

CITY OF CLEWISTON
Regular Commission Meeting
May 15, 2023

The Clewiston City Commission held its Regular Commission Meeting in the City Hall Commission Chambers Monday, May 15, 2023. The meeting was called to order at 5:00 p.m. by Mayor James Pittman. Pastor Vargas gave the invocation and the audience joined in reciting the Pledge of Allegiance.

Commissioners Present: Mayor James Pittman, Commissioner Barbara Edmonds, Commissioner Mali Gardner and Commissioner Hillary Hyslope. Vice Mayor Greg Thompson joined the meeting at 5:04 p.m.

Personnel Present: City Manager Randy Martin, Finance Director Shari Howell, Director of Operations Danny Williams, Police Chief Thomas Lewis, Community Development Director/Fire Chief Travis Reese, Code Enforcement Officer Debbie Clay, Assistant Utilities Director Lynne Mila, IT Administrator Justin Lucas, Consulting Engineer Joseph DeBono and City Attorney Dylan Brandenburg.

Visitors Present: Pastor Vargas, Ardis Hammock, Margaret Wuerstle, Kate Adams, Lisa Kelley, Sherry Lee, Joe Lee, Mike Moore, Mark Costello and Sean McCarty.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin stated there were no additions, deletions or changes to the agenda.

Public Comments – Mr. Mike Moore came forward and explained that since his comments about the flag issue for the west city limits at last month's meeting, he found out that the Elks Lodge has the money that was gathered by citizens of the community for the flag project. He was told that Director of Operations Danny Williams told the Elks Lodge representative that the money raised for the flag was not needed. He also mentioned that 30 people responded to his post on Facebook and all of them agreed that a veteran should raise the flag. He stated the Fair Board planned a great program but he feels the flag is about the people that serve to make sure we have a flag to fly so it should be raised by a veteran. He stated that Police Chief Lewis agreed that his department would help with traffic for the flag raising event. Director Williams clarified that he did not tell the Elks Lodge representative that the money raised wasn't needed; he told them to take it to City Hall.

Mrs. Ardis Hammock came forward and commented on her continuing re-roofing issue. She stated that she was assured by Manager Martin that the permit would be signed off today but it is not. She asked why city staff could not be cross-trained so that when one staff member is out, the other one could handle the issue. She explained that the inspection failed because the city's inspector did the wrong job. She does not feel that citizens should be asked to pay for re-inspections in these situations. Manager Martin stated that he and Mrs. Hammock have talked and he and Director Reese have had one discussion and will continue until the issue is resolved. Mayor Pittman stated that it needs to be resolved quickly after the meeting and mentioned that the City may need to go out to bid again to find an inspection company that is more appropriate for our town. Commissioner Gardner stated that this is taking time from our residents in dealing with these issues and she thinks a lot of the frustration is that our system is not a streamlined process. She feels we've got to look at our customer service and how we can deliver a better product because this is not the first time that we have heard a complaint about this. She stated that we felt it was important to have a third party backup inspection designee but if that backup is not helping the community in any way, we have to come up with a different solution.

Ms. Kate Adams with the Florida Trail Association came forward and invited everyone in the City to join with them in Glades County for National Trails Day on June 3. She stated that the Florida Trail Association serves both Glades and Hendry Counties and is becoming much more active in the National Trails Day event. She commented on the June 3 activities and the new activities for the fall and winter around the Lake Okeechobee Trail which is part of the National Scenic Trail.

- a. **Lisa Kelley, Treasurer, Hendry County Fair & Livestock Show – Flag Raising Event**

Ms. Kelley came forward and introduced fair board members Sherry Lee, Sandy Williams and Brenda Holcomb. She expressed the board's appreciation to the City Commission and City staff, especially to Commissioner Gardner, Manager Martin and Director Williams for their efforts to get the flagpole installed which allows for the initial flag to be raised on Memorial Day. She commented on the program schedule planned for that day and invited everyone from the community. She stated the flag will be dedicated to the past, present and future members of the United States of America Armed Forces. Ms. Sherry Lee distributed instruction cards for the event and reminders to the Commission.

