

CITY OF CLEWISTON
Regular Commission Meeting
March 18, 2024

The Clewiston City Commission held its regular meeting in the City Hall Commission Chambers on Monday, March 18, 2024. 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 Greg 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, Assistant Utilities Director Lynne Mila, IT Administrator Justin Lucas, Community Development Director/Fire Chief Travis Reese, Consulting Engineer David Trouteaud and City Attorney Dylan Brandenburg.

Visitors Present: Lisa Walker, Brian Sullivan, Janet Taylor, Lavita Holmes, D’Mari Hallback, Brad Berkman, Pedro Penton, Joshua Remedios, Roberto Barrera and Terry Gardner.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin suggested that Agenda Item No. 7 be tabled until negotiations are complete and details are finalized with the contract and approval from FDOT is obtained. All of the follow-up information requested from the contractor had not been received. He recommended that it not be scheduled for a date certain at this time. He would either communicate with the commission on the need for a special meeting or it could be placed on the agenda for the next regular meeting. He then pointed out that there is at least one other applicant for the Community Redevelopment Advisory Board and suggested the Commission not consider appointing any new members for the vacancies at this time.

Commissioner Hyslope made a motion, seconded by Vice Mayor Thompson, to remove Agenda Item No. 7 from the agenda. Vote 5 yeas, 0 nays

Vice Mayor Thompson stated that he would like to add the discussion of the city manager’s job performance and possible reconsideration of the contract to the agenda.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to add the discussion of the city manager’s job performance and possible reconsideration of the contract to the agenda. Vote 5 yeas, 0 nays

Mayor Pittman stated that the discussion of the city manager’s job performance and possible reconsideration of the contract will be added to the agenda as Agenda Item No. 9A.

Public Comments – There were no public comments.

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – July 31, 2023*
- B. *City Commission Meeting Minutes – February 19, 2024*
- C. *Event Application – Autism Acceptance 5K – April 6, 2024*
- D. *Resolution No. 2024-014 – Budget Amendment*
- E. *Resolution No. 2024-015 – Acceptance of Large Animal Scale*
- F. *Resolution No. 2024-016 – Declaration of Surplus Equipment*
- G. *Resolution No. 2024-017 – Change Order No. Three to FMPA Owner’s Engineering Support Services Agreement for the AMI Deployment Project, Phase Three.*

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

PRESENTATIONS

2. **PRESENTATION** – Florida League of Cities 2024 Mayor John Land Years of Service Award – Commissioner Mali Gardner

Mayor Pittman read the Florida League of Cities resolution recognizing Commissioner Gardner for her 25 years of service and presented a resolution plaque and pin to her. Commissioner Gardner stated that it has been an honor and blessing to serve the City.

3. **PRESENTATION** – Glades Lives Matter - Year in Review

Mayor Pittman introduced Lavita Holmes with Glades Lives Matter. Ms. Holmes stated that the Glades Lives Matter organization is committed to making sure that the resources for this area are known and the voices here are heard locally and at the state level. She commented on their activities this year and introduced D'Mari Hallback, a senior at Moore Haven Middle-High School participating in the Glades Lives Matter ambassadorship program. Mr. Hallback thanked Janet Taylor and Lavita Holmes for giving him and the other students the opportunity to participate in this program.

ORDINANCES

4. **Ordinance No. 2024-04 – First Reading** – Ordinance No. 2024-04 abandons and vacates the alley, located in Block 424 of the General Plan of Clewiston, Florida, as revised, located and lying between Lots 1-44.

Mayor Pittman read Ordinance No. 2024-04 by title and asked for public comments. After hearing no comments from the public, Mayor Pittman expressed his concern with access to any utilities on the property and Commissioner Gardner asked staff to comment on the project for the public. Manager Martin stated that there will be 60 apartment units; permits have been issued for 2 units but the final plans on the others had not yet been received. Community Development Director Travis Reese stated that this ordinance basically moves the public owned alley to be privately owned and the parcel of property will now be part of a leased development and as the properties are abandoned, it allows the owners to control it and be able to use the property more efficiently. Attorney Brandenburg confirmed the City will retain a utility access easement on this property and would have access to any utilities if needed.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2024-04 on first reading and set the public hearing for April 15, 2024. Vote 5 yeas, 0 nays

5. **Ordinance No. 2024-05 – First Reading** - Ordinance No. 2024-05 abandons and vacates the City's interest in that portion of Haiti Avenue, located between Block 414 & 413 of the General Plan of Clewiston, Florida, as revised, subject to utility & access easement(s) to be maintained along the entire length of the existing easement/public right-of-way.

