

CITY OF CLEWISTON
Regular Commission Meeting
November 20, 2023

The Clewiston City Commission held its Regular Commission meeting in the City Hall Commission Chambers Monday, November 20, 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 Greg Thompson, Commissioner Barbara Edmonds and Commissioner Mali Gardner. Commissioner Hillary Hyslope was absent.

Personnel Present: City Manager Randy Martin, Police Chief Thomas Lewis, Police Sergeant Lionel Conyers, Police Officer Eric Williams, Assistant Utilities Director Lynne Mila, IT Administrator Justin Lucas, and City Attorney Dylan Brandenburg. Director of Operations Danny Williams attended via telephone.

Visitors Present: Chris Shaw and Austin Schargorodski

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin stated that he recommended adding a Special Public Recognition of Police Officers to be presented by Police Chief Lewis and a report from the City Attorney that will be presented under his comments.

Special Public Recognition of Police Officers – Police Chief Lewis described a domestic incident that occurred on October 15, 2023 and proudly presented Sergeant Lionel Conyers and Officer Eric Williams with the Medal of Valor award for their brave actions in bringing this incident to a safe ending.

Public Comments – Chris Shaw, an executive reporter with Fox 4 Group, introduced Austin Schargorodski as the neighborhood reporter for Hendry County including Clewiston, LaBelle and Alva. Mr. Schargorodski stated that he is the contact for this area and is excited to tell some great stories and make an impact in this community.

1. Consent Agenda

- A. *Tentative Millage & Budget Hearing Minutes – September 7, 2023*
- B. *Special City Commission Meeting Minutes – September 12, 2023*
- C. *City Commission Meeting Minutes – September 18, 2023*
- D. *Special City Commission Meeting Minutes – September 26, 2023*
- E. *City Commission Meeting Minutes – October 16, 2023*
- F. *Resolution No. 2023-108 – adopts Amendments 1-12 to the budget for FY 2022-2023*
- G. *Resolution No. 2023-109 – adopts Amendments 1-2 to the budget for FY 2023-2024*
- H. *Resolution No. 2023-110 – approves the purchase of two marked police vehicles from Garber Chrysler Dodge Truck*
- I. *Resolution No. 2023-111 – approves the purchase of an animal services vehicle from Garber Chevrolet GMC Inc.*
- J. *Resolution No. 2023-112 – approves the agreement and addendum with the State of Florida for the reentry into the Federal LESO Surplus Property 1033 Program*
- K. *Resolution No. 2023-113 – approves the 2024 Narcotics Enforcement Task Force (NETFORCE) Memorandum of Understanding and Interagency Agreement for Criminal Justice Information Exchange, Access and Use*
- L. *Resolution No. 2023-114 – approves the purchase of a 2024 Altec DM47-TR 4x4 “POLE” truck*
- M. *Resolution No. 2023-115 – authorizes the emergency repair of a damaged arm assembly of the city’s solid waste “hopper” truck.*
- N. *Resolution No. 2023-116 – authorizes a contract with TriNova, Inc. for the sole source purchase of a replacement PorMinent Sulfuric Acid ProMgard Skid for the water treatment plant.*
- O. *Resolution No. 2023-117 – approves the purchase of five (5) Ford F-150 SuperCab XL, 4X4 trucks from Duval Ford*
- P. *Resolution No. 2023-118 – recognizes the importance of harvest season in our community*

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

PUBLIC HEARING

- 2. Ordinance No. 2023-08 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2023-08 amends Chapter 70 Article V. Operation of Golf Carts on City Streets of the Clewiston Code of Ordinances.

Mayor Pittman opened the public hearing and read Ordinance No. 2023-08 by title. No comments from the public were heard. City Attorney Brandenburg reviewed the changes made as a result of the most recent legislative session. Mayor Pittman then closed the public hearing.

Commissioner Edmonds made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2023-08. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

RESOLUTIONS

- 3. Resolution No. 2023-119** – Resolution No. 2023-119 approves the Memorandum of Understanding between the City of Clewiston and the Clewiston Volunteer Fire Department regarding the use of State Excise Tax on property insurance premiums for the City of Clewiston Firefighters' Retirement System.

Manager Martin stated that this memorandum resulted from a recent meeting of the Clewiston Firefighters' Pension Board. Attorney Brandenburg explained that in the state statute governing pension boards, there is the ability to receive a state collected tax on the local insurance policies and in order to use that tax revenue there has to be mutual assent between the firefighters and the city itself on the intended use of those tax credits. The firefighters have consented for the City to use those funds to offset the amount that the City has to pay into the plan on a yearly basis.

