



**CITY OF OKEECHOBEE, FLORIDA  
MAY 5, 2020, REGULAR CITY COUNCIL MEETING  
SUMMARY OF COUNCIL ACTION**

**I. CALL TO ORDER**

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, May 5, 2020, at 6:05 P.M. in the City Council Chamber, 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112, effective May 4, 2020, the meeting was conducted utilizing communications media technology as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Robin Brock. The video, audio, and digital comments are recorded and retained as a permanent record.

- A. The invocation was offered by Mayor Watford.
- B. The Pledge of Allegiance was led by Mayor Watford.

**II. ATTENDANCE**

City Clerk Lane Gamiotea called the roll. Mayor Dowling R. Watford, Jr., Council Members Wes Abney, Monica Clark, Bob Jarriel and Bobby Keefe were present in the Chamber.

CITY STAFF: City Attorney John Fumero, City Administrator Marcos MontesDeOca, and Police Chief Bob Peterson were present in the Chamber. Fire Chief Herb Smith, Public Works Director David Allen, Deputy City Clerk Bobbie Jenkins, Finance Director India Riedel, members of the press and the public were present via Zoom.

**III. AGENDA AND PUBLIC COMMENTS**

- A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; New Business Item VII.R. was deferred to the May 19, 2020, meeting at the request of Council Member Keefe.
- B. Council Member Clark moved to approve the agenda as amended; seconded by Council Member Abney.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- C. There were no agenda item forms or comment cards submitted for public participation for any issues not on the agenda.

**IV. PROCLAMATIONS AND PRESENTATIONS**

- A. Mayor Watford proclaimed the month of May 2020 as "Mental Health Awareness Month." The document was presented to Mr. George Shopland with New Horizons of Okeechobee via Zoom, and was read into the record as follows: **"Whereas, the mental health of every citizen, family, business owner and resident of Okeechobee is a critical factor in its emotional and economic stability; and Whereas, mental health is as essential to maintaining overall health as physical health; and Whereas, everyone encounters periods of stress and fear in their lives, but should have adequate, ample, accessible resources to mental health care when it's needed; and Whereas, only 50 percent of Americans with a serious mental health illness seek treatment, while 100 percent of illnesses are treatable; and Whereas, stigma is often the key limiting factor to treatment; and Whereas, we the Mayor, City Council and Citizens of Okeechobee strive to be a community who supports mental wellness, including greater access to treatment, increasing educational tools and resources for our citizens, and continually supporting those citizens with mental health illnesses. Now Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby proclaim the month of May 2020, as 'Mental Health Awareness Month' in the City of Okeechobee."**



- B. Mayor Watford proclaimed the month of May 2020 as "Building Safety Month." The document was presented to City Building Official Mr. Jeffery Newell via Zoom, which was read into the record as follows: **"Whereas, the City of Okeechobee is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians-building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry-who work year-round to ensure the safe construction of buildings; and Whereas, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play; and Whereas, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world; and Whereas, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested; and Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety-our local code officials-who assure us of safe, efficient and livable buildings that are essential to America's prosperity; and Whereas, "Safer Buildings, Safer Communities, Safer World," the theme for Building Safety Month 2020, encourages all Americans to raise awareness of the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses; and Whereas, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property. Now, Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby proclaim the month of May 2020 as 'Building Safety Month'."**
- C. Mayor Watford proclaimed the week of June 1 through 5, 2020 as "Code Enforcement Officers' Appreciation Week." Police Chief Peterson accepted the document on behalf of Code Officer Fred Sterling and Code Secretary Melissa Close, which was read into the record as follows: **"Whereas, Code Enforcement Officers provide for the safety, health and welfare of the citizens in this community through the enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes and ordinances; and Whereas, Code Enforcement Officers are often not credited for the jobs that they do in saving lives and improving neighborhoods; and Whereas, every day, assisted by support and program staff, they attempt to provide quality customer service to the public for the betterment of the community; and Whereas, too many times their efforts go unnoticed, even after code compliance has been accomplished due to their efforts and expertise; and Whereas, Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their**



department and the local government within which they serve; and Whereas, the Florida Association of Code Enforcement has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers. Now Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby proclaim June 1 through 5, 2020, as 'Code Enforcement Officers' Appreciation Week' in the City of Okeechobee."

