

CITY OF CLEWISTON
Regular Commission Meeting
February 19, 2024

The Clewiston City Commission held its regular meeting in the City Hall Commission Chambers on Monday, February 19, 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 and Commissioner Mali Gardner. Commissioner Hillary Hyslope was absent.

Personnel Present: City Manager Randy Martin, Finance Director Shari Howell, Director of Operations Danny Williams, IT Administrator Justin Lucas, Police Sergeant Tito Nieves, Consulting Engineer David Trouteaud and City Attorney Dylan Brandenburg.

Visitors Present: Judy Sanchez, Jerry Cochrane and Terry Gardner.

Vice Mayor Thompson left the meeting at 5:01 p.m.

Additions/Deletions/Changes and Approval of the Agenda – There were no additions/deletions or changes to the agenda.

Public Comments – There were no public comments.

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – July 17, 2023*
- B. *City Commission Budget Workshop Minutes – July 24, 2023*
- C. *City Commission Special Meeting Minutes – January 16, 2024*
- D. *City Commission Meeting Minutes – January 22, 2024*
- E. *Event Application – Sugar Festival – March 15-16, 2024*
- F. *Proclamation – Sugarcane Farmers Appreciation Week – March 11-17, 2024*
- G. *Proclamation – Problem Gambling Awareness Month - March 2024*
- H. *Resolution No. 2024-009 – Hendry County Cooperative Library Policies*

Commissioner Gardner made a motion, seconded by Commissioner Edmonds, to approve the Consent Agenda. Vote 3 yeas, 0 nays (Vice Mayor Thompson left the meeting and did not vote and Commissioner Hyslope was absent.)

Vice Mayor Thompson returned to the meeting at 5:02 p.m.

PRESENTATION - Sugarcane Farmers Appreciation Week Proclamation – Mayor Pittman read the proclamation out loud. Commissioner Gardner commented on the importance of the harvest. Ms. Judy Sanchez thanked the Commission for their support on behalf of U.S. Sugar Corporation and all other parts and families of the Florida sugarcane industry.

PUBLIC HEARINGS

- 2. Ordinance No. 2024-01 – PUBLIC HEARING - Final Reading – 5:05 p.m.** – Ordinance No. 2024-01 amends the Clewiston Code of Ordinances, Chapter 62, Streets, Sidewalks, and Certain Public Places, creating Article IV - Public Parks.

Mayor Pittman read Resolution No. 2024-01 by title, opened the public hearing and asked for public comments. There were no public comments. City Attorney Dylan Brandenburg reported that he is tracking SB 1530 which is currently being considered in the legislative session that would prohibit local governments from allowing camping on publicly owned spaces. He stated that SB 1530 as currently written would not have any effect on the adoption of this ordinance. He mentioned that there is also a case heading to the U.S. Supreme Court that has to do with a local government attempting to enforce a no camping

ordinance against homeless individuals the outcome of which may have some effects on this ordinance.

Commissioner Gardner made a motion, seconded by Commissioner Edmonds, to approve Ordinance No. 2024-01. Vote 4 years, 0 nays (Commissioner Hyslope was absent.)

- 3. Ordinance No. 2024-02 – PUBLIC HEARING - Final Reading – 5:05 p.m.** - Ordinance No. 2024-02 amends the Clewiston Code of Ordinances, Chapter 62, Streets, Sidewalks, and Certain Public Places, creating Article V – Trespassing.

Mayor Pittman read Ordinance No. 2024-02 by title, opened the public hearing and asked for public comments. There were no public comments.

Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2024-02. Vote 4 years, 0 nays (Commissioner Hyslope was absent.)

- 4. Ordinance No. 2024-03 – PUBLIC HEARING - Final Reading – 5:05 p.m.** - Ordinance No. 2024-03 amends the Clewiston Code of Ordinances, § 50-7, Storage on Private Property.

Mayor Pittman read Ordinance No. 2024-03 by title and suggested that the public hearing of this ordinance be tabled so that the Planning & Zoning Board could look at it to be fair to the community.

