

CITY OF CLEWISTON
Regular Commission Meeting
September 20, 2021

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers on Monday, September 20, 2021. The meeting was called to order at 5:04 p.m. by Mayor Petersen. Pastor Angel Ramos of the Clewiston Ministerial Association 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 and Commissioner James Pittman. Commissioner Hillary Hyslope was absent.

Personnel Present: City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Interim Police Chief Tom Lewis, Utilities Director Danny Williams, Code Enforcement Officer Debbie Clay, Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Pastor Angel Ramos, Terry Gardner, Kartrice Greaves, Pepe Lopez, Pedro Diaz, Lavonne Sherrell, Roly Gonzalez and Dylan Brandenburg.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin recommended that Agenda Item No. 7 concerning Commerce Park lots 13 & 14 be removed from the agenda.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the agenda with the removal of Agenda Item No. 7. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Public Comments – Mr. Lavonne Sherrell came forward and expressed his concern that the railroad crossing located on Francisco that is being repaired seems to be worse than it was. Manager Martin stated that United States Sugar Corporation is working on that in cooperation with Hendry County since the County maintains that street. He stated the repairs may not be complete but agreed to pass the concern to Hendry County officials.

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – July 29, 2021*
- B. *Resolution No. 2021-83 – approving updated Mutual Aid Agreement with Florida Department of Children and Families (DCF)*
- C. *Resolution No. 2021-84 – authorizes the Mayor to execute the Letters of Engagement and Examination from Mauldin & Jenkins, LLC*
- D. *Resolution No. 2021-85- approves Johnson Engineering, Inc. Change Order No. 04 to Work Order No. 04*
- E. *Resolution No. 2021-86 – approves Amendment One to Florida Department of Environmental Protection Grant Agreement #LPA 0006*
- F. *Resolution No. 2021-87 – approves the State Aid to Libraries Grant Agreement and Certification of Hours, Free Library Service and Access to Materials Between the State of Florida, Department of State and the City of Clewiston*
- G. *Resolution No. 2021-88 – approves the Service Agreement with Clewiston Chamber of Commerce*
- H. *Resolution No. 2021-89 – approves the Service Agreement with Clewiston Museum*
- I. *Resolution No. 2021-90 – approves the renewal of the Clewiston Sikes Building Lease with Little Disciples Learning Center, Inc.*
- J. *Resolution No. 2021-91 – approves the renewal of the Lease with Hope Hospice and Community Services, Inc.*
- K. *Resolution No. 2021-92 – approves the renewal of the 2019 Aerial Mosquito Control Contract with Clarke Environmental Mosquito Management, Inc.*
- L. *Resolution No. 2021-93 – approves the renewal of the 2019 Ground Mosquito Control Contract with Clarke Environmental Mosquito Management, Inc.*
- M. *Resolution No. 2021-94 – accepts Florida Recreation Development Assistance Program (FRDAP) \$50,000 grant funds for the purchase and installation of playground equipment at Trinidad Park.*

N. Resolution No. 2021-95 – authorizes the purchase of a 230kW diesel emergency generator from Air Centers of Florida Inc. in the total amount of \$85,500 per Florida Sheriff's Association Cooperative Pricing Program specifications.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda items as presented. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Before the vote, Commissioner Pittman asked if the renewals for the mosquito control contracts were for the same price as the original contracts. Manager Martin responded that there was language in the original contracts that they could be renewed and confirmed the price is the same. Commissioner Pittman stated that he wanted to make sure that the City is bringing in enough income on the buildings that we lease to maintain them. He assumed that each of the lessees pay their own power, water and sewer. Manager Martin stated that there is one exception regarding utilities. Commissioner Gardner stated that she believed the City worked out something with Hope Hospice on the lease of the Senior Citizens Building. Finance Director Shari Howell stated that the City pays the utilities up to a certain amount on the Clewiston Performing Arts Center building. After further discussion, City Clerk Kathy Combass stated that she believed the City pays the utilities on the Senior Citizens Building. Utilities Director Danny Williams agreed and Manager Martin stated that staff will report back any additional details or clarifications 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 the agenda item and read Ordinance No. 2021-01 by title.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to continue the public hearing and final reading of Ordinance No. 2021-01 to October 18, 2021 to allow more time to receive comments from the review agencies. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

RESOLUTIONS

3. **Resolution No. 2021-96** – Resolution No. 2021-96 approves the State-Funded Grant Supplemental Agreement between the State of Florida Department of Transportation and the City of Clewiston earmarking additional funds for the C21 Bridge Project.