Mr. Joe Lee came forward and stated that he expressed his interest in obtaining a large flag to greet visitors coming into the City to the City Commission on October 24, 2010. He met with the City Manager in November of 2011 to discuss the project and on October 20, 2022 local veterans had a discussion on what it would take to make the project happen. He presented a plan to the City Commission at their October 2022 meeting that would allow donations towards the purchase of the flag pole and the flag and it was agreed that Director Williams would be the point of contact. Soon after that meeting, he was advised by Director Williams that the Hendry County Fair Board was also interested and had funds set aside for this project. Donations were received and collected at the Clewiston Elks Lodge and it was determined that no more funding would be needed because the Fair Board had it covered due to a large donation made to them by U.S. Sugar. He mentioned that when he arrived to a meeting that was understood by him to be with Ms. Kelley of the Hendry County Fair Board, Manager Martin and Director Williams, he found other members of the fair board were present. He stated they did have a meeting but nothing was discussed that had not already been arranged. Mayor Pittman interrupted and stated that the fair board did make a presentation and provided the schedule of events. Mr. Lee stated that the only thing that he feels was accomplished at that meeting was that a veteran would be allowed to be present to share the honor of raising the flag. Commissioner Gardner commented that she would like to thank Mr. Lee and all the veterans. Mr. Lee's persistence in reminding them about the importance of the flag on Highway 27 has not gone unnoticed. She stated that Mr. Cooper, the oldest veteran in town, said he would be honored to be there to help raise the flag. All of the heartfelt comments from Mr. Moore, Mr. Lee and all the other veterans have not been unheard. The fair board is honoring all the veterans by raising a great wonderful blessing of a flag to honor this great nation and that is what is going to happen on Memorial Day. Tonight Pastor Vargas talked and prayed for the City to be a light upon a hill. The flag with the lights on it, will not be missed by anybody that comes to our community. She thanked Mr. Lee and the other veterans and volunteers of the Hendry County Fair Board who have put this together to honor the sacrifices that have been made. She stated that no one in her opinion tried to set anybody aside. Mr. Lee said he just wanted to reflect his opinion as a lot of veterans have come to him in reference to this; he is glad that we are going to have a flag.

1. Consent Agenda

- A. *City Commission Workshop – December 5, 2022*
- B. *City Commission Meeting Minutes – April 17, 2023*
- C. *Resolution No. 2023-033 – FDOT State Highway Lighting Maintenance, and Compensation Agreement Work Order, Contract Number ASG07 for FY 2023-2024*
- D. *Resolution No. 2023-034 – FDOT Traffic Signal Maintenance and Compensation Agreement Amendment*
- E. *Resolution No. 2023-035 – MOU for Law Enforcement Agency Access to Drive and Vehicle Information Database System (DAVID)*
- F. *Resolution No. 2023-036 – FDLE MOU*
- G. *Resolution No. 2023-037 – Mauldin & Jenkins, LLC Letters of Engagement for the Clewiston Community Redevelopment Agency*
- H. *Resolution No. 2023-038 – Cox Research and Technology, Inc. Change Order No. 1 for the Phase 3 Infiltration Correction Services – Control Boxes project*
- I. *Resolution No. 2023-039 – Xylem Water Solutions USA, Inc. Change Order No. 1 for the Phase 3 Infiltration Correction Services – Pumps project*

