

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**February 20, 2023**

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The Clewiston City Commission held its Regular Commission Meeting in the City Hall Commission Chambers Monday, February 20, 2023. The meeting was called to order at 5:00 p.m. by Mayor Pittman. Reverend Jeff Smith gave the invocation and the audience joined in reciting the Pledge of Allegiance.

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

**Personnel Present:** City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Director of Operations Danny Williams, Police Sergeant Thomas Levins, Assistant Utilities Director Lynne Mila, Code Enforcement Officer Debbie Clay, Consulting Engineers Andy Tilton and Joseph DeBono, and City Attorney Dylan Brandenburg.

**Visitors Present:** Reverend Jeff Smith, Terry Gardner, Jerry Cochrane, Lavita Holmes, Janet Taylor and Michael Ellis.

**Additions/Deletions/Changes and Approval of the Agenda** – Manager Martin requested that Resolution No. 2023-014 approving a state grant agreement to provide funding for certain activities undertaken by the City for Hurricane Ian be added to the agenda for consideration as Agenda Item No. 6A. He explained that the sooner the Commission can act upon this, the quicker the city can get reimbursed. He confirmed the City Attorney had reviewed the agreement and had no issues with moving forward with the consideration and approval.

**Public Comments** – Mr. Jerry Cochrane congratulated staff on the selection of the new garbage trucks and expressed his disappointment that the City was not honoring Presidents’ Day today. He also requested a progress report on the violations and enforcement of the City’s ordinances regarding the parking of fifth wheels and trailers in driveways. Manager Martin stated that he intends, if the Commission agrees, to add that topic for discussion at a workshop recommended for Monday, March 6, 2023 at 5:00 p.m.

**1. Consent Agenda**

- A. *City Commission Budget Workshop Minutes – August 1, 2022*
- B. *City Commission Budget Workshop Minutes – August 22, 2022*
- C. *City Commission Budget Workshop Minutes – September 7, 2022*
- D. *City Commission Meeting Minutes – January 23, 2023*
- E. *Resolution No. 2023-009 – CJIS Interagency Agreement with Hendry County Sheriff’s Office*
- F. *Event Application – Sugar Festival – March 17-18, 2023*
- G. *Proclamation – Sugarcane Farmers Appreciation Week – March 13-19, 2023*

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

**PRESENTATION** - Sugarcane Farmers Appreciation Week Proclamation – Mayor Pittman read the proclamation recognizing March 13-19, 2023 as Sugarcane Farmers Appreciation Week. Michael Ellis accepted the proclamation on behalf of U.S. Sugar Corporation and all sugarcane farmers.

**PRESENTATION** – Lavita Holmes, Glades Lives Matter Executive Director – Ms. Lavita Holmes introduced herself to the Commission as the new Executive Director of Glades Lives Matter. She stated that Glades Lives Matter is an organization founded by Janet Taylor that serves Pahokee, Belle Glade, South Bay, Moore Haven and Clewiston. The organization believes that

people in the Glades deserve special economic and social opportunities and their voices need to be heard. She commented on the scholarship opportunity offered to students at Pahokee High School, Glades Central High School and Clewiston High School and noted that it will be introduced to the students at Moore Haven High School. She stated that she is grateful to be able to continue working alongside Janet Taylor and is looking forward to working with the Commission to prove that the Glades lives do matter.

## **PUBLIC HEARING**

- 2. Ordinance No. 2023-01 – PUBLIC HEARING - Final Reading – 5:05 p.m.** – Ordinance No. 2023-01 amends Code of Ordinances § 110-530, Residential Development and Improvement and § 110-531, Commercial Development and Improvement regarding storm shutters.

Mayor Pittman summarized and read Ordinance No. 2023-01 by title and opened the public hearing. Manager Martin stated that this ordinance included the provision for seasonal storm shutters that the Commission agreed by consensus to include for consideration at this meeting. Mayor Pittman asked for public comments; none were heard. Manager Martin reported that the only feedback he received was positive comments on the time change for the period of removal of shutters. After hearing no further discussion, Mayor Pittman declared the public hearing closed.

**Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2023-01. Vote 5 yeas, 0 nays**

## **RESOLUTIONS**

- 3. Resolution No. 2023-010** – Resolution No. 2023-010 authorizes the Mayor to sign the Small County Outreach Program Agreement with the State of Florida Department of Transportation to provide funding for the design, construction, and CEI for the resurfacing of West Ventura Avenue from W.C. Owen Avenue to Deane Duff Avenue.

