

CITY OF CLEWISTON
Regular Commission Meeting
August 21, 2023

The Clewiston City Commission held its Regular Meeting in the City Hall Commission Chambers Monday, August 21, 2023. The meeting was called to order at 5:00 p.m. by Mayor James Pittman. Mayor Pittman gave the invocation and the audience joined in reciting the Pledge of Allegiance.

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

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

Visitors Present: Yaima Lugo, Rocio Salama, Omar Salama, Erica Hernandez and Terry Gardner.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin stated that there were no changes to the agenda but mentioned that a copy of his legislative funding update had been provided.

Public Comments – Ms. Yaima Lugo asked why food trucks were not allowed in Clewiston. She stated that she started a petition and has 192 signatures and some comments. Manager Martin clarified that the City does not prohibit food trucks but limits when they are allowed and how they can operate and noted the City's ordinance has a provision that allows them through non-profits. Commissioner Gardner commented on the previous weekly events where food trucks were allowed in the city park and suggested the Commission look at an event like that again. Manager Martin reminded the Commission that Attorney Brandenburg recently presented the updated legislative changes, and stated that Attorney Brandenburg has prepared some information on this topic for his and staff's review and staff is recommending that it be presented to the Commission in a workshop format. Attorney Brandenburg explained that the legislature recently passed a preemption relating to food truck licensing where local governments can no longer have licensing restrictions on food trucks outside of what state agencies already require. He clarified that cities cannot require them to maintain a city license to operate but can limit the location and hours and things of that nature. He asked for direction from the Commission and suggested that if there is a desire to update the ordinance, it be discussed at a workshop. Commissioner Gardner stated that she feels a workshop would be appropriate. Vice Mayor Thompson agreed that the Commission should look at it. Manager Martin asked Ms. Lugo to leave her contact information and stated that staff will keep her advised of the progress as this will be scheduled for further discussion.

Ms. Rocio Salama, the owner of Yack Quick Stop at 1020 W.C. Owen Avenue introduced herself to the Commission and stated that her son will speak on her behalf. Ms. Salama's son, Omar, stated that they would like to give Ms. Lugo an opportunity to set up her food truck on their commercial property on WC Owen where parking and bathroom access is available. Commissioner Gardner suggested that Mr. Salama leave his contact information. Mr. Salama next commented on an issue they have with the commercial property they bought at 1012 W.C. Owen Avenue. He stated that after the survey was done, they noticed the neighbor's fence was over the property line. He has already talked to the City Utilities, Community Development and Code Enforcement Departments. He stated the neighbors are avoiding them and asked if there was anything the City could do for them. It was noted that that this matter seemed to be a civil issue. Mayor Pittman suggested that he contact Police Chief Lewis, Community Development Director Reese or Code Enforcement Officer Debbie Clay to see if they may be able to further assist.

Commissioner Gardner noted that Attorney Brandenburg and Manager Martin were working on some other concerns that were brought to the Commission's attention. She asked if a workshop to discuss that matter had been scheduled. Manager Martin advised that the concerns were related to

arcades and gaming centers which will be the primary focus of the workshop which will be scheduled after the budget was approved. Ms. Erica Hernandez asked to be notified of the date of the workshop once it was scheduled. Manager Martin encouraged Ms. Hernandez to continue to call and report issues. Any other business that is experiencing issues should communicate concerns to the police department so they can respond. He noted that many issues that the City is asked to address are public issues but some of them are civil like the issue just discussed tonight with the neighbor's fence and parking conflicts between occupants of a particular business center. He explained that the City will deal with issues from a regulatory standpoint but the City is not the referee for who gets which parking spaces in a private parking lot; that is the property owner's responsibility. Mayor Pittman stated to be clear, the City is going to ask Attorney Brandenburg to begin to research concerns with these businesses to see what other cities are allowing. Manager Martin stated that Attorney Brandenburg has given some information to staff and they are in the process of reviewing the information and will summarize it and provide it to the Commission. Attorney Brandenburg confirmed that he was ready to discuss the arcade and mobile food vendor matters. Manager Martin agreed to coordinate the scheduling of a workshop for those matters one day in September after the budget is approved.