Mayor Petersen summarized the agenda item and read Resolution No. 2021-96 by title.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-96. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

After the vote, Commissioner Pittman asked for a summary timeline of the project from Consulting Engineer Andy Tilton. Engineer Tilton reported that 100% plans and calculations were turned in to the Florida Department of Transportation (FDOT), who had some questions on the structural calculations which are being taken care of by the other project engineering consultant WGI. The next step would be to put the project out to bid but before that we have to coordinate with U.S. Army Corps of Engineers to get their HHD project contractor moved out of the way. It is currently anticipated their contractor will be done by October or November. The bridge construction is anticipated to take about 6 months once the project has been bid and awarded and the contractor actually gets started so it should be complete sometime next year. Mayor Petersen asked if there are any concerns about the cost of materials. Engineer Tilton's response was that it depends on the type of materials; concrete has somewhat leveled off but is still high and much of this project is concrete. Commissioner Gardner stated that she hopes the contractor, when looking for subcontractors, will look at some of our local businesses or contractors for some aspects of the work.

Engineer Tilton stated that he imagined they will as there are contractors in the area that can do this type construction work.

4. **Resolution No. 2021-97** – Resolution No. 2021-97 approves Amendment 1 to Loan Agreement WW260421 & Grant Agreement SG260422 between the City of Clewiston and the Florida Department of Environmental Protection.

Mayor Petersen summarized the agenda item and read Resolution No. 2021-97 by title. Manager Martin reported that the project is complete but because it was under budget, this amendment is needed to lower the grant and loan amount. He added that the City has been approved by the state for phase 3 of the I & I project which will offset some of the loan amount that the City would have incurred.

Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2021-97. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

5. **Resolution No. 2021-98** – Resolution No. 2021-98 approves the Loan Agreement among Florida Municipal Power Agency, as Agent for the Initial Pooled Loan Project and City of Clewiston, Florida and First Horizon Bank, dated September 30, 2021 to finance and refinance all or a portion of the costs to install and implement Advanced Metering Infrastructure (AMI) within the electric utility system, including technical assistance for pre-project design and provider selection, replacement of electric meters with smart meters, and one year of service cost for maintaining the AMI, and to pay closing costs associated with establishing this Tax-Exempt Loan.

Mayor Petersen summarized the agenda item and read Resolution No. 2021-98 by title.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-98. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Before the vote, Commissioner Gardner stated that she is thankful and excited to see this happen for our community. Mayor Petersen expressed her appreciation to Utilities Director Danny Williams for his tenacity. She stated that she is happy that he came here with a vision and did not give up on this project. Director Williams stated that he has had great leadership and support. Mayor Petersen agreed.

After the vote, Manager Martin asked Attorney Brandenburg to comment on his relationship with FMPA in working through this financing process. Attorney Brandenburg stated that FMPA has always been great and they also have a relationship with Nixon, Peabody, a Manhattan law firm that handled their bond counsel duties. He stated the lawyer with Nixon Peabody was great on working through all this and helped him out on a lot of issues. Mayor Petersen thanked Attorney Brandenburg for his outstanding job on the contract and financing documents. Manager Martin added that City staff and FMPA staff were really good at working together on bringing this to closure. He then announced that Finance Director Howell received a check from the State as the pass through entity for the federal government of the American Rescue Plan Act (ARPA) program funding approved earlier this year by Congress for a little over \$2,000,000 which is more than ample to support full funding of the water portion of this AMI project. This amount constitutes 50% of the City's approved total allocation of ARPA funding. The second installment will be received next year. As discussed during the budget process, the City will pay the water portion of the AMI project in cash utilizing the received ARPA funds. All meters, water and electric, will be updated beginning in the coming months with completion expected in 2022. Commissioner Gardner stated that one of the most important things for a community is the communication of what the City is doing every step of the way on a project of this scale so that everybody is aware and there are no surprises. It was acknowledged that public communication is an integral part of the planned AMI project.

6. **Resolution No. 2021-99** – Resolution No. 2021-99 approves the rankings and authorizes the negotiation of contracts with selected companies for disaster debris removal and disposal services.

Mayor Petersen summarized the agenda item and read Resolution No. 2021-99 by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-96. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Before the vote, Vice Mayor Thompson asked if each company will be testing their own work. Manager Martin's response was that they would not be testing their own work; they will alternate, which is the reason there is a primary contractor and secondary contractor.

After the vote, Manager Martin stated that he feels good about the contractors that were selected. He added that as covered in the representative interviews, the contractors recommended acknowledged that they will utilize any local resources that meet their qualifications and requirements. He noted the contracts will come back to the Commission for formal action once they are negotiated and finalized.

7. **DELETED - Resolution No. 2021-100** – Resolution No. 2021-100 amends the contract and authorizes the closing and execution of deed for the 1st Amended Contract for Sale and Purchase between the City of Clewiston and Hollywood Beach Vacation Rentals, LLC of Lots #13 & #14, Clewiston Commerce Park, extending the closing date and allowing the assignment of the contract to OS GC Services LLC.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

8. **Old Business** - Commissioner Pittman asked if there are any updates on the old police station building. Manager Martin stated that now that the fiscal year budget process is complete, he will proceed to get a qualified professional to do a structural evaluation and put some options together for consideration and make a recommendation. He noted the interior cleanup of the building was now complete, so the City is now in a position to consider the full range of options for the future use of the building and property. Commissioner Gardner stated that the City received a grant from the State of Florida based on the non-usability of that building and she would be very concerned if, after receiving that grant funding for another facility, that we asked for funding for a facility that could still be used in the future by the City. She feels we need to go back and look at that to make sure the City did not give false information to receive grant funding. Manager Martin stated that he will review that and will comply with whatever agreements and commitments the City made. He understands that the building could not be used for emergency services but it is his opinion that the building structurally, with appropriate renovation, could potentially be used for non-emergency uses. He stated that if some portions of the existing metal frame building are structurally sound and could be salvaged, it might possibly be put to some future use rather than entirely demolished. Commissioner Gardner stated that she looks forward to the results of the evaluation.

