



CITY OF OKEECHOBEE, FLORIDA
MAY 19, 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 19, 2020, at 6:00 P.M. in the City Council Chamber, located at 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 (CMT) 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 Brock. The video, audio, and digital comments are recorded and retained as a permanent record. The invocation was offered by Council Member Jarriel, followed by the Pledge of Allegiance 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, Police Chief Bob Peterson, Fire Chief Herb Smith, Public Works Director David Allen, Deputy City Clerk Bobbie Jenkins, Finance Director India Riedel, and Executive Assistant Robin Brock were present in the Chamber. Members of the public and press were also present in the Chamber as well as 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- A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; New Business Item VI.E. was withdrawn.
- B. Council Member Jarriel moved to adopt the agenda as amended; seconded by Council Member Clark.

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 week of May 17 through 23, 2020 as "National Public Works Week." The document was graciously accepted by Director Allen on behalf of the Public Works Department employees, and read into the record as follows: **"Whereas, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the citizens of the City of Okeechobee; and Whereas, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of governments and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and Whereas, it is in the public interest for the citizens, civic leaders and children in the City of Okeechobee to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and Whereas, the year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association; and Whereas, this year's theme is 'The Rhythm of Public Works' as we celebrate the hard work and dedication of the many public works professionals throughout the world. Now Therefore, I, Dowling R. Watford, by virtue of the authority vested in me as Mayor of the**

City of Okeechobee, Florida, do hereby proclaim the week of May 17 through 23, 2020, as 'NATIONAL PUBLIC WORKS WEEK' in the City of Okeechobee, and call upon all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life."

V. CONSENT AGENDA

A motion was made by Council Member Clark to approve the Consent Agenda Items **A through B** [March 11, 2020, Town Hall meeting minutes; April 2020 Warrant Register in the amounts: General Fund \$571,611.71, Public Facilities Improvement Fund \$47,698.62, Capital Improvement Projects Fund \$1,765.00, and Law Enforcement Special Fund \$150.00, the complete list is included in the minute file]; seconded by Council Member Keefe.

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

VI. NEW BUSINESS

- A.** Mrs. Tiffany Collins, Administrator of the Florida Department of Health (DOH) in Okeechobee County, provided an update on COVID-19. Governor DeSantis issued Executive Order 20-123 on May 18, 2020, implementing full Phase 1 status in the State, which means restaurants, barbershops, beauty salons, and retail stores can operate at 50 percent capacity, while following DOH social distancing guidelines. As of today, Okeechobee has 45 confirmed positive cases of COVID-19, out of the 1,169 individuals tested (these numbers do not include the second round of testing performed at the Okeechobee Health Care Facility or Grand Oaks Assisted Living Facility). Florida has 46,944 confirmed positive cases with 8,494 hospitalized and over 2,000 deaths, calculating an overall 4.4 percent death rate. There are over 1.5 million confirmed positive cases in the United States. The recovery data is still not being posted to the DOH Dashboard provided on their website, as the Centers for Disease Control continues to formulate a consistent way of posting for each State. The DOH expanded the 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 testing sites in Okeechobee are the DOH, Florida Community Health Centers, Okeechobee Urgent Care, and Quest Diagnostics in coordination with Wal-Mart. Mrs. Collins elaborated, but could not verify, that the eight confirmed increase in cases in one day was from the local Department of Juvenile Justice facility. Mayor Watford thanked Mrs. Collins for the update.

The discussion then turned to the expiration of the Local State of Emergency. Governor DeSantis extended the Florida State of Emergency to July 1, 2020. Mayor Watford presented and distributed proposed Resolution No. 2020-06, which will extend the City's State of Emergency to mirror the State's expiration date upon approval.

A motion was made by Council Member Keefe to adopt proposed Resolution No. 2020-06 extending the Local State of Emergency to July 1, 2020, unless the Mayor terminates it earlier; seconded by Council Member Clark.

Mayor Watford read the title of proposed Resolution No. 2020-06 as follows: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA EXTENDING THE PUBLIC HEALTH EMERGENCY DUE TO CORONAVIRUS 2019 (COVID-19) THROUGH JULY 1, 2020; PROVIDING AN EFFECTIVE DATE."**

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

- B. City Clerk Gamiotea presented two applications for consideration of appointment to the Planning Board/Board of Adjustment/Design Review Board; Mr. Michael G. O'Connor, a City resident and business owner, and Mr. Joseph Papasso, a City business owner.