- D. On behalf of the City, Mayor Watford presented a Longevity Service Award of \$250.00 and a framed certificate to Ms. Dawn Wendt, which read **"In recognition of your 20-years of service, hard work, and dedication to the City, its citizens, and your fellow employees from May 1, 2000 through May 1, 2020."** The commendation was accepted by Chief Peterson for Sergeant Wendt, who was unable to be in attendance.

## V. **CONSENT AGENDA**

A motion was made by Council Member Jarriel to approve the consent agenda items **A through E** [April 7, 2020, Regular meeting minutes; March 2020 Warrant Register in the amounts: General Fund \$566,468.46, Public Facilities Improvement Fund \$22,813.33, and Capital Improvement Projects Fund \$10,180.77, the complete list is included in the minute file; Appoint Steve Weeks, Jr. as the Fire Department alternate to the Employee Grievance Committee, term being May 6, 2020 through January 31, 2022, or until a successor is appointed (replaced Joshua Sanders); Re-appoint Karyne Brass as a regular member on the Planning Board, Board of Adjustment, and Design Review Board; term to begin retroactive to May 1, 2020 through April 30, 2023, and Re-appoint Felix Granados to the Planning Board, Board of Adjustment, and Design Review Board; moving from an alternate to regular member, term to be retroactive to May 1, 2020 through April 30, 2023 [as provided in Exhibit 1]; Disposal of obsolete and surplus equipment: Acer Windows Vista desktop computer, two desktop computers, website desktop computer; file server, two HP desktop computers, two HP Slimline desktops, HP Laptop, HP Notebook, Acer Windows Vista desktop computer, Dell Inspiron N5010 laptop, Dell Inspiron 600m laptop, HP Pavilion Slimline desktop, two Acer hard drive desktops, Gateway monitor, Dell monitor (as provided in Exhibit 2)]; seconded by Council Member Keefe.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

## VI. **MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:24 P.M.**

- A. A motion was made by Council Member Clark to read proposed Ordinance No. 1209 by title only, regarding Comprehensive Plan Small Scale Future Land Use (FLU) Map Amendment Application No. 20-003-SSA, submitted by Mr. Mitchell Hancock on behalf of the property owner Mitchell G. Hancock, Inc., reclassifying approximately 1.60 acres located in the 700 block between Northwest 7<sup>th</sup> and 8<sup>th</sup> Streets along Northwest 6<sup>th</sup> Avenue, from Single Family Residential (SFR) to Industrial (IND) [Legal Description: **LOTS 11 THROUGH 20, OF BLOCK 62, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOKS 1 AND 5, PAGES 10 AND 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA;** as provided in Exhibit 3]; seconded by Council Member Keefe.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

Attorney Fumero read proposed Ordinance No. 1209 by title only as follows: **"AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FLU MAP ON A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM SFR TO IND (APPLICATION NO. 20-003-SSA); PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."**



A motion was made by Council Member Jarriel to adopt proposed Ordinance No. 1209; seconded by Council Member Keefe.

Mayor Watford yielded the floor to City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services, who was in attendance via Zoom. He presented the Planning Staff findings together with the Planning Board’s review on April 16, 2020; both recommend approval. The Application was found to be consistent and compatible with the Comprehensive Plan and adjacent uses. The current surrounding FLU designations are SFR and IND to the North, IND to the East, SFR to the South and West. The surrounding zoning districts are IND to the North, East and West, and Residential Multiple Family to the South. The existing surrounding uses are a concrete plant to the North, vacant to the East and West, and single family residences to the South. The Amendment has adequate public facilities available for industrial use. The traffic impact statement provided an estimated 651 additional vehicle trips, and should not affect the level of service to the surrounding roadways. There does not appear to be any environmental impacts. Mr. Steve Dobbs was present via Zoom on behalf of the property owner. Mayor Watford asked if there were any questions from the public; there were none.