Mayor Pittman summarized and read Resolution No. 2023-010 by title.

**Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2023-010. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Gardner asked about the timeframe for the total project. Manager Martin stated that this agreement will approval for funding will allow the city to next engage the engineer to do the design. He noted that this funding is primarily associated with just the resurfacing but federal funding was also received to supplement and improve the project with things such as sidewalks, utilities, lighting, drainage, landscaping and resurfacing. The two projects, totaling about \$1.8 million, will later be combined with a supplemental agreement from the federal government for the balance of the funding. He estimated the construction to take 12-18 months. He then reminded the Commission that positive feedback was received from the public and FDOT when the vision plan for the 27 Highway corridor that included a block or so off the corridor in this direction and included potential alignments and the design for this section of Ventura. He stated that there is plenty of time but the Commission will need to give input and approve a design including details such as parking layout, landscaping, lighting, pedestrian crossings and other details including whether to consider realignment of the lanes as illustrated in the vision plan. Commissioner Gardner asked Manager Martin to resend the vision plan to the Commission. Manager Martin stated that they will likely have a workshop on this topic after engaging the engineer early on to consider all those things. He agreed to resend the vision plan and other related information to the Commission to prepare for the discussion.

- 4. Resolution No. 2023-011** – Resolution No. 2023-011 approves Zep Construction, Inc. Change Order No. 02 in the total amount of \$84,574 for additional construction related services to hoist equipment and material with a crane across the C-21 Canal for the C-21 Canal Bridge Project.

Mayor Pittman summarized and read Resolution No. 2023-011 by title. Manager Martin stated that alternative methods to transport the materials and equipment across the C-21 Canal were considered. He confirmed that this recommended method would not create any issues with canal use because the C-21 Canal is not currently a passable waterway and we received assurance by the Water Management District that no additional permitting was needed. He also confirmed that the notice from the South Florida Water Management District restricting the use by our contractor of the existing S-169 crossing was received in writing.

**Commissioner Hyslope made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2023-011. Vote 5 yeas, 0 nays**

5. **Resolution No. 2023-012** – Resolution No. 2023-012 approves Denco Construction, Inc. Change Order No. 02 to authorize the use of *Pay Item #1-19* and *Pay Item #3-9 Owner Directed Work Allowance* to reimburse the contractor for additional construction related services for the City of Clewiston USACE Septic to Sewer System Project.

Mayor Pittman summarized and read Resolution No. 2023-012 by title. Manager Martin stated that, in terms of the contractor, he could not be more pleased with all parties involved in this project. It is his understanding that the funding for this change order is in the allowances. Consulting Engineer Joe DeBono stated the contract amount does not change, the discretionary funds of the allowance or contingency monies will be used. He explained that the contractor was systematically tying in some new connections and eliminating some of the septic tanks when the septic tank included in the change order focus was found to be underneath an existing concrete pad. Because of its location that septic tank cannot be crushed without other repercussions, the contractor recommended filling it as an alternative. Regarding the milling and resurfacing elements of the change order, the result will be a much better longer lasting product if the existing asphalt is overlaid properly which necessitates the milling work. He reported that a substantial completion walk through was done on the project and there are just a few restoration items and a last couple of connections that need to be completed. Manager Martin noted that this project was fully funded by the USACE, under budget and considerably ahead of schedule. Engineer DeBono confirmed that not all asphalt is getting redone, just the affected areas. The Manager

**Vice Mayor Thompson made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2023-012. Vote 5 yeas, 0 nays**

After the vote, Commissioner Gardner noted that the access roadway in the project area of the USACE facilities is in really bad shape. Director Williams stated that the roadway is located outside the city and belongs to the U.S. Army Corps of Engineers and they are responsible for taking care of that street section.

6. **Resolution No. 2023-013** – Resolution No. 2023-013 approves the ranking of the selection committee and authorizes the negotiation of contracts with selected companies for disaster debris monitoring services.