Council Member Keefe moved to appoint Mr. Papasso as an Alternate Member to the Planning Board/Board of Adjustment/Design Review Board, term being May 20, 2020 through April 30, 2023; seconded by Council Member Jarriel.

Mayor Watford explained Mr. Papasso will be taking the place left vacant by Mr. Felix Granados who was recently moved to a regular member position, replacing Mr. Les McCreary whose term sunset on April 30, 2020; a certificate of appreciation will be presented to Mr. McCreary at a later date, not to be conducted at a Council meeting due to COVID-19 safety measures.

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

- C. An Asphalt Paving Plan, Sidewalk Plan, and Striping Work Plan were provided in Exhibit 2 for Council review. Public Works Director Allen explained that the **Asphalt Paving Plan** is based on a survey conducted in February 2020. The Plan includes a 25-page report that identifies approximately 62 miles of paved roads with an additional 2.5 miles of unpaved shell roads. It provided a four-tier ranking system for paved roads: excellent-roads that have been resurfaced within the last five years; good-roads with acceptable pavement conditions with no major cracking or other defects, and no significant vibration felt when driving; fair-roads with more severe cracking or other defects, and noticeable vibration felt when driving; poor-roads that have major issues such as spalling or pushing, or have significant damage from other causes. Using an assumed pavement life of 50 years for each road, the City would need to resurface approximately two miles of roads each year to maintain quality. The Plan will be used to assist with budgeting, and will be updated as needed to provide consistent maintenance.

The 2020 Proposed Projects with costs are as follows: South Park Street Alleys from South Parrott to Southeast 5th Avenues \$13,056.00; Northwest 9th Street from 9th Avenue West 500-feet \$9,887.00; Northwest 10th Street from 3rd to 5th Avenues \$8,961.00; Southwest 11th Avenue from 4th to 8th Streets \$28,248.00; Southwest 21st Street from 7th Avenue East 1,200-feet \$23,305.00. Small County Outreach Program (SCOP) Grant funded projects to be paved based on the grant timeline: Southeast 3rd Avenue from North Park to 4th Streets; Southeast 6th Street from South Parrot to 6th Avenues; Southwest 5th Avenue from North Park Street to South of Central Elementary. Additional roadwork in front of Gilbert Oil located at 303 Northwest 9th Street, and Diamond R Fertilizer located at 710 Northeast 5th Avenue totaling \$35,000.00. The total estimated cost for the City funded 2020 Proposed Projects is \$118,456.00 (\$120,000.00 was budgeted).

The **Sidewalk Work Plan** will assist in budgeting for future years and be updated as projects are completed to provide maintenance consistency. The Plan consists of three components. **One: Sidewalk Rehabilitation** identified 1,165-linear feet of existing sidewalks requiring replacement with some areas needing the curb and gutters replaced. Maintenance Foreman Marvin Roberts provided a detailed list of these areas and categorized them into Priority I or Priority II. The two lists included the block and street names with an estimated size. **Two: New Construction** identified two new sidewalk projects. The primary project is 1,000-linear feet on Southeast 6th Avenue connecting Centennial Park with the existing sidewalk on Southeast 4th Street, which will complete access to the new park from all blocks of the surrounding neighborhood. However, to do this the City will need to obtain easements from the 11 property owners on the East side of Southeast 6th Avenue. Should the primary project not be able to be completed, a secondary project consisting of 650-linear feet is located on the South side of Southwest 8th Avenue from 9th Avenue to West South Park Street, and will connect a proposed 190-unit multi-family apartment complex to the downtown area. Aerial maps provided the exact locations. This component further identified

four potential new sidewalks to consider in the future. **Three: Americans with Disabilities Act (ADA) South Park Street Ramp Construction** to meet current access requirements within the downtown area. Along East and West South Park Street, 30 additional ADA ramps, and reconstruction of existing ramps is required. This also correlates with adding ADA parking in the area. To accomplish this the plan is to add one ADA parking space and ramp mid-block on the North and South sides of South Park Street from Southeast 3rd to Southwest 7th Avenues. Aerial maps provided the proposed locations. Once complete, the focus will then shift to adding ramps mid-block along the Avenues South of South Park Street.