City Clerk Gamiotea clarified for the Council that surrounding property notifications are not required for a Small Scale Future Land Use Map Amendment. The Application was posted to the City’s website, and advertised in the Okeechobee News. Planner Smith explained the existing FLU and Zoning for the subject property is conflicting. However, IND is a common FLU adjacent to a railway, and does not require a Special Exception for the proposed use of a contractor’s yard; a Heavy Commercial FLU does. He added the Applicant has submitted a site plan that incorporates a water retention area at the South side of property, as well as a landscaped perimeter for buffering. Mayor Watford asked whether there were any comments from the public; there were none.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

**MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:38 P.M.**

**VII. NEW BUSINESS**

- A. A motion was made by Council Member Keefe to read proposed Ordinance No. 1210 by title only, regarding amending City Code of Ordinances Chapter 6, Section 6-1 to allow for alcohol package sales on Sundays beginning at 10:00 A.M. [as provided in Exhibit 4]; seconded by Council Member Jarriel.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

Attorney Fumero read proposed Ordinance No. 1210 by title only as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING SECTION 6-1 OF CHAPTER 6 OF THE CODE OF ORDINANCES TO PROVIDE FOR THE SALE OF ALCOHOL INCLUDING PACKAGE SALES WITHIN THE CITY AT CERTAIN TIMES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

There was a brief discussion regarding the date of the Final Public Hearing. City Clerk Gamiotea clarified June 2, 2020, is the correct date to meet advertising requirements, as the local newspaper is now only publishing once a week.

Council Member Jarriel moved to approve the first reading, and set June 2, 2020, as the Final Public Hearing date, regarding proposed Ordinance No. 1210; seconded by Council Member Clark.

Attorney Fumero explained in a memorandum included in Exhibit 4 that this eliminates the exclusion of retail package sales on Sunday and would allow the package sales to begin at 10:00 A.M. on Sundays, making the City alcohol sales consistent with Okeechobee County.



Mayor Watford opened the floor for public comments; there was none. Council Member Clark expressed her opinion in that there should not be a separate time for alcohol sales on Sunday, as not all faiths worship on Sundays. She recommended alcohol sale times be the same each day of the week.

Council Member Clark moved to amend proposed Ordinance No. 1210 to change the sale of alcohol start time from 10:00 to 7:00 A.M. on Sundays with no exception for holidays; seconded by Council Member Jarriel. Council Member Abney clarified the alcohol sale times for Monday through Saturday and questioned whether the Council was going to amend the last sentence of Section 6-1 that read "All alcoholic beverages may be sold, served, or consumed on Sundays from 10:00 a.m. to midnight" as the current motion to amend conflicts with the other days of the week. Council Members Clark and Jarriel withdrew their motion to amend.

Council Member Clark then moved to amend proposed Ordinance No. 1210 to eliminate the exception for Sunday alcohol sales making the days and times the same all week; seconded by Council Member Jarriel. Attorney Fumero provided procedural direction. The proposed Ordinance is to allow package sales on Sundays. Council Member Clark's current motion to amend is broader than the information provided to the public. After a brief discussion, Council Members Clark and Jarriel withdrew their motion to amend, as well as the original motion on the floor to approve the first reading and set the Final Public Hearing.

Administrator MontesDeOca suggested the Council approve the proposed Ordinance with no amendments to allow for package sales until another Ordinance can be presented. Discussion ensued. Council Member Keefe suggested the Ordinance be voted down to clear the way for a revised, new ordinance, removing any Sunday restrictions.