Mayor Pittman summarized and read Resolution No. 2023-013 by title. Manager Martin reported that Thompson Consulting, who was selected and recommended for contracting in the next cycle as the primary firm, was the same firm previously contracted and utilized for monitoring services after the most recent storm, Hurricane Ian, and did a good job. He stated the secondary firm selected and recommended for the next cycle was Tetra Tech, who is currently an approved engineering firm with the City. He mentioned that he felt that it was much simpler to have the same firm doing the collection and monitoring for Hendry County and the cities of Clewiston and LaBelle, particularly when the disposal site is shared. Vice Mayor Thompson stated that working together may have worked out but he feels the collection of the debris in our community could not have been worse. Manager Martin noted that these contracts being recommended for this service are solely for monitoring services; the collection services will be bid again in the future when the current term expires. Vice Mayor Thompson expressed that he feels various things should be considered to encourage local contractors to bid for those collection services. Manager Martin explained that in his experience small local contractors typically do not pursue these type contracts because they have to be pre-certified by FEMA and meet certain criteria.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2023-013. Vote 5 yeas, 0 nays**

- 6A. Resolution No. 2023-014** – Resolution No. 2023-014 approves the Federally-Funded Subaward and Grant Agreement No. Z3254 for DR-4673-Hurricane Ian between the Florida Division of Emergency Management and the City of Clewiston, to provide funding for debris removal, emergency protective measures and repair or replacement of disaster damaged facilities, subject to review and approval of City Attorney.

Manager Martin summarized the agenda item and stated that Director Howell's goal is to get the city reimbursed for eligible expenditures fully and quickly. Director Howell explained that this agreement is an umbrella for the FEMA assistance and the city cannot get any financial assistance without this agreement in place. She commented on the difference in the reimbursement process for this storm from those in the past. She noted that she is in the process of making sure that this is going to be the only agreement. She mentioned that staff will be meeting with FEMA on Thursday, and she feels comfortable that the \$145,000 that was spent for vegetative debris pickup and disposal will be 100% reimbursed. Attorney Brandenburg confirmed that he had reviewed the agreement and felt it was pretty standard; if you want the money, you have to sign the agreement.

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2023-014. Vote 5 yeas, 0 nays**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

- 7. Old Business** – There were no comments or discussion regarding old business.
- 8. Departmental Monthly Activity Reports** – Vice Mayor Thompson asked for an update on the pool and flagpole projects. Director Williams reported that he is working on scheduling the contractor for the erection of the flagpole now that the base is complete, and he reported that the renovation contractor for the pool started last week and was making progress. He felt the pool project would be complete by the time school is out for the summer. He also mentioned that some things will be done in-house on the pool project to save some money.

Commissioner Hyslope asked for an update on the parks and new equipment. Director Williams stated that Parks & Leisure Services Director McGinnis is working on acquiring the new equipment. Manager Martin advised that staff is preparing to order the playground equipment for the smaller park replacements and Trinidad Park. He mentioned that staff have had a hard time getting multiple bids and the company that submitted a bid that staff is currently pursuing to provide the equipment estimated 60-90 days for delivery. He noted that a second bid came in late for fewer playground pieces and was slightly cheaper, but staff prefers pursuing the one that provides "the most bang for the buck" in terms of the equipment included. He also noted that the cost was slightly over budget but they are looking at ways to get back within or near the available budget. He hoped to be ready to place the order within a few days.

Commissioner Hyslope noted the golf course's numbers were up on the monthly activity report and reported that a blogger has posted some really nice reviews after playing on the course.

Commissioner Gardner stated that the January 2023 permit report again shows a dead person pulling a permit. She asked for an update on the permit reporting process as staff had agreed to work something out at the August 1 budget workshop. She felt it was the City's responsibility to make sure that we are issuing a permit to the current owner of the property. Manager Martin stated that he believed the issue was the permitting software that was used. Director Howell confirmed that the Tyler software had a permitting process component but it was considered a step behind the software the City was currently using for the permitting. Commissioner Gardner stated that she felt the Tyler software was up to date because it is being used with the AMI program and asked Manager Martin to look into why we were not using the Tyler software for the permitting process.

9. **Comments from City Manager** – Manager Martin stated that we received a copy of FMPA’s 2022 Annual Report which prominently features Clewiston. He congratulated Assistant Utilities Director Lynne Mila for working with FMPA on this effort. Assistant Director Mila stated that every year a different city is featured and this year they chose to feature Clewiston. Commissioner Gardner requested the report be posted on the City’s website.
10. **Comments from City Attorney** – Update on recent case law that affects public notice requirements – *Michael David Testa v. Town of Jupiter Island, et al. (4<sup>th</sup> DCA 2023)* – Attorney Brandenburg stated this case involves public notice requirements and advised staff that if an ordinance is not passed on the second reading and is postponed, it will then need to be re-advertised with the specific date of the postponed hearing. He explained that a recent appealed decision found that the Town of Jupiter Island was in violation of the notice statute after a resident filed suit against them because a postponed hearing of an ordinance was not re-advertised in the newspaper.