The 2020 Sidewalk Projects bid includes 10 of the 30 ramps starting in the 100 block of West South Park Street. Two of the 30 ramps are included in the Southeast 3rd Avenue SCOP project, and two of the 30 are included in the Southwest 5th Avenue SCOP project. The remaining 16 South Park Street ramps, as well as ones to be identified along the connecting avenues, will then be included over the next two to three years until the downtown area is completed. The final review is being completed on the bid packet to have the City funded portion awarded by the Council in the near future.

The **Pavement Marking/Striping Work Plan** existing of a five page memorandum provides three classifications depending on the street's level of service. Primary Streets are located within the Central Business District, other key business areas, and high use through streets. These will be painted every second year with streets located South of North Park Street/State Road 70 painted during even years, and North of North Park Street during odd years. Table I identified specific streets and each even or odd year they will be painted. Secondary Streets include business areas and streets classified in the Manual on Uniform Traffic Control Devices (MUTCD) Section 3.01.01, streets in the first block adjacent to North Park Street and Parrott Avenue, and other streets near public facilities. These will be painted on a rotating four year schedule as follows: year one Southeast; year two Southwest; year three Northwest; year four Northeast. Ancillary Streets are classified as all other public streets not included in the Primary and Secondary classifications, and will be painted every four years on the same schedule as Secondary Streets. All classification markings include centerline, stop bars, with parking spaces and cross walks where appropriate. The City follows the MUTCD guidelines of which a portion was included providing the standards with examples for striping roadways.

The Striping Work Plan 2020 and future years will be a primary activity during the months of January through April or May, once holiday decorations are taken down, as this is generally the dry weather season. Pavement marking is conducted by Public Works employees and budgeted within the Department's supplies and other services. This Plan will assist in budgeting and implemented annually by the Director.

The Council expressed their appreciation with these Plans being completed and presented. **No official action was taken on this item.**

- D. **A motion was made by Council Member Jarriel to approve the proposed [Mid-year] Amended Fiscal Year 2019-20 Budget [as provided in Exhibit 3 and provided below]; seconded by Council Member Abney.**

PROPOSED AMENDMENTS	ADOPTED 10/01/2019	MID-YEAR AMENDMENT 05/19/2020
Page 1 - General Fund		
Beginning Fund Balance	\$4,342,501.00	\$4,342,503.00
Total Revenues	\$7,568,165.00	\$7,568,167.00
Expenditures: Legislative	\$334,722.00	\$339,722.00
Expenditures: Executive	\$250,420.00	\$250,970.00
Expenditures: City Clerk	\$281,875.00	\$282,475.00
Expenditures: Financial Services	\$342,075.00	\$350,975.00
Expenditures: Legal Counsel	\$145,500.00	\$170,125.00
Expenditures: General Services	\$535,227.00	\$551,967.00
Expenditures: Law Enforcement	\$2,803,334.00	\$2,809,734.00
Expenditures: Fire Protection	\$1,642,577.00	\$1,710,651.00
Total General Expenditures	\$7,568,165.00	\$7,699,054.00
Fiscal Year Ending Fund Balance	\$4,342,501.00	\$4,211,616.00