Commissioner Gardner made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2023-119. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

- 4. Resolution No. 2023-120** – Resolution No. 2023-120 approves the award of the Polymer Meter Boxes Lid contract to Core and Main and authorizes the City Manager to sign the purchase order on behalf of the City.

Mayor Pittman read Resolution No. 2023-120 by title. Manager Martin confirmed that this is part of the AMI Meter Replacement Project, but it was not anticipated in the original scope. Director of Operations Danny Williams explained that the water meter boxes were not planned to be purchased and replaced with this contract, but a significant number would not accommodate the new meters. This was a system modernization need that will now be accomplished with the completion of the AMI project. At Commissioner Gardner's request, Director Williams then provided an update on the project. He stated the electric meter replacements should be complete by the end of December or the beginning of January. They will then transition entirely to the water meter installs which are more involved and time consuming than electric. He then reported that the staff expect in December to activate, for accounts where meter installs have been completed, the online service portal element of the project which allows customers direct access to a site where they can monitor real time their utility usage and other account data. He recognized the efforts of Assistant Utilities Director Lynne Mila as the city project leader and other staff engaged in the project, the engineers, as well as contractor Sensus and subcontractor UPA for their efforts on this project.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2023-120. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

5. **Resolution No. 2023-121** – Resolution No. 2023-121 approves Change Order No. 2 to the Florida Municipal Power Agency Owner’s Engineering Support Services Agreement for the AMI Deployment Project, Phase 3.

Mayor Pittman read Resolution No. 2023-121 by title. Manager Martin stated that we are very appreciative for the extended time period being recommended and the willingness of FMPA to provide continued support and the consultant Quanta to stay engaged longer than projected at this critical phase of the project.

Commissioner Edmonds made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2023-121. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

6. **Resolution No. 2023-122** – Resolution No. 2023-122 approves Agreement #LPA 0491 between the Florida Department of Environmental Protection and the City of Clewiston. Execution of this “reimbursement grant” makes the Clewiston Wastewater Treatment Plant (WWTP) project appropriation of \$11 million funding available.

Mayor Pittman read Resolution No. 2023-122 by title. Manager Martin stated that this state legislative funding will be combined with the previously approved \$3,000,000 grant from federal congressional funding. Thanks to the efforts of Clewiston’s legislative and congressional delegations, the city now has sufficient funding to proceed with design and other next steps including permitting then bidding, which the city has already procured the engineering services to accomplish. The City can incur expenses with the state funding and proceed with WWTP redesign and the upgrade and initial capacity expansion of the WWTP to meet the needs of current customers as well as growth demands while ensuring compliance with applicable federal and state regulations in the process. He thanked the Commission for their support and efforts to support this project for the last several years. Commissioner Gardner thanked Representative Lauren Melo, Senator Kathleen Passidomo and our lobbyist for working with the city to get this funding.

Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2023-122. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

7. **Resolution No. 2023-123** – Resolution No. 2023-123 approves Change Order #2 to the AMI Contract between Sensus USA Inc. and the City of Clewiston.

Mayor Pittman read Resolution No. 2023-123 by title. Manager Martin stated that this change order reduces the contract amount with Sensus for the work the City will now be performing on some of the more difficult installations which will serve as a credit offset toward other expenses that will be incurred.

Vice Mayor Thompson made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2023-123. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

8. **Old Business** – Commissioner Gardner asked for an update on the enforcement of the gaming ordinance discussed at a previous workshop. Manager Martin advised that Chief Lewis can give an update on something of significance that he has been working on in communications with the state attorney’s office and Attorney Brandenburg may have comments to add as well. Chief Lewis stated that he feels it is a little premature to share all of the details but the state attorney’s office is more open to potentially pursuing some avenues that may be a solution to address concerns. He stressed that this approach would not be an overnight solution. Manager Martin added that the ordinance enforcement assessment would be pursued independent of what Chief Lewis is addressing. Commissioner Gardner stated that she wanted to make sure that our ordinance addresses the things at each location as we need to hold those businesses accountable. Chief Lewis stated that he anticipates the answer

from the state attorney's office to come within the next week at which time he would be able to share more information.