Mayor Pittman read Ordinance No. 2024-05 by title and asked for public comments. There were no comments from the public. Director Williams stated that the only thing in the easement/right-of-way was a water line and confirmed the electric was overhead. Commissioner Gardner stated that she feels it is great to put street right-of-ways that the City has never used for public access on the tax roll.

Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2024-05 on first reading and set the public hearing for April 15, 2024. Vote 5 yeas, 0 nays

RESOLUTIONS

6. **Resolution No. 2024-018** – Resolution No. 2024-018 approves the conditional use request from Meritas Package Liquor, LLC to allow the parcel located at 311 E. Sugarland Highway conditional use for packaged liquor sales.

Mayor Pittman read Resolution No. 2024-018 by title. Attorney Brandenburg stated that because this item was quasi-judicial in nature, anyone wishing to give testimony on this item would need to be sworn in. Brad Berkman, Pedro Penton, Joshua Remedios and Roberto Barerra were sworn in by Attorney Brandenburg. Attorney Brandenburg then asked the Commission to announce any ex parte discussions they may have had regarding this application and to disclose on the record at this time if there were any site visits or things of that nature. No disclosures were made by the Commission. Director Reese commented on the conditional use request stating that the property falls outside the 500' minimum requirement from a church but the conditional use request is not based on that factor. Mr. Brad Berkman with Greenspoon Marder, an alcohol beverage law firm representing the applicant, commented on the applicant's plan. Mr. Pedro Penton, the owner of Meritas Package Liquor, stated that he grew up in Clewiston and commented on the project concept and how he would like to contribute to the city that gave him the motivation to get his education. Mr. Penton's agent, Mr. Roberto Barrera, came forward and added additional comments on the project. Mayor Pittman asked for public comments. Ms. Lisa Walker came forward and after being sworn in by Attorney Brandenburg, stated that she feels "wine and spirit shop" would be better terminology than "liquor store". She expressed that she was in favor of this conditional use because there is no place for people to gather in this area.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2024-018. Vote 5 yeas, 0 nays

Before the vote, Commissioner Gardner stated that she was prepared to vote no on this request but after hearing the presentation, she will vote in favor but will hold Mr. Penton accountable to do what was presented.

7. **Deleted - Resolution No. 2024-019** – Resolution No. 2024-019 approves Zep Construction, Inc. Change Order No. 12, subject to FDOT approval, for additional construction related services to complete project details not included in the original scope but necessary to address specific needs for the Bridge over the C-21 Canal Project.
8. **Resolution No. 2024-020** – Resolution No. 2020-020 accepts the proposal and approves the Land Lease 2024 Contract between the City of Clewiston and Ariel Avila in the total amount of \$16,720.00 per year for a term of five years, but may be extended for an additional five year term at the City's discretion.

Attorney Brandenburg clarified that when the lease agreement was updated, the additional 5-year term was not included. He asked the commission if they wanted it to be included. The consensus of the commission was that they would like it to be included but would need to come back to the Commission for approval of the additional 5-year term. Mayor Pittman then read Resolution No. 2024-020 by title and asked for public comments. There were no public comments. Assistant Utilities Director Lynne Mila noted that there was a scrivener's error in the agenda report; the financial impact should be \$83,600 for the full term.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2024-020.

Commissioner Gardner amended her motion, seconded by Commissioner Hyslope, to approve Resolution No. 2024-020 to include the additional 5-year term to be approved by the City Commission. Vote 5 yeas, 0 nays

9. **Resolution No. 2024-021** – Resolution No. 2024-021 approves the re-appointment of Scott Jones and Luis Vallejo to the Community Redevelopment Advisory Board for an additional three year term.

Mayor Pittman read Resolution No. 2024-021 by title. Commissioner Hyslope suggested that this item be tabled until the Commission was ready to make appointments to fill the two vacancies.

Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to table Resolution No. 2024-021 to the April 15, 2024 Commission Meeting. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS**9A. Discussion of the City Manager's Job Performance and Possible Reconsideration of Contract**

Vice Mayor Thompson stated that requests have been made to the City Manager for a POS system for three years plus, an employee handbook for over a year, a digital system to review and handle agendas, the unwillingness or inability of the City Manager to manage staff, the loss of a Florida Recreational Development grant for playground equipment at Trinidad Park with a private donor match. The grant was open for three years and because of inaction by the City, it was lost. He feels by doing that, the City jeopardized our ability to get any funding from the stakeholder in the future. Commissioner Hyslope stated that she feels the city is making great strides through great projects but they get overshadowed by these negative things and it is hurting the morale of City staff and the City is not able to shine and showcase the great things that have been done. Commissioner Gardner stated that she has had conversations with Manager Martin about her disappointment that the City lost a grant and jeopardized a community relationship on helping us in many areas of our community. She stated that the grant and match was almost all of what the rolled back rate would have been. The rolled back rate was about \$150,000 and this grant and match were each \$50,000. She stated that she does not know if we jeopardized the match but feels it certainly jeopardized the partnership. She also feels that this has created a lack of confidence in some decision making that needed to be done months ago. She also noted that the 4-page memo given to them in January did not include the grant information. Vice Mayor Thompson stated that we need to do everything we can to continue those relationships to help build the city. Mayor Pittman agreed that there have been shortcomings but there has also been a lot of positive things through grants and a lot of infrastructure that we have been able to replace and upgrade. Commissioner Gardner pointed out that a lot of the work done in Tallahassee and Washington, D.C. was because of the partnership we have and the legislators. Commissioner Edmonds stated that she is frustrated that the grant was lost and agrees the donations are needed.