1. Consent Agenda

- A. *City Commission Meeting Minutes – July 17, 2023*
- B. *Resolution No. 2023-069 – Declaration of Police Unit 1402 as Surplus Equipment*
- C. *Resolution No. 2023-070 – Approval of JAG grant funds for the purchase of portable radios, chargers and programming*
- D. *Resolution No. 2023-071 – Satisfaction of Deferred Payment Loan Agreement*
- E. *Event Application – HRMC Pink Warriors Walk – October 14, 2023*
- F. *Event Application – CHS Public Safety Academy Veterans Walk of Honor – November 11, 2023*

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

PRESENTATION

- 2. **Financial Audit for Fiscal Year 2022** – Mauldin & Jenkins – Finance Director Howell introduced Wade Sansbury, Partner with the City's independent auditing firm of Mauldin & Jenkins. Mr. Sansbury presented the highlights of the financial audit for FY 2022 and stated that a clean unmodified opinion was issued. He explained that because the City received and expended about \$4,000,000 in total federal and state awards, they were required to perform both a federal single audit and a state single audit. He reported that with both the financial audit of the City's statements as well as the single audits, they did not have any findings this year which shows that Director Howell and her staff are doing a good job of taking care of the books and financial records for the City. The Commission congratulated Director Howell. Manager Martin expressed his appreciation to Mauldin & Jenkins and commented positively on how everyone on the staff worked together to get it accomplished.

PUBLIC HEARINGS

- 3. **Ordinance Nos. 2023-05, 2023-06 and 2023-07 – Public Hearings - Final Readings** – Ordinance Nos. 2023-05, 2023-06 and 2023-07 to rezone certain property owned by Brian Sullivan Contractor, Inc. in Blocks 423 and 424 of the General Plan of Clewiston from Mobile Home and Recreational Vehicle Park District (RM-1) to Multiple-Family Residential (R-3).
 - A. **Ordinance No. 2023-05** rezones 573 Commercio St., Parcel ID #3-34-43-01-010-0424-002.0, Block 424, Lots 4-44, of the General Plan of Clewiston, Plat Book 2, pages 71-78 of Hendry County, Florida, from Mobile Home and Recreational Vehicle Park District (RM-1) to Multiple-Family Residential (R-3).

Mayor Pittman read Ordinance No. 2023-05 by title, opened the public hearing and asked for public comments. After hearing no comments from the public or the Commission, Mayor Pittman declared the public hearing closed.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2023-05. Vote 5 yeas, 0 nays

B. Ordinance No. 2023-06 rezones 51 Comercio St., Parcel ID #3-34-43-01-010-0423-009.0, Block 423, Lots 19-22, of the General Plan of Clewiston, Plat Book 2, pages 71-78 of Hendry County, Florida, from Mobile Home and Recreational Vehicle Park District (RM-1) to Multiple-Family Residential (R-3).

Mayor Pittman read Ordinance No. 2023-06 by title, opened the public hearing and asked for public comments. There were no comments from the public. Commissioner Gardner questioned if the property address was correct. Community Development Director Reese confirmed that it was correct. After hearing no further comments, Mayor Pittman declared the public hearing closed.

Commissioner Hyslope made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2023-06. Vote 5 yeas, 0 nays

C. Ordinance No. 2023-07 rezones Parcel ID #3-34-43-01-010-0423-001.0, Block 423, Lots 1-2, of the General Plan of Clewiston, Plat Book 2, pages 71-78 of Hendry County, Florida, from Mobile Home and Recreational Vehicle Park District (RM-1) to Multiple-Family Residential (R-3).

Mayor Pittman read Ordinance No. 2023-07 by title, opened the public hearing and asked for public comments. After hearing no comments from the public or the Commission, Mayor Pittman declared the public hearing closed.

Commissioner Edmonds made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2023-07. Vote 5 yeas, 0 nays

Manager Martin stated for the record that approval of these rezoning requests were recommended for approval by the Planning & Zoning Board; the Commission reviewed the requests in detail at the previous meeting in July and unanimously approved bringing it to public hearing tonight. This concludes the zoning process and will allow Brian Sullivan Contractor, Inc. to move forward with his plan to build approximately 60 multi-family units.