Commissioner Gardner made a motion to table the public hearing of Ordinance No. 2024-03 and send it to the Planning & Zoning Board.

Attorney Brandenburg advised the Commission that the public hearing would not have to be re-advertised if the final reading was tabled to a certain date at this time.

Commissioner Gardner amended her motion, seconded by Commissioner Edmonds, to table the public hearing of Ordinance No. 2024-03 to the April 15, 2024 Commission Meeting. Vote 4 years, 0 nays (Commissioner Hyslope was absent.)

RESOLUTIONS

- 5. Resolution No. 2024-010** – Resolution No. 2024-010 approves the award through piggyback contract of the City of Lake Worth Beach Right of Way Vegetation Management Contract No. IFB 23-122 for vegetation removal services as needed by the City of Clewiston to the Davey Tree Expert Company (“Davey”) and authorizes the execution of a contract with Davey.

Mayor Pittman read Resolution No. 2024-010 by title. Manager Martin stated that this service was budgeted. Director Williams distributed a handout showing the impacted areas of the work the contractor had done this past year and commented on the benefits of the service.

Vice Mayor Thompson made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2024-010. Vote 4 years, 0 nays (Commissioner Hyslope was absent.)

- 6. Resolution No. 2024-011** – Resolution No. 2024-011 approves Zep Construction, Inc. Change Order Nos. 04 - 11 in the net total amount of \$7,882.03 for fees for construction related services originally approved and spent on items requested through the City Manager for the Bridge Over C-21 Canal Project.

Mayor Pittman read Resolution No. 2024-011 by title. Manager Martin explained that this item is a catch up of change orders during the project. Consulting Engineer David Trouteaud commented on the additional work that was needed. Manager Martin reported that this is well within the allocated budget and there are additional change orders currently being

evaluated utilizing the remainder of the funds. Staff is working with the contractor, other engineer and DOT to finalize plans to maximize parking and do all the things that are necessary as a result of the bridge relocation, which relocated the crossing of the canal, and requires some additional modifications. Manager Martin will be suggesting a date for a workshop to review the additional change orders in detail and ask for a special meeting for the approval. The suggested date of March 4 is being proposed to consider the additional change orders. He described some of the additional work that would be included and mentioned that a small amount of boating grant funding was received from Hendry County, Some of the modifications are an eligible expenditure for these funds. He explained that some of the work is related to street improvements that are not within the scope of the project. If the total change order scope requires additional funding, street work would be an eligible expenditure for street funds. He and Director Williams feel strongly that some of the improvements really need to be done. Commissioner Gardner stated that she feels better signage for Herbert Hoover Dike Road and the Lost Trail is needed. She mentioned that there is TDC funding for consideration to complete improvements not within the scope. She does not want to see the city's paving money used there when there are other sources because there are streets that we need to bring up to date. Manager Martin stated that he understood the concern. He further explained that the city has to close the project, award the grant funds and in the process maximize the benefit of utilizing the existing contractor before the project is closed completely. After further discussion, Manager Martin stated that staff want to minimize the use of any other city funds. Fortunately, the originally contracted scope of the project to date is under budget, which allows consideration of remaining funds to maximize the finished product to address remaining details while not leaving any project funding unused.

Commissioner Gardner made a motion, seconded by Commissioner Edmonds, to approve Resolution No. 2024-011. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

Manager Martin stated that he, the engineer and staff plan to have an update on March 4.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

7. **Old Business** – Commissioner Gardner asked for an update on the outstanding liens. Attorney Brandenburg stated that he has drafted a notification to lienholders and recommended an amnesty reduction be offered to get in compliance with a certain date up to a certain percent. Manager Martin said the recommendation is to treat them like we have the other settlements which he recalled a maximum discount of 90% was offered. Attorney Brandenburg stated that having that number, the notifications could be sent out and we will proceed through the program and proceed to foreclosure on the ones that do not take advantage of the amnesty reduction. He believed he could have the notification sent out before the next meeting.