Vice Mayor Thompson, made a motion, seconded by Commissioner Hyslope, to terminate the City Manager contract for the cause of nonfeasance for the reasons stated prior. Vote 3 yeas, 2 nays (Mayor Pittman and Commissioner Edmonds voted nay.)

Before the vote, Mayor Pittman stated that he would like to have time to review the contract. Commissioner Edmonds stated that she is not prepared to vote. Commissioner Gardner asked Attorney Brandenburg to comment. Attorney Brandenburg stated that he has seen the contract and there are two provisions; at will and for cause. He advised that if the Commission considers making a for cause termination, the reasons why should be made clear. He confirmed that Vice Mayor Thompson stated the reasons on the record and he believed the process was followed correctly. Manager Martin stated that he was not prepared to comment and would be very concerned if the termination was done for cause and would have to consider that before making any statement about that aspect. He added that if the Commission wishes to end his employment on a date certain, he would be willing to cooperate and do whatever is necessary to collaborate and work with the Commission. A for cause termination would make it very challenging for a professional transition. He asked the Commission to consider this to be a professional, courteous separation of employment based on the Commission opting to go in a different direction. He assured the Commission that he would do his best to make it be something that the community will benefit from and not be hurt by. Commissioner Gardner asked Attorney Brandenburg if he sees what was stated tonight as for cause. Attorney Brandenburg stated that he feels as though stating the loss of funds that could have been used would probably rise to that level and feels that Vice Mayor Thompson stated his reason for the motion on the record to a sufficient degree.

After the vote, there was discussion regarding a date certain for the termination. Manager Martin stated that he had no objection to continue to work through a transition with a reasonable timeframe. Vice Mayor Thompson suggested that Manager Martin continue working until a special meeting was scheduled to appoint an interim manager. A special meeting was scheduled for March 25, 2024 at 5:00 p.m. Manager Martin agreed to continue to work to that date.

Vice Mayor Thompson amended his motion, seconded by Commissioner Hyslope, to terminate the City Manager contract for the cause of nonfeasance for the reasons stated prior with the effective date of the termination to be March 25, 2024 at the Special Meeting or until the interim manager position is filled. Vote 3 yeas, 2 nays (Mayor Pittman and Commissioner Edmonds voted nay.)

10. **Old Business** – Commissioner Edmonds noted that there is a car that parks in the grass at the Clewiston Inn and she feels that area looks really bad. Director Williams stated that he believed there was a code case for this property. Commissioner Gardner reminded the Commission that other businesses were required to pave parking lots because they couldn't park on the grass.
11. **Departmental Monthly Activity Reports** - Presented for information only.
12. **Comments from City Manager**
 - a. Florida Legislative City Funding Requests Update
 - b. CPF Congressional Funding Update
 - c. Announcement of 2023 Employees of the Year

Manager Martin reviewed the highlights in his announcement letter regarding the Florida legislative and CPF congressional funding updates which reflect the City being recently approved for cumulative legislative and congressional appropriations for much need capital projects in the amount of \$10,472,689.00. He acknowledged the efforts of the City's state and federal elected representatives which made this a reality. Manager Martin next announced the 2023 Employees of the Year as Laurie Lindsey - General Services; James Estiverne - Police Department; Axel Navarro - Public Works Department; Sarai Cruz - Public Utilities Department; and Tom Lewis - Director. He stated they will be invited to the next meeting for formal recognition.

14. **Comments from City Attorney**
 - a. Lien Amnesty Program Update

Attorney Brandenburg stated that the lien amnesty 3-month program will begin on April 1 and continue through the end of June. Notification letters will be sent out by the end of this month.

15. **Comments from the City Commission**

Each Commissioner commented on how wonderful the Sugar Festival event was and Commissioner Gardner stated that she was looking forward to the meeting on Monday and having a discussion with Manager Martin before that.

Adjournment

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 6:48 p.m. The motion was approved unanimously.

James Pittman, Mayor

Mary K. Combass, City Clerk