Mayor Pittman asked what could be done about homeless individuals sleeping in city parks. Chief Lewis stated some municipalities enact anti homeless laws but he knows that there are cities that have been forced into litigation as a result of lawsuits. Attorney Brandenburg advised that he provided several ordinance examples from other municipalities and if there's a desire to implement something like that, he could prepare an ordinance to bring back to the commission. He commented on the limitations but explained that park operating hours could be enforced. Commissioner Gardner commented on the issue with loitering at businesses. Chief Lewis stated that we currently do not have a city ordinance on loitering so they refer to the state law on loitering which is hard to prove. Commissioner Gardner asked how public drinking on private property would be addressed. Chief Lewis stated that they would refer to the city ordinance on that topic. Commissioner Gardner stated that she feels we need to look at the city's ordinance on loitering to see if it needs to be strengthened as she feels we need to make our businesses feel as comfortable and safe as possible. Manager Martin in further commenting regarding homelessness concerns that he feels it is important for the community to know that the scale is manageable in the sense of the local numbers. Chief Lewis said they really do not see more than our 8 regular homeless individuals, and he then commented on the resources that are offered. He stated that problem is that they do not want to receive the help or the resources offered. He advised these individuals have local ties for the most part. Manager Martin reminded that businesses can take action on anyone who is frequent in their location. Chief Lewis stated that any business has the right to trespass an individual for any reason or no reason. Manager Martin agreed to provide further updates on this topic.

Commissioner Gardner asked for an update on the notification to the owners of the property listed on the lien report that was given to the Commission. Attorney Brandenburg stated that he thinks the next step to move forward on it would be to begin the process of requesting foreclosure in front of our magistrate. Commissioner Gardner asked Manager Martin to follow up with Code Enforcement Officer Debbie Clay. She feels we need to at least notify the individuals before anything else proceeds.

9. **Departmental Monthly Activity Reports** – There were no comments on the departmental monthly activity reports.
10. **Comments from City Manager** – Manager Martin recommended a workshop be scheduled for November 27, 2023 at 3:00 p.m. to discuss the Ventura Streetscape project for the resurfacing and redevelopment of the section of Ventura from Deane Duff to W.C. Owen. He will also update the Commission on the CRA workshop that he attended and other topics related to the CRA status as they discussed during the budget process. Commissioner Gardner asked that another item regarding the Main Street Corridor be added to the workshop agenda. She stated that it doesn't look like the changes discussed during the workshops were incorporated into the ordinance that was approved. Manager Martin stated that they will bring it to that workshop as it is related to the downtown development CRA areas.
11. **Comments from City Attorney** – Attorney Brandenburg stated that his first item regarding the homeless issue in the city parks was already addressed and he could move forward with preparing an ordinance revision which could be presented at the upcoming workshop. He then reported that the parties were unable to come to a settlement at the court ordered mediation for the Clewiston Commons case last month. The trial counsel will move forward with summary judgement to attempt to knock out as many of the four remaining counts as possible and any that remain will move forward to trial this upcoming year. He then wished everyone a Happy Thanksgiving and said he was thankful to be here to work with everyone.
12. **Comments from the City Commission** – Commissioner Gardner stated that she had the opportunity to attend one of the recreation advisory board meetings as she wanted to thank the board members for their efforts. She mentioned that she did not think the Commission was receiving any of the minutes from those meetings. Manager Martin stated that they have not been finalized or approved as yet. Commissioner Gardner then wished everyone a Happy Thanksgiving.

Commissioner Edmonds wished everyone a Happy Thanksgiving and expressed her thanks to the recreation advisory board for the things they are doing. She stated that it seems that the directors are working hard to keep the city looking nice but was disappointed that the Christmas decorations were already up before Thanksgiving. Commissioner Gardner said that Civic Park is always ready for Christmas before Thanksgiving because of the number of people travelling on US27 at that time.

Vice Mayor Thompson thanked the recreation and police departments for organizing the Public Safety Day event. He wished everyone a Happy Thanksgiving and reminded Manager Martin that we need to work to complete the new employee handbook. Manager Martin thanked him for the reminder then stated that he has that item on his list of things to bring back to the Commission.

Mayor Pittman echoed the comments but mentioned that he received a complaint that Bond Street was a little messy with leaves and limbs when they were setting up for the Market on Bond event and suggested that we make sure it is clean for the next event. He then suggested that staff look at investing in tablets for the Commission to use instead of paper to view agenda material. Manager Martin stated that staff will revisit that and get a recommendation. Mayor Pittman then wished everyone a Happy Thanksgiving. In response to Mayor Pittman's comment regarding the condition of Bond Street for the Market on Bond event, Commissioner Gardner stated that when something does not turn out the way it is expected, she knows that staff is really good about fixing whatever it was. She noted that Director Williams and his wife went to Bond Street themselves to address the issue before the event even started. Director Williams commented on the issues with the trash that is cleaned up daily on Bond Street and assured the Commission that he would ensure that these issues would not happen again.

Adjournment

Vice Mayor Thompson made a motion, seconded by Commissioner Edmonds, to adjourn the meeting at 5:57 p.m. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

James Pittman, Mayor

Mary K. Combass, City Clerk