RESOLUTIONS

- 4. Resolution No. 2023-072** – Resolution No. 2023-072 approves Change Order #1 to the AMI Contract between Sensus, USA Inc. and the City of Clewiston. The change in the total project value is a decrease of \$197,671.26.

Mayor Pittman read Resolution No. 2023-072 by title. Assistant Utilities Director Lynne Mila commented on the process of how the new water meters are installed. She stated that \$200 per box was quoted for the plumbing work required to change out the water meter boxes that must be replaced, so staff decided to buy the meter boxes directly and bring a contract change order forward and have some of the plumbing contractors bid and then do the change outs as we can in house. She added that we currently have access to Quanta's software through March so that when the installers do an install, the information from the new data gets brought up into our billing system. Our goal is as the meters come in for us to install in October, we're going to try to get the boxes installed completed at the same time as when meters are swapped out before we lose access to the software so that we do not have to do the transfers manually. The contract reduction recommended will be offset by the previously approved additional material and installation costs and will result in the need for additional funding to cover any differences in total cost.

Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2023-072. Vote 5 yeas, 0 nays

- 5. Resolution No. 2023-073** – Resolution No. 2023-073 approves Change Order #3 to the Contract between Zep Construction, Inc. and the City of Clewiston regarding the bridge over the C-21 Canal Project. This is for additional construction related services to provide a route

bringing electricity for the lighting of future signage on the MSE wall for the total amount of \$3,861.00.

Mayor Pittman read Resolution No. 2023-073 by title. Vice Mayor Thompson asked why the CEI is not here presenting this change order. Manager Martin stated that the staff can look at having them here as an opportunity but the design engineer is represented here tonight as this is a design change. He added that all the parties are receiving bi-weekly updates coordinated by the CEI on the progress of the project, and the Manager has been communicating the outcomes of those to the Commission. He stated that there has not been any real issues but said that the Commission could be included in receiving summaries of the bi-weekly updates or we could have the contractor here for questions if there is any need for it. He then explained that a specific wire install was needed at the location of the two welcome signs. It was planned to put lighting on those but because that was not included in the initial bid documents for the project it now needed to be done as a change order add on. We were just going to handle it outside the general contract, but because this is involving DOT and the grant funding and the South Florida Water Management District, it was in his opinion, blown out of proportion to require a change order for this small amount to install a piece of conduit. The change is to put in the conduit; the wire will be installed separately. Vice Mayor Thompson asked if that will be another change order. Manager Martin said he does not believe it will but would check. He then introduced Dave Trouteaud with Johnson Engineering who is attending tonight because Mr. Andy Tilton, engineer is under the weather. Mr. Trouteaud stated that he did not have anything to add other than Mr. Tilton had mentioned that it was a spare conduit added after the fact. Vice Mayor Thompson said he knows it is not much money but the CEI is looking out for our interest. Manager Martin stated it was not in the scope of the original project; it was added as part of Johnson Engineering's design efforts. The City has not contracted for adding the lighting and will have the option of doing it either through the existing contractor or otherwise and at that time is when the wire will likely be installed. Mr. Trouteaud said he will get with Mr. Tilton and get clarification. The Manager advised that the change order has been approved as an eligible item to be reimbursed but going through the convoluted process of getting those two agencies to approve it was time consuming. Director of Operations Danny Williams stated that the conduit was basically added at his request before the concrete was set to be poured.

Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2023-073. Vote 5 yeas, 0 nays

6. **Resolution No. 2023-074** – Resolution No. 2023-074 approves State Revolving Fund Amendment 1 to Loan Agreement WW260440 & Grant Agreement SG260441 between the Florida Department of Environmental Protection and the City of Clewiston providing the City additional time to complete the infiltration correction work of the City's sewer system.

Mayor Pittman read Resolution No. 2023-074 by title. Director Williams explained that this amendment is needed to allow extra time for the project because it has been hard to obtain the equipment. He stated that we have done about 10 lift stations so far on the project.