Council Member Clark then made a motion to approve the first reading of proposed Ordinance No. 1210; seconded by Council Member Jarriel.

**Ayes: none. Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Nay. Motion Failed.**

The City Attorney was instructed to draft an ordinance amending Chapter 6 to remove any reference to restrict sale times on Sundays.

- B. Mayor Watford explained the purpose of discussing meeting decorum was to remind everyone that meetings are now broadcasted online through Zoom and YouTube, encouraging the Council to continue to conduct meetings in a civil manner. Council Members noted their agreement, then examples from other municipalities not conducting themselves in a professional manner, and drawing negative attention to those communities was briefly discussed.
- C. Mrs. Tiffany Collins, Administrator of the Florida Department of Health (DOH) in Okeechobee County provided an update on COVID-19. With the issuance of Executive Order No. 20-112, the Department of Health has started focusing on social distancing and prevention messaging. The Centers for Disease Control and Prevention (CDC) and the National Institute of Health (NIH) continues to recommend the use of cloth face masks in public. She emphasized citizens to dispose of these items properly. The expansion of testing is one of the DOH's top five priorities with others being protecting the elderly and vulnerable population, preparing health care facilities and workers, and stopping the spread of COVID-19 in Okeechobee County and the State of Florida. The State has received approximately 200,000 Food and Drug Administration (FDA) approved anti-body test kits, with the majority of them being distributed to health care facilities and used to test healthcare workers.

She reminded citizens who have school age children for the 2020-21 school year, vaccines and physicals are needed for some grade levels. The State DOH is monitoring hospital capacity. As of May 4, 2020, the number of ventilators and ICU beds being utilized is low. As of May 5, 2020, Okeechobee County has 17



confirmed positive cases of COVID-19 ranging in age from 6 to 87 years old. There are three confirmed positive cases at the Okeechobee Health Care Facility; one resident and two staff members. There are approximately 10 results pending from the testing that took place at the Facility. Florida has over 37,000 confirmed positive cases with over 6,000 hospitalized and over 1,400 deaths, calculating an overall 3.9 percent death rate in Florida. Okeechobee County has tested 643 individuals resulting in a 2.8 percent positivity rate. The United States has approximately 1.2 million confirmed positive cases, with over 70,000 deaths resulting in a 5.9 percent death rate. There are approximately 3.6 million cases globally, with over 254,000 deaths. The DOH has expanded testing criteria to fever, coughs, shortness of breath, chills, muscle pain, new loss of taste or smell, vomiting, diarrhea, and sore throat. Should anyone have these symptoms, contact the County Health Department to schedule a test. The tests are administered free of charge by appointment only. Pharmacies with a Clinical Laboratory Improvement Amendments waived licenses will also be able to administer tests through Executive Order No. 20-112. She concluded her update by explaining she has requested an Incident Management Team from the Florida National Guard to return and administer a second round of testing at the Okeechobee Health Care Facility and to administer initial testing at the Grand Oaks Facility. Mayor Watford thanked Mrs. Collins for the update. He also added that the County Health Department is currently working with a private company to provide additional testing to the residents.

Council Member Abney asked the Council to consider adopting a Resolution that was parallel to the County's supporting the re-opening of all businesses and restaurants to 50 percent capacity. Mayor Watford explained he had sent an email to the Governor on behalf of the City, but a Resolution seems more fitting. He asked Attorney Fumero for his opinion, who responded either is appropriate.