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

PRESENTATION

2. **Automated Metering Infrastructure (AMI) Project** – Assistant Utilities Director Lynne Mila stated that it was March of 2021 when the City was in negotiations to find an AMI contractor to upgrade our system and an advanced metering infrastructure project is what was launched and in August of 2021 the City entered into a contract with Sensus. She stated that each individual City customer is going to get a new electric meter and a new water meter. She then introduced Mark Costello, the South Florida Account Development Manager for Sensus and Sean McCarty, Manager of Technical Services for Sensus. She stated they produced a video that further explains the AMI project that will be shared at tonight's meeting and will be linked on the City's website. Mr. Costello and Mr. McCarty commented on the project and how they have enjoyed working with the city staff and going through the AMI Day event held earlier today at the City. After the video was played, Mr. Costello gave a presentation on the customer portal element and commented on the benefits of the AMI system and how the citizens will be notified when their meters are going to be replaced and when the work has been completed. He then described the timeline and stated that deployment will start in August with the electric meters being replaced first followed by the water meters. The hope of project participants is that the project will be substantially complete by March of 2024. He stated the team members involved have been testing to make sure the meters are communicating properly with the network, the network is talking to the database and the database is linked properly with billing. After installation, the customer portal will be linked on the City's website with instructions and customer service will be able to help individuals learn how to use it. He then commented on the project benefits. Manager Martin commented that because the water meter replacements will involve a meter that is below grade, there may be some disruption to customer yards or driveways when replacing the boxes but utility staff will be coordinating with Sensus to make sure that is done in an efficient manner. He also stated that through notifications, the City will be encouraging people to make sure that it is a legitimate representative of the City that is there on behalf of the contractor to install meters. Mr. Costello added that they make sure that every installer has a name tag and mentioned that they do not share customer information or sell data. Vice Mayor Thompson suggested that the fines for people stealing water and power be increased to \$1,000 for the first offense; \$2,500 for the second offense and criminally prosecute every single person that is caught stealing power and water. Commissioner Gardner stated that she believed we were going to have a workshop on all the fees in and out of the city as well and agreed they should be criminally prosecuted if they are stealing power and water. Staff noted that the meters that have been deployed to date are working perfectly and they have not heard anyone say that the customer portal is not user friendly. Another video is in production that explains navigating the portal. Pastor Vargas asked if the power that is being used to collect the data is being passed on to the customer and will customers have the ability to shut their power off completely to conserve energy. Mr. Costello responded that the power to collect the data is not being passed on to the customer and customers would not have the ability to shut their power off completely. He explained that the utility does the shutoff action purely for security purposes. He then commented on the alert feature and then Manager Martin reviewed the request for proposals and ranking process that was utilized for this project. He stated that this project is funded through the Florida Municipal Power Association for half of the project cost for the electric portion and the water portion will be paid utilizing federal grant funding. The City will pay back the FMPA loan but the staff factored that into our processes and the cost can be absorbed into the current budget and be offset by the projected cost savings and efficiencies. Initial projections showed that the system would pay for itself within 3-5 years even if the City borrowed all the necessary funds needed. Vice Mayor Thompson clarified that staff came up with a concept and the City put out an RFP and through the qualifications and pricing of the proposals received, the City chose Sensus. Manager Martin added that the resources of our municipal power association were used to assist and guide the City through the process thus far, and there are other municipalities that have already gone through this so we mimicked a considerable amount of their experience that was gained through that process. It is not a new concept and Clewiston has been able to take advantage of the refinements and improvements in the process over time. Commissioner Gardner added that it has been over a decade since the City initially started considering the process and looking at different companies and their technology. Affordability to the City and to its residents was not possible without grant funding that came in at the right time for this project. Manager Martin congratulated Assistant Utilities Director Mila, the City's point person on this project for doing a great job in getting us to this point. He stated that now that it is integrated with our financial software, the proof of course will be in getting it deployed and working with customers to accomplish meter installs as quickly and efficiently as possible. He noted that it is going to require some changes in the staffing.

There are no new positions planned, just restructuring existing City staffing and systems but management is looking for somebody that will help in the leadership role going forward.

PUBLIC HEARINGS

- 3. Ordinance No. 2023-03 – PUBLIC HEARING - Final Reading – 5:05 p.m.** - Ordinance No. 2023-03 amends the Official Zoning Map by changing the zoning designations of certain property located along the US 27 Corridor cumulatively comprising approximately 86.05 acres from various zoning categories to US 27 Commercial Corridor District (US 27).

Mayor Pittman read Ordinance No. 2023-03 by title, opened the public hearing and asked for public comments. No comments from the public or the commission were heard.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2023-03. Vote 5 years, 0 nays

- 4. PUBLIC HEARING – Fire Protection Assessment - 5:05 p.m.**

City Manager Martin stated that management originally intended for the Commission to go forward with conducting the required public hearing at this meeting but after further reflection and input from legal as well as other sources of expertise that have been advising staff in this process, it was felt that it would be a better process to defer action and ask the Commission to continue the public hearing until September 7, 2023 when the Commission would consider setting the initial City millage rate for the subsequent fiscal year beginning October 1, 2023 at which time this would go into effect. He asked Fire Chief Travis Reese to comment on the timing and the advantage for deferring it and some of the feedback we received. Chief Reese stated that as they moved forward to meet the deadlines with the Property Appraiser and Tax Collector, staff found out it was not a necessary step to hold this meeting at this time. Because of the cost of the required mailing that would be necessary if duplicated, it was decided to keep this public hearing on the agenda and table it to a time certain. Manager Martin stated that thus far in the process, the City has met all of our obligations to the county and others. He then asked Chief Reese to comment on the downward adjustment of the financial impact number since the last meeting. Chief Reese shared that some cost projections were less than originally estimated so the projected financial impact is a few thousand dollars less at this time than previously estimated. He cautioned it could still change to some degree as the process continues with no major adjustments projected. The Commission will make the final decision at the September meetings set to adopt the millage rate and budget. Manager Martin stated his opinion that deferring final analysis puts the Commission in the most informed position to be able to approve this at the time when the Commission actually knows the fiscal impacts on the millage rate and so forth rather than months in advance if the hearing were held and final assessment action was further considered tonight.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to continue the public hearing and table the adoption of the final fire protection assessment to the Tentative Millage and Budget Hearing on September 7, 2023 at 5:05 p.m. Vote 5 years, 0 nays

- 5. Resolution No. 2023-040 – PUBLIC HEARING - 5:05 p.m.** – Resolution No. 2023-040 adopts the City of Clewiston Waterfront Master Plan funded through the FWC Florida Boating Improvement Program (FBIP).