Commissioner Hyslope made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2023-074. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

7. **Old Business** – Commissioner Gardner stated that she feels it is important to get the workshop scheduled in September since Attorney Brandenburg has all the information ready.
8. **Departmental Monthly Activity Reports** - Presented for information only.
9. **Comments from City Manager** – 2024 Legislative Funding Update – Manager Martin reviewed the draft funding request for the upcoming legislative year that was provided. In response to a question from Vice Mayor Thompson, Manager Martin stated that he would evaluate and attempt to include the golf course facility roof replacement in the list of buildings under resiliency projects. Director Williams added comments regarding the issues with the Harlem Community Waterline Replacement Project related to the quality of water and how we are having to do a lot of maintenance work to try to keep this water as high

quality as we can. He stated that the county has agreed to work with us on this project and provide the equipment to assist the City with a temporary solution to improve the water until the funding is available for a long term fix. Mr. Trouteaud commented on the scope of the project. He stated the \$1.7 million estimate included everything; design and construction. Fire Chief Reese commented on the request for an aerial truck for emergency response. Manager Martin noted that the only discussion regarding the request to extend wastewater force main improvements to extend service to portions of the Hookers Point community and the vicinity of the South Florida Water Management District existing office maintenance facility is who will actually be the lead agency (i.e. City or Hendry County) to make the funding request. He stated that he did not have a problem if the county decided to make this funding item their request. Management can get insight from the legislative delegation and from the county and make that determination. He stated that if the Commission endorses this draft funding request, we will fine tune it and advise the Commission of any adjustments but another regular meeting is not scheduled before the funding request document submittals are due. The requests have to be to the legislative delegation by the 8th and be presented on the 15th. We want to be timely and make sure we have something that reflects the Commission's priorities before we go forward and ask the county to endorse all of the City's requests. The local hearing is in LaBelle on the 15th. Commissioner Gardner stated that the requests recommended looked good to her. Vice Mayor Thompson asked what the benefit was of extending service out to the South Florida Water Management District facility location because they are not going to be there any longer as they are planning their new facility construction. Manager Martin stated that someone is going to use that facility when the district does relocate, but the new occupant will face the same limitations regarding wastewater disposal that the district now faces. Director Williams pointed out that U.S. Sugar and others own properties in that vicinity as well that are in need of sewer; our goal is to get the entire area served. The county would like that and it would look good with DEP for the City to be able to take all those septic systems along the route off line. After further discussion, Manager Martin stated that he would be very happy to get all of these funding requests approved; it would mean a lot to the city.

Vice Mayor Thompson asked the Commission's thoughts on visiting the representative and lobbyist to talk about our requests this legislative session. He feels it is important that the Commission sees them face to face. Commissioner Hyslope said she would be open to that. Manager Martin said he's been each year and feels it would make a difference if members of the board would like to go. He said he would make them aware of the Florida League of Cities' scheduled times or they could do it independently. Vice Mayor Thompson feels it is important that the Commission make an effort to go. Commissioner Gardner said Hendry County was there this past year and feels the City needs to be represented there. Mayor Pittman asked Manager Martin to come up with a date or schedule utilizing the lobbyist to set it up. Manager Martin said he plans to go again and would send the information to the Commission when schedules are developed. Commissioner Gardner asked Manager Martin to also find out when Hendry County plans to visit. She feels that the city should be there to join Hendry County with information to share about the community. Manager Martin agreed to check on that as well. He then confirmed the time of the legislative hearing on the 15th in LaBelle at 1:00pm.

10. **Comments from City Attorney** – Attorney Brandenburg reported the Clewiston Commons case has been tentatively set for trial for 2024. He stated that we have also been ordered to mediation which is being scheduled to occur next month so he will likely be requesting an attorney/client session with the Commission in the future to go over the details of that and if any resolution can be made for the case. Any City resolution would have to come from an action of the Commission. If nothing comes out of the mediation process, we will be set to finally resolve this matter one way or the other in 2024.
11. **Comments from the City Commission** – Commissioner Edmonds stated she feels the number one priority for legislative funding is that we need to take care of the roofs of the city facilities.