Council Member Abney made a motion to adopt a **Resolution [No. 2020-05]** to be drafted by the City Attorney that is parallel to the County to re-open businesses currently closed under Executive Order No. 20-112 Phase 1 to 50 percent capacity, and increase restaurant and retail stores capacity from 25 to 50 percent; seconded by Council Member Jarriel.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

Council Member Abney then questioned the enforcement procedures on businesses who are required to remain closed but are operating. Mayor Watford explained that he attended a meeting between himself, County Commission Chair Burroughs, Chief Peterson, and Sheriff Stephen on the enforcement of the Governor's Executive Orders. He reminded the Council that as elected officials, they all swore an oath and are obligated to follow the law. The Police Chief and Sheriff also swore an oath and are obligated to not only follow local law, but the laws of the State. Chief Peterson explained both agencies lack the personnel to perform door-to-door inspections, but are responding to all complaints received. Officers will provide education for first offenses. Should a business have multiple complaints filed against them, Officers will issue a Notice to Appear and forward the information to the State Licensing Board. He then confirmed that business owners are permitted to occupy their business as long as the owner is not providing services.

The discussion then turned to the extension of the City's local state of emergency. Mayor Watford explained the local State of Emergency adopted by Resolution No. 2020-03 expires May 5, 2020, should the Council not act on extending it. It was his opinion to extend the State of Emergency to ensure the City remains eligible for Federal Emergency Management Agency (FEMA) assistance should the need arise.

A motion was made by Council Member Keefe to extend the effective date of **Resolution No. 2020-03** until the next Council meeting [May 19, 2020]; seconded by Council Member Jarriel.



**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

Mayor Watford briefly provided an update on the Treasure Coast Food Bank distribution that will be taking place May 6, 2020, from 9:00 to 11:00 A.M., reminding citizens that a voucher will be required to participate. Administrator MontesDeOca briefly explained after speaking with the Police Chief and Fire Chief, City Hall will remain closed to the public until the Governor implements Phase 2 of the State re-opening.

- D.** A motion was made by Council Member Abney to approve a change of scope for Centennial Park Restroom and Pavilion Improvements Bid No. PW-01-00-12-19 resulting in a reduction in the amount of \$37,318.98 [as provided in Exhibit 5]; seconded by Council Member Clark.

A memorandum provided in Exhibit 5 gave a detailed description of the change of scope as follows: single restroom with separate chase for housing mechanical, electrical equipment for storage in a CBS block building with stucco exterior and interior walls, engineered wood trusses and 24 gauge metal. All fixtures to be stainless steel and meet ANSI compliance, original amount: \$85,047.60, revised amount: \$54,369.32, savings of \$30,678.28; 20-feet by 40-feet steel frame h-beam with epoxy prime and coating, 24 gauge metal roof, z-perlins with no tongue and groove wood, 4-inch reinforced concrete slab, \$61,530.70; two 10-feet by 10-feet steel frame h-beam with epoxy prime and coating, 24 gauge metal roof, z-perlins with no tongue and groove wood, 4-inch reinforced concrete slab, \$22,343.20; additions to the original contract is an allowance of \$5,000.00 for solar lighting in restroom and a USB charging station at each structure. The original Bid amount was \$175,562.20. The value engineering savings provided a reduction of \$37,318.98, providing a new Bid amount of \$138,243.22. Administrator MontesDeOca added the playground equipment installation was completed May 4, 2020, with sod being installed on May 6, 2020.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- E.** A motion was made by Council Member Clark to adopt proposed Resolution No. 2020-04, establishing electronic meeting procedures and implementing protocols [as provided in Exhibit 6]; seconded by Council Member Keefe.

The title of proposed Resolution No. 2020-04 is as follows: **"A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF OKEECHOBEE, FLORIDA ADOPTING POLICY AND IMPLEMENTING PROTOCOLS FOR THE USE OF COMMUNICATIONS MEDIA TECHNOLOGY TO FACILITATE ATTENDANCE BY ELECTED AND APPOINTED OFFICIALS AT PUBLIC MEETINGS AND TO ALSO FACILITATE PUBLIC PARTICIPATION AND ATTENDANCE AT SUCH MEETINGS; PROVIDING THAT THE USE OF SUCH PROTOCOLS IS LIMITED TO PERIODS OF DECLARED EMERGENCY WHEN PUBLIC HEALTH AND SAFETY GUIDANCE LIMITS THE SAFE ATTENDANCE AT SUCH MEETINGS IN PERSON AND WHEN SUNSHINE LAW REQUIREMENTS ARE LAWFULLY RELAXED TO PERMIT SAME; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES."**