Mayor Pittman read Resolution No. 2023-040 by title, opened the public hearing and asked for public comments. No comments were heard from the public. Commissioner Gardner stated that she will not support this resolution. She explained that she had previously brought up about working with the water management district for the approximate 200 acres of state property north and adjacent to the C-21 that could be used for recreational purposes. She feels that we have not extended the potential of that property in how it would impact the city to have recreational activities on the state land. She also feels that we have not looked at our existing green spaces and parks to create more stormwater facilities as we were urged to do. Tonight's actions of having to delay the fire protection also shows the situation that we are in with our millage rate. The dock on the east side of the boat basin has been closed to the

public for months and we have not been able to address the issue there. Our capital improvement plan for recreation is well over \$1 million that we have to maintain the existing parks. We have a hefty issue of \$7.6 million for drainage and culvert replacement. The insurance costs of any project coming into the City is something that has not been looked at. We do not know the impact of the new bridge crossing on our insurance nor the responsibilities that we are going to have in the future under our capital improvement plan. She does not think this is fiscally the right time for us to look at a boat basin project. We have looked at it before, garnered money from the State of Florida for a master plan which we are not going to use. She feels that we have not exhausted every potential that we have for the state land north of the C-21. It is her opinion that it is fiscally irresponsible for us to look at something that looks pretty and sexy but that we cannot afford. Margaret Wuerstle with the Southwest Florida Regional Planning Council explained that the Commission would not be committing to anything. The next step for the planning council is to finalize cost estimates and an implementation plan for how it could be accomplished. She noted the grant ends on June 30 and the planning council and Stantec would not get reimbursed until the master planning grant project is closed out. Vice Mayor Thompson stated that Commissioner Gardner has some very good points that they need to plan for. Manager Martin stated that he does not disagree but as Ms. Wuerstle pointed out, adopting the master plan does not obligate the City to any potential expenditures. There is no commitment or obligation unless the City subsequently builds something or agrees to accept a future grant for such purposes. Mayor Pittman stated that he is excited about the lakefront being improved and better utilized. He feels Commissioner Gardner made some good points that can be addressed as the City moves forward.

Commissioner Hyslope made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2023-040. Vote 4 yeas, 1 nay (Commissioner Gardner voted nay.)

ORDINANCE

- 6. Ordinance No. 2023-04 – First Reading** – Ordinance No. 2023-04 amends Chapter 2, Article IV Firefighters Retirement System of the Clewiston Code of Ordinances.

Mayor Pittman read Ordinance No. 2023-04 by title and asked for public comments. There were no comments from the public. Fire Chief Travis Reese stated that the pension board's attorney felt the original language was not the best to use. City Attorney Brandenburg stated that it is really just a small text change. The previously adopted ordinance version references an old table from 2018 and now the suggested revision will update it so that it references the correct document. There were no further comments.

Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2023-04 on first reading and set the public hearing for June 26, 2023. Vote 5 yeas, 0 nays

RESOLUTIONS

- 7. Resolution No. 2023-041** – Resolution No. 2023-041 approves the State of Florida Department of Transportation State-Funded Grant Agreement , FPN 450849-1-54-01, for the design, construction, and CEI of the North Francisco Street Improvements Project.

Mayor Pittman read Resolution No. 2023-041 by title. Manager Martin stated that the City is required to obligate the funds before June 30, 2023 and have this agreement adopted before the next state budget cycle begins to maintain the grant funding. Consulting Engineer Joe DeBono explained that this agreement is basically accepting the \$500,000 grant earmarked money from the FDOT who is administering the funds for the improvements on North Francisco. He reminded the Commission that the City put in for a grant application for SCOP money as well and noted that this agreement is not contingent on accepting anything from the SCOP application but it would be ideal to time the project improvements all together at the same time but it can be worked independently of one another if necessary. This is basically for other improvements along North Francisco that may or may not be

included in the SCOP grant. The needed asphalt resurfacing work is dependent on getting awarded the SCOP grant itself. He confirmed that this grant would cover North Francisco from Highway 27 North to Herbert Hoover Dike Road. Manager Martin added that the City has applied for SCOP funding for improving both street sections but doubt the City will get both applications approved in one fiscal year. Management is hopeful on getting North Francisco funding first to allow consistency with the legislative appropriation funding use as noted by the engineer.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2023-041. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