Commissioner Gardner stated that she knows there have been discussions in the legislature regarding changes to required notices being advertised utilizing newspapers and asked if public hearing and other required meeting notices still have to be posted in the newspaper. Attorney Brandenburg confirmed that meetings and hearings that require advertisement still need to be posted in the newspaper. He stated there have been attempts to do something to modernize notice requirements but as of today, newspaper notices are still required.

11. **Comments from the City Commission** – Commissioner Edmonds stated that she had a couple of people approach her to say they were unhappy about their rental of the John Boy Auditorium. She would like to address the concern at the workshop. Mayor Pittman stated that he also had a call from an unhappy renter and agreed that it was something that could probably be addressed at the workshop. Commissioner Gardner stated that she too received a call but thinks the issue is that local not for profits don’t have the time they usually have had in the past. Manager Martin stated that he has already heard about this item and thinks we can address the concern they have but the issue is that we have had some people wanting to have longer periods to clean up after the event rather than the night of and then getting access and more convenient times prior to their event. One of the biggest issues that staff have had to deal with was the previous lax guidelines on use of the facility where people had access to facility keys. The city now pays a staff person to be there for liability reasons and security and improved control of the facility and sometimes these extended hours can result in overtime expenses. The Manager commented that staff need to advise them that if they want the extra hours, the city will have to charge them what it costs to pay staff to be there and give them that flexibility as long as the extended hours do not prevent us from re-renting the facility to another person. To maximize the use of the facility, the city needs to have some reasonable timeframes. If it is not backed up against another event, there will be an additional cost for our staff person to be there while they do the cleanup at a more convenient time for them. He stated that it became necessary for a number of rules, regulations and pricing to be changed but he feels the current process is a reasonable compromise. The staff needs to take care of the building and protect the public’s property by having reasonable rules and charging reasonable prices. In the Manager’s opinion, some accommodations for not profit type users is not unreasonable. The city staff want to work with users, but the city should not have one group taking advantage of things just because they have always been allowed to and other groups being held to a higher standard. Commissioner Gardner agreed that we need to hold all local non-profits to the same standard. Manager Martin stated that he and staff will be prepared to provide a follow up briefing on this topic at the workshop.

Commissioner Hyslope stated that it was her understanding from Director McGinnis that the City is planning to enter into an agreement with the YMCA again for the youth summer camp. Manager Martin stated that we had hoped to have our own plan in place for the coming season but we do not believe that can be accomplished so we will be recommending a contract with the YMCA for the program for one more year. Commissioner Hyslope stated that she had received some calls from parents because the YMCA is open for registration in other communities but not in Clewiston. Manager Martin stated that he hoped to have the contract on the next agenda for action. Mayor Pittman and Commissioner Gardner agreed that it needed to be advertised as quickly as possible.

Commissioner Gardner stated that she is looking forward to seeing the agenda for the March 6, 2023 workshop.

Vice Mayor Thompson stated that nearly two years ago he brought up the need for a new employee personnel policy and it had not yet been done. He expressed that he feels it would be prudent for us to address this because the City's current personnel policy leaves us vulnerable in some areas.

**Vice Mayor Thompson made a motion, seconded by Commissioner Edmonds, to have a rough draft of a new personnel policy manual by May 15, 2023. Vote 5 yeas, 0 nays**

Before the vote, Manager Martin stated that we were planning to get the Florida League of Cities to assist with this project once other important priorities were addressed. Vice Mayor Thompson stated that the handbook does not have to be re-written and does not require paying an attorney to re-write it in its entirety. Manager Martin suggested doing it in pieces and addressing the most outdated sections first. Commissioner Gardner mentioned that the Florida Chamber has a Florida employment manual that includes every policy required in the State of Florida. Vice Mayor Thompson clarified that his motion was to have a new handbook; not piecemeal it. Commissioner Hyslope stated that she understood why Vice Mayor Thompson wanted to set a timeline but she also understood that we have a lot of projects ongoing that pull the City Manager and staff.

Mayor Pittman reported that FMPA is paying to send him to the upcoming APPA Conference in Washington, DC. They will be talking to legislators and senators about public power.

## **Adjournment**

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 6:13 p.m. The motion was approved unanimously.**

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James Pittman, Mayor

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Mary K. Combass, City Clerk