Attorney Fumero explained the Florida League of Cities and the Florida Association of Municipal Attorneys have posted model resolutions to help municipalities implement protocols and establish electronic meeting procedures. Proposed Resolution No. 2020-04 is the first of multiple resolutions that will be presented to the Council for adoption as legislation changes.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**



- F. At a previous meeting, the Council directed City Clerk Gamiotea to research the type of performance evaluations other municipalities utilize for the Administrator, as it was their opinion the form used City-wide was not an adequate way to evaluate the position.

City Clerk Gamiotea provided Council Member Keefe with six examples, in which he selected his top three choices to be provided to the Council for review and use to create a new form. The consensus of the Council was to use the evaluation noted as sample one in its entirety and add the budgeting and financial management questions from sample two. City Clerk Gamiotea will generate a new form to distribute to the Council prior to the May 19, 2020 meeting to ensure the evaluation is completed on time. The three evaluation samples were included in Exhibit 7 and made part of the minute file.

- G. A motion was made by Council Member Jarriel to renew the annual Agreement for Information Technology Services with ICS Computers [Request For Qualification No. FIN 01-32-03-19] in the amount of \$24,960.00 [as provided in Exhibit 8]; seconded by Council Member Keefe.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- H. Administrator MontesDeOca explained he received a correspondence from the Florida Department of Transportation (FDOT) requesting the City consider offering a portion of a right-of-way identified as FDOT Parcel 125 in relation to their State Road 710 By-pass Project. The property is located in PLAT 2 OF TAYLOR CREEK WATER SHED, Plat Book 3, Page 26, Okeechobee County public records. The 6,089-square feet parcel is situated immediately South of the North City Limits boundary, along the East side of Taylor Creek, and West of the Okeechobee Utility Authority Ground Water Treatment Plant property.

There are two options: acknowledge the appraised value for FDOT to purchase the property from the City; or donate the property to FDOT. After a brief discussion, Mayor Watford called for a motion.

Council Member Abney moved to acknowledge the appraisal offer of \$12,200.00 to sell the property [authorizing the Administrator to execute the Statement of Offer and Appraisal Receipt Letter for the property noted above and as presented in Exhibit 9]; seconded by Council Member Jarriel.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- I. A motion was made by Council Member Clark to approve the revised School Resource Officer (SRO) Program Agreement [for 2019-20] between Okeechobee County School Board and the City of Okeechobee to comply with the required additional language as per Florida Statutes 1006.13(4)a [as provided in Exhibit 10]; seconded by Council Member Keefe.

Mayor Watford explained the School Board approved the revised Agreement at their April 14, 2020, meeting. The only wording change is on page 3 of 7, line 17 which added the following language: "As soon as practicable, the SRO shall make the principal of the school aware of such action. At the principal's request, the SRO shall take appropriate law enforcement action against intruders and unwanted guests or individuals who have committed a crime or delinquent act that poses a threat to school safety who may appear at the school or related school functions."

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- J. A motion was made by Council Member Jarriel to approve a Letter of Commitment for the Hendry, Okeechobee, and Glades Opioid Consortium (HOGOC) Program implementation [as provided in Exhibit 11]; seconded by Council Member Clark.