Vice Mayor Thompson requested a resolution for modified travel expenses reimbursement be part of the updated personnel manual.

8. **Departmental Monthly Activity Reports** - There were no comments regarding the departmental monthly activity reports.
9. **Comments from City Manager** – Manager Martin recommended the previously tentatively scheduled February 26, 2024 workshop be rescheduled to March 4, 2024 at 3:00 p.m. based on the consensus of the commission. Agenda items will include available updates on the Ventura Project, impact fees discussion with the county, a special meeting to hopefully finalize change orders on the C-21 project and recommendations on the CRA next steps. An update to the commission on all of the agenda items will be sent once finalized.
10. **Comments from City Attorney** – There were no comments from Attorney Brandenburg.
11. **Comments from the City Commission** – Commissioner Gardner asked for an update on the Royal Palm Beautification Project. Director Williams reported that the City had been approved for a grant in the amount of \$116,000 for the final phase and a notice to proceed has been issued for the trees to go in the median. Manager Martin explained that we are

looking at the future of doing something outside the median on private property or in the outer edge of the right-of-way. The option of installing trees just outside of the right-of-way to avoid having to deal with the other public utilities located within the right-of-way is preferable. Commissioner Gardner stated that she would like an update at the March workshop on when we could apply for additional grant funding for installing the trees outside the median location. Manager Martin stated that unless something changes on DOT's position, we are not going to be able to do anything on the outside of the median unless it is on private property or we get permission of the utilities located within the right-of-way. She asked for staff to follow up with DOT to make sure that nothing has changed so that the city could complete the original plan.

Commissioner Gardner next asked if the Tyler conversion at Community Development has been done. Manager Martin stated that it had not been done and would get an update on that for the Commission.

Commissioner Gardner stated that in March 2023, the Commission approved the purchase of playground equipment for Trinidad Park in the amount of \$100,000. Manager Martin explained that the playground equipment had not been ordered because we have not gone through the formal procurement process. The approval in March 2023 was for budget purposes. He explained that we are facing a grant deadline and the next step would be to re-apply or order what we could within the timeframe that we have. He will be giving an update on options and next steps to the Parks, Recreation & Leisure Services Advisory Board and will share it with the Commission. His opinion is that given the deadline the city runs the risk of not getting reimbursed and he recommends as state staff have suggested that the city re-apply. Commissioner Gardner requested a timeline on the whole grant process, including funding and why we are at risk of failure of not receiving the grant funding. She also expressed that she feels it is important for the Commission to meet with the Parks, Recreation & Leisure Services Advisory Board because she wants to see the program successful. Manager Martin stated that at their last meeting, members of the advisory board said they would like to have that meeting. He stated that he would try to get it scheduled before we get too caught up in the budget process.

Commissioner Gardner next asked for an update on the Commission's annual performance evaluation of the City Manager. Manager Martin stated that the request for the evaluation was sent out to the Commission later than usual but once responses are received, the completion of the evaluation will be an agenda item.

Commissioner Edmonds asked for an update on the purchase of iPads for the commissioners. Manager Martin stated that they are getting pricing.

Vice Mayor Thompson commented on the recent successful fishing tournaments that brought an estimated 15,000 people to town. He feels we need to continue supporting those tournaments. He also stated that he is looking forward to the Sugar Festival next month.

Mayor Pittman reminded everyone about the softball game between the City of Clewiston and Hendry County on March 14, 2024 as part of the Sugar Festival events.

Mayor Pittman stated that he feels enough money to get the POS system done needed to be budgeted for the upcoming fiscal year.

Mayor Pittman next congratulated locals Scott Martin on winning and Brandon McMillan for placing in the top ten at one of the major local recent fishing tournaments held on Lake Okeechobee. Commissioner Gardner noted that the local junior fish team also did well in their division's tournament.

Adjournment

Commissioner Gardner made a motion, seconded by Commissioner Edmonds, to adjourn the meeting at 6:00 p.m. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)

James Pittman, Mayor

Mary K. Combass, City Clerk