. Commissioner Pittman asked if charges could be filed for the threat that was made to the City's employee and suggested that the application be changed to state that no alcohol is allowed if the event is a 15-17 year old birthday party. Commissioner Hyslope asked what happens when there is an event in the John Boy Auditorium that does exceed the maximum capacity. Her concern was that the City's rules might not be enforced across the board. Director Williams explained that there are processes in place if it is known before the event that the capacity is going to be exceeded. Commissioner Gardner stated that the rental of the auditorium for parties should be revisited. Manager Martin stated that the rental application form will be reviewed to make sure it is legally sufficient. Police Chief Lewis stated that they take every threat serious

and will eject anyone. He explained that there is a difference between a criminal threat and a threat of this nature. Any specific threat or bribery would need to be evaluated to determine if charges could be filed.

**Adjournment**

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to adjourn the meeting at 6:18 p.m. Vote 5 yeas, 0 nays**

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Kristine Petersen, Mayor

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Mary K. Combass, City Clerk