Mayor Watford explained the Council approved a Memorandum of Understanding with the Hanley Center Foundation for the HOGOC at the August 20, 2019, meeting. The completion of the study has been concluded and each agency has been requested to sign a Letter of Commitment to secure grant funding for the Hanley Center Foundation to obtain services. He added there is no monetary value with the approval of this letter.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- K. Administrator MontesDeOca explained the Council approved an Agreement with the Firm of Lewis, Brisbois, Bisgaard & Smith, LLP at the November 5, 2019, meeting pertaining to a data breach incident that occurred in October 2019. There was a \$10,000.00 deductible to file an insurance claim. However, based on the timing of the receipt of the Firm's certificate of insurance, and the recommendation of ICS Computers, Inc., it is being recommended that the City withdraw the remaining Agreement for services with the Firm, which is a savings of approximately \$7,600.00. The Firm agrees with the recommendation as well.

A motion was made by Council Member Clark to withdraw the remaining Contract for Specialized Legal Services with the Firm of Lewis, Brisbois, Bisgaard & Smith, LLP; seconded by Council Member Keefe.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- L. A motion was made by Council Member Keefe to approve an Engagement Letter with Nason, Yeager, Gerson, Harris & Fumero, P.A., for the City Charter Review Initiative [as provided in Exhibit 13]; seconded by Council Member Clark.

As directed by the Council, Administrator MontesDeOca reached out to the Central Florida Regional Planning Council for an offer to complete a Charter Review. It was their recommendation to use the City Attorney. The summary of the City Attorney's costs are as follows: Partner in Charge John Fumero; Attorney hourly rate \$275.00; Paralegal hourly rate \$80.00; Propose not-to-exceed \$45,000.00. Attorney Fumero provided his background in Municipal Charter Review, and explained it is a lengthy process which could take one to two years depending on the guidelines set by the Council. Public workshops are held to receive input by a committee selected by the Council, then the changes are put on a referendum for the citizens to vote on. Mayor Watford questioned the timing of adding this additional cost, as this may not be fiscally responsible due to the downfall in the economy and budget impacts from COVID-19. The Council Members understood the Mayors concern. However, they considered the project a priority as identified in the Strategic Plan and of which \$40,000.00 was budgeted in this Fiscal Year. Attorney Fumero was instructed to provide the various procedures and options the Council has to proceed on this.

**Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: Mayor Watford. Motion Carried.**

- M. A motion was made by Council Member Clark to approve Amendment No. 1 to the [Request for Qualification No. ADM 01-00-10-19] Legal Services Agreement with the Firm of Nason, Yeager, Gerson, Harris & Fumero, P.A. [as provided in Exhibit 14]; seconded by Council Member Keefe.

The City entered into an Agreement with the Firm on January 1, 2020, to provide legal services at an hourly rate of \$275.00, not to exceed \$9,400.00 per month for a 90-day trial period. This allowed the Firm to determine the City's actual legal needs and priorities and to develop a reasonable monthly budget. From January through March, the Firm has spent well in excess of the 34 hours per month they contemplated in their original legal budget. They agreed to continue to provide legal services at the not-to-exceed flat monthly fee of \$9,400.00 per month, with all other provisions of the original agreement remaining the same.



**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- N. A motion was made by Council Member Jarriel to approve the use of [Blocks G and L of] FLAGLER PARK [Plat Book 1, Page 10, Okeechobee County public records, also known as Parks 2 and 3] to recognize the 2020 Okeechobee High School graduating class with signs; seconded by Council Member Keefe.

Administrator MontesDeOca explained in the light of the impacts of COVID-19, he was contacted by several local businesses and organizations requesting the use of FLAGLER PARK to recognize the graduates with temporary signs that have the name and picture of each graduate. The School Board and Principal will design the layout, and the signs will be on display for approximately two weeks, each Senior may take their sign afterwards.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- O. Council Member Keefe requested to discuss the policy and/or procedure for canceling regular City Council meetings. Each Council Member expressed their concern with the lack of communication to them regarding the cancellation of the April 21, 2020, meeting. Council Member Keefe stated there is always something to discuss, and is the only legal time the Mayor and Council Members can discuss City business. The discussion ensued with the outcome of the Administrator to ensure each Council Member is contacted before making the final decision to cancel meetings.
- P. Attorney Fumero provided an update on acquiring the property located at 1003 Southwest 3<sup>rd</sup> Avenue, Legal Description: Lots 9 to 12 of Block 8, SOUTH OKEECHOBEE, Plat Book 1, Page 12, Okeechobee County public records, and the site of the Primitive Baptist Church. He explained the City's only option is to file for a tax deed on or after April 1, 2021. Council Member Keefe questioned the possibility of the Raulerson Trust donating the property to the City. Mayor Watford replied research has revealed there is not a Trust set up for this property. The City would have to document contact with each living heir of the Peter and Louisiana Raulerson family, which would be a very long and costly process. The Council implied their agreement to wait until 2021 to move forward with acquiring the property.