Vice Mayor Thompson asked if staff could start tracking golf membership for 9 holes; whether they are residents or not. Manager Martin stated that he will inquire and research. Vice Mayor Thompson next asked about plans for the POS system at the golf course. Finance Director Howell stated that in her opinion the golf course has other issues more important than replacing the POS system right now, but we could try to put our heads

together to see if we could track the membership play. She commented that based upon her research we are not going to have a golf course POS that is going to connect into our accounting software because nobody specializes in that type software at this time, however, we could get a POS that makes these CSV files that could be imported into the system. It is not included in the capital plan right now. She suggested that finance be included in evaluating a POS so that they could address some of these items that come up. Vice Mayor Thompson said a golf course can have a POS system installed in two weeks very cheaply. Manager Martin said the course has a system now whether we want to upgrade that is a possibility, but he thinks Finance Director Howell's point is well taken. Integration with our financial software is not possible that way. Manager Martin said we have other departments that can be integrated in our financial system which should be a priority over the golf course since they have some semblance of a POS while some other departments do not. Manager Martin said we can consider options, but he knows Finance Director Howell's priorities have been to try to get some of these other departments integrated first as previously reported. Vice Mayor Thompson said he has been bringing this up for 3 years. Manager Martin reiterated that the focus has been on other departments where we have no other POS. Finance Director Howell explained the issue with not being able to do the membership is because of the corporate membership aspect because it does not stipulate how many members that equates to. She noted the current POS also tracks their inventory and they also use it for managing their tournaments. She is not a proponent of keeping the current POS, she is just saying that it is not something that they have been actively seeking because of the other issues and the other requests that they have had that have come in for their system. As far as all the other departments, we have the equipment, we have everything right now but she has a very new staff and cannot take the chance that something is going to be messed up. Vice Mayor Thompson said he feels it is something important to track and asked if we could track it with what we have now. Director Howell said that she and Golf Director Rush could discuss options. Vice Mayor Thompson said the reason he believes it is important is because he does not think it is fair for 100% of the taxpayers in Clewiston to pay for 25% of the use of the golf course. A lot of the players in the tournaments do not live in the City but the taxpayers have 100% of the cost put on them and you see what we are having to move over to cover the losses as they call it. It is recreation but the taxpayers in Clewiston are paying for 100% of that recreation for whoever decides to come. If we track this, he thinks in the future, we need to address that and change it so the taxpayers of Clewiston aren't paying 100% of the use when they may be having a much lower use. Manager Martin said he does not believe a POS system is going to correct that concern but it might have some benefit. He feels the value of that facility goes way beyond just who plays it. Vice Mayor Thompson said the Commission cannot make a decision now because they do not have those numbers in front of them. Manager Martin said he was under the impression the Commission was supportive of the facility and operations realizing like all recreation and all our city services except our utilities and our enterprise funds, that it is subsidized by taxpayer dollars. Vice Mayor Thompson said other recreation is not paid 100% by the taxpayers of Clewiston. Mr. Martin countered that all recreation services are paid substantially by the taxpayers of Clewiston. Commissioner Gardner said recreation is never going to be a money maker. A lot of the recreational facilities that we have are a big drain on the budget but the only one that is bringing in substantial income is the golf course. She feels Vice Mayor Thompson has a point; it is something that needs to be considered. Vice Mayor Thompson said we should always be looking at savings especially this budget. Commissioner Gardner agreed and stated that she looked at saving by not increasing recreational facilities; we struggle to maintain our parks and recreational facilities that we have now. After further discussion, Commissioner Edmonds congratulated Director Howell for a smooth budget year. Commissioner Gardner suggested the CRA budget be discussed at the next meeting on Monday. Manager Martin suggested having additional workshops after the budget process ends for the use of the CRA funds. He stated that at the end of the coming year, projections are that the City will have \$1.2 million in rough numbers accumulated and he feels the City needs to start using up to 80% of it on specific projects. He added that the Commission has the final say on how and where the funds are spent.

Mayor Pittman congratulated Director Howell and her staff and suggested that funding new positions requested in the budget should be a lower priority than hiring someone qualified to help Director Howell.

Adjournment

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 6:46 p.m. Vote 5 yeas, 0 nays.

James Pittman, Mayor

Mary K. Combass, City Clerk