Vice Mayor Thompson asked if we were able to find a copy of the lease on the Clewiston Country Club. Manager Martin stated that he believed the lease renews automatically and had been previously renewed. Clerk Combass confirmed the lease renewed recently and stated that she believed the renewal term was five years. Attorney Brandenburg requested that a copy of that lease and any others that renew automatically be forwarded to him. Vice Mayor Thompson stated that such a provision does not seem fair to other lessees that have to come to the Commission for approval. Commissioner Gardner reminded the Commission of the history of that property; the facility was built and given to the City. She agreed that all of the leases need to be reviewed and the fair market value of the property needs to be looked at as well. Commissioner Pittman stated that regardless of what the contracts say, he feels all of them should come before the Commission for transparency. He stated that he would like to know the exact month the country club lease was renewed automatically and any others that may be coming up. Manager Martin stated that a copy of the lease will be given to Attorney Brandenburg to review the requirements.

Commissioner Pittman requested that any action items on the list be removed if they are not going to be completed. Commissioner Gardner agreed and stated she feels an update on the older items that have not been addressed is needed. Manager Martin agreed to provide an update on the items.

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

Comments from City Manager – discussion regarding COVID-19 implications of indoor rentals.

Manager Martin reported that a copy of the information that was requested on this topic has been provided to the Commission and recommended that the City continue to allow outdoor and indoor activities and continue to monitor the situation at this time based on the current trends being favorable. The Commission members stated no objections to this course of action.

Comments from City Attorney – Attorney Brandenburg reported that in reference to Agenda Item No. 7 that was deleted from this agenda, his office received a call that the purchaser wanted to assign to OS GC Services LLC and extend the closing date. After the extension was drafted, the sole owner called his office and expressed that she did not want the contract assigned to anyone so a hold has been placed on the contract. He suggested the Commission allow the buyer seven days to close on the property and if they do not close within that timeframe, the buyer would forfeit their deposit and the property would be re-listed.

Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to allow Hollywood Beach Vacation Rentals, LLC to close on the purchase of Lots #13 & #14, Clewiston Commerce Park, within seven days or forfeit their deposit. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Before the vote, Manager Martin reminded the Commission of the upcoming called meeting on Monday, September 27, 2021. The City Attorney can further report on the status at that meeting as necessary.

Comments from the City Commission – Commissioner Gardner reported that her personal experience with Hendry Regional Medical Center was outstanding and she is very thankful. She encouraged the community to please participate in their fundraising as it helps to grow our community and bring money back to build our resources. She added that scholarships are available with the hospital fundraising efforts.

Vice Mayor Thompson stated that he is looking forward to new and exciting things for Clewiston.

Commissioner Pittman stated that he would like Manager Martin to go ahead and proceed with the reorganization of the Public Works and Utilities Departments and would like to see a chart of changes and what it is going to cost, his anticipated cost of hiring an engineer and what he thinks it is going to look like at the end. Manager Martin stated that he would be glad to provide that information when plans are complete. Commissioner Pittman added that he is also excited that we are having the fall festival.

Vice Mayor Thompson acknowledged Interim Police Chief Tom Lewis for the work he is doing in the Animal Control Department. Commissioner Gardner added that Interim Chief Lewis made a presentation at the Rotary meeting today and shared that animal control is now animal services.

Commissioner Pittman asked if the City is covered when non-employees ride in City vehicles. Manager Martin stated that he had provided a separate update to the Commission confirming that the City was covered.

Mayor Petersen asked Manager Martin if he had any information to share regarding the Recreation Director position. Manager Martin reported that an offer for the position was made but was not accepted so he is working back on it once again.

Commissioner Pittman asked for a quick update on the Youth Center renovations. Manager Martin reported that the contractors started working today on replacement of the small portion of the center roof (flat portion) and should complete it in a couple of days. The roof repair will allow the contractors to complete the kitchen renovation and floor elements next.

It was noted that the renovations will be a significant change and a huge improvement. Manager Martin stated that we will work with our partners and schedule an open house or something to celebrate when the project is complete. He is hopeful for significant progress within the next 60 days. Mayor Petersen stated that some of our local business partners have really stepped up and should be acknowledged and recognized at that time.

Adjournment

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to adjourn the meeting at 5:55 p.m. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Kristine Petersen, Mayor

Mary K. Combass, City Clerk