Administrator MontesDeOca informed the Council the 2019 tax certificate will be coming up for sale soon, and questioned whether the Council would want to purchase it as well. After a brief discussion, Council Member Clark moved to purchase the 2019 tax certificate with an interest rate of zero; seconded by Council Member Abney.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- Q. Administrator MontesDeOca provided the status for on-going projects in the City as requested by Council Member Keefe. FDOT is performing the final review on the bid documents for Small Community Outreach Program (SCOP) Grants Contract No. G0T45/FM No. 440373-1-54-01 resurfacing Southeast 6<sup>th</sup> Street from South Parrott Avenue/US Highway 441 to Southeast 6<sup>th</sup> Avenue, and Contract No. G0T44/FM No. 440372-1-54-01 resurfacing Southeast 3<sup>rd</sup> Avenue from North Park Street/State Road 70 East to Southeast 4<sup>th</sup> Street.

FDOT is 60 percent complete with reviewing the SCOP Grant Contract No. G1A84/FM No. 442242-1-54-01 resurfacing Southwest 5<sup>th</sup> Avenue from North Park Street/State Road 70 West to South of Central Elementary. When asked whether the project could be extended any further South, he explained FDOT's bidding criteria is specific and does not allow for additional work, but this could be a separate project for the City. After a brief discussion, the Council instructed the Administrator to research the costs to add paving Southwest 5<sup>th</sup> Avenue



further South past Central Elementary, and include this in the City's current paving project list.

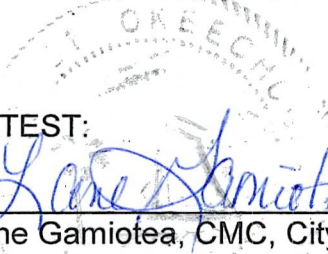
SCOP Grant Contract No. ARW18/FM No. 437239-1-54-01 resurfacing the intersection of Southwest 2<sup>nd</sup> Avenue at Southwest 8<sup>th</sup> Street has been extended due to the ongoing Okeechobee Utility Authority project that must be complete before the project can be finalized. He confirmed the City will not lose grant dollars over this.

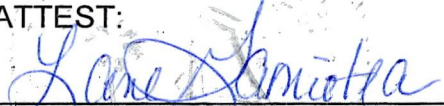
- R. The discussion of street paving and striping plans from the Public Works Department was deferred to the May 19, 2020 meeting.

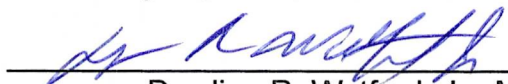
**VIII. COUNCIL COMMENTS**

Council Members Jarriel and Clark reminded everyone to be cognizant in supporting local businesses as they re-open amid the COVID-19 quarantine. Council Member Keefe questioned the status of the handicap signs along West South Park Street; Administrator MontesDeOca explained the project timeline is this Summer.

- IX. There being no further items on the agenda, Mayor Watford adjourned the meeting at 8:33 P.M. The next regular meeting is scheduled for May 19, 2020, at 6:00 P.M.



ATTEST:  
  
 Lane Gamiolea, CMC, City Clerk

  
 Dowling R. Watford, Jr., Mayor

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.