8. **Old Business** – Manager Martin noted that a Commission Workshop was scheduled for Monday, May 22, 2023 at 5:00pm and a number of the old business topics would be discussed at that workshop.
9. **Departmental Monthly Activity Reports** – Commissioner Gardner stated that there are still dead people and people that no longer live at the property location listed as pulling permits. Director Reese stated that staff is supposed to be checking them with the Hendry County Property Appraiser. He further advised staff will further consider the alternative use of the Tyler software for permitting processes; based upon evaluation thus far, it is too expensive to go with the County's permitting system. Vice Mayor Thompson stated that this reporting cannot happen again.

Commissioner Gardner asked for an update on the recreation board appointments and if it was possible to have a monthly magistrate hearing. Manager Martin stated that thus far we have received only the minimum number of applicants for the parks, recreation and leisure services advisory board, and it was possible to have monthly magistrate hearings with additional cost. He agreed to evaluate including checking to see if it would work with the magistrate's availability schedule. Commissioner Gardner stated that she feels monthly magistrate hearings are important because it is 60-90 days before some of the code issues are resolved. Manager Martin stated that he is not sure that the lack of a monthly meeting is the cause; he thinks it is the process. He encouraged the Commission to try to get more interest in appointees for the parks, recreation & leisure services advisory board. Commissioner Hyslope suggested that we re-advertise the vacancies on the city's social media and agreed to share the advertisement. Manager Martin agreed to report the names of the applicants received to the Commission.

10. **Comments from City Manager** – Manager Martin had no comments.
11. **Comments from City Attorney** – Attorney Brandenburg had no comments.
12. **Comments from the City Commission** – Commissioner Edmonds stated that she is excited about the new automated metering system.

Vice Mayor Thompson stated that he feels we need to step up our traffic control coming through town at both entrances.

Commissioner Gardner asked Manager Martin to get an update on the royal palms on Highway 27. Manager Martin confirmed that the City received another partial grant to fund the installation of more of the palm trees and staff are ready to move forward. He explained that we had a design for the trees to go on the outside of the right-of-way but the engineer received feedback that it did not comply with the current DOT rules and regulations. Staff then pursued amending it for the trees to go to the center median. Engineer DeBono stated that the re-design was submitted and their comments were just received. Manager Martin stated we were recently advised by someone else at DOT that we could in fact have the trees on the outside of the right-of-way. We will ask for further input from DOT on clarity but potentially, we could put them in both places for the section of Highway 27 with a center grass median. Commissioner Gardner stated that the Commission previously approved the

palm trees to go on the outside and feels it is important the City keep the original plan with the palms on the outside of the right-of-way and later come back and do the median. She expressed that her opinion is more landscaping should be done on Highway 27. Manager Martin then further advised that DOT is finally going to start the sidewalk projects previously announced including in that area along Highway 27, and along San Luiz, from the vicinity of the McDonalds restaurant location area on both sides and including the Royal Palm section around Civic Park. He explained that the sidewalk project sections along Highway 27 would have an impact on the tree project location because the irrigation and trees will be in close proximity to where those sidewalks are designed to be located. He agreed to report back to the Commission once a further update is received from DOT and whether they will agree in writing that we have the choice for the palms to go in either or both locations.

Commissioner Gardner thanked the men and women in blue who protect and serve the city as today marks National Police Week.

Commissioner Hyslope stated that like Commissioner Edmonds, she is very excited about the water and electric meter replacement program. She is mostly excited about having a user friendly portal on the consumer side. She feels that customer training on how to use the technology is important. She stated that she worked with Chief Lewis on a couple of different things and expressed her appreciation to him for everything he has done behind the scenes lately. She also stated that she did get a text message from Mrs. Busin who is continuing to have trouble in her neighborhood. She hopes that the City will work with her to get her concerns resolved. We want to make sure that our neighborhoods are a safe place for all of our families.

Mayor Pittman congratulated staff for their work on the AMI Project.

Adjournment

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 6:33 p.m. Vote 5 yeas, 0 nays

James Pittman, Mayor

Mary K. Combass, City Clerk