PROPOSED AMENDMENTS	ADOPTED 10/01/2019	MID-YEAR AMENDMENT 05/19/2020
Page 1 continued: The majority of the additional expenses and overtime were required to handle the State mandated quarantine and safety precautions due to the COVID-19 global pandemic. The specific explanations are provided with individual line item adjustments below.		
Page 5 - General Fund, Legislative Operations & Supplies		
3400 Other Contract Services	\$95,500.00	\$100,500.00
Total Supplies and Other Services	\$222,190.00	\$227,190.00
Grand Total for Department	\$334,722.00	\$339,722.00
The Charter Review process for Attorney \$5,000.00 more than budgeted.		
Page 7 - General Fund, Executive Supplies & Other Services		
4609 Repairs and Maintenance Equipment	\$1,600.00	\$2,150.00
Total Supplies and Other Services	\$36,990.00	\$37,540.00
Grand Total for Department	\$250,420.00	\$250,970.00
Purchase of monitors to conduct CMT meetings; COVID-19 expense.		
Page 9 - General Fund, Clerk Supplies & Other Services		
4609 Repairs and Maintenance Equipment	\$10,115.00	\$10,715.00
Total Supplies and Other Services	\$82,200.00	\$82,800.00
Grand Total for Department	\$281,875.00	\$282,475.00
Purchase video equipment for CMT meetings; COVID-19 expense.		
Page 10 - General Fund, Legal Services Supplies & Other Services		
2300 Health Insurance	\$10,850.00	\$2,675.00
3100 Professional Services	\$80,000.00	\$112,800.00
Total Supplies and Other Services	\$145,500.00	\$170,125.00
Grand Total for Department	\$145,500.00	\$170,125.00
The net increase in expenditures of \$24,625.00 is detailed as follows: \$32,800.00 increase in Professional Services due to the approved Amended Legal Services Contract, and a \$8,175.00 decrease in health insurance costs as the current Legal Services Contract does not provide for health insurance.		
Page 12 - General Fund, Finance Supplies & Other Services		
3400 Other Contractual Services	\$40,500.00	\$49,400.00
Total Supplies and Other Services	\$132,065.00	\$140,965.00
Grand Total for Department	\$342,075.00	\$350,975.00
Contractual Services increased to reflect \$2,400.00 for a digital data breach incident and \$6,500.00 for public relations/media website service (adding Twitter account and YouTube channel for broadcasting CMT meetings); partial COVID-19 expense.		
Page 14 - General Fund, General Services Supplies & Other Services		
3400 Other Contractual Services	\$90,260.00	\$104,260.00
4609 Repairs and Maintenance Building Equipment	\$29,773.00	\$32,513.00
Total Supplies and Other Services	\$364,877.00	\$381,617.00
Grand Total for Department	\$535,227.00	\$551,967.00
\$14,000.00 increase for the County Animal Control Contract, \$670.00 laptop purchase for CMT meetings and possible home-based work due to COVID-19, and \$2,070.00 unexpected handicap lift repairs.		
Page 16 - General Fund, Police Supplies & Other Services		
4609 Repairs and Maintenance Equipment	\$27,550.00	\$33,950.00
Total Supplies and Other Services	\$433,364.00	\$439,764.00
Grand Total for Department	\$2,803,334.00	\$2,809,734.00
\$6,400.00 unanticipated repairs to the Dispatch Station at the County Emergency Operations Center.		
Page 17 - General Fund, Fire Personnel Cost		
1400 Overtime	\$51,600.00	\$59,100.00
2100 FICA	\$70,850.00	\$71,424.00
Total Personnel Costs	\$1,420,350.00	\$1,428,424.00
The Personnel Costs increased due to vacancies within the Department due to multiple resignations. Restrictions due to the quarantine delayed filling the positions; partial COVID-19 expense.		

PROPOSED AMENDMENTS	ADOPTED 10/01/2019	MID-YEAR AMENDMENT 05/19/2020
Page 18 - General Fund, Fire Supplies & Other Services		
4901 Education	\$11,000.00	\$71,000.00
Total Supplies and Other Services	\$222,227.00	\$282,227.00
Grand Total for Department	\$1,642,577.00	\$1,710,651.00

\$60,000.00 increase for Paramedic Certification approved by the Council related to the possibility of the City contracting fire services with the County.

Pages 21 and 22 - Public Facilities Improvement Fund		
301-549-6301 SCOP Improvements	\$532,488.00	\$554,955.00
Total Expenditures	\$1,047,988.00	\$1,070,455.00
Ending Fund Balance	\$885,631.00	\$863,164.00

Increase in the estimated cost of the Project.

Pages 23 and 24 - Capital Improvement Projects Fund		
304-511-6400 Administration Capital	\$6,000.00	\$8,000.00
304-519-6400 General Services Capital	\$57,400.00	\$58,750.00
304-521-6400 Law Enforcement Capital	\$341,540.00	\$169,540.00
304-549-6401 Parks Capital Improvement	\$87,000.00	\$168,000.00
Total Expenditures	\$790,940.00	\$703,290.00
Ending Fund Balance	\$2,249,349.00	\$2,336,999.00

Administration Capital increased by \$2,000.00 to purchase an additional laptop with software, and additional security software. General Services Capital increased by \$1,350.00 for Security 101 Change Order, new electronic doors at City Hall and computer equipment. Law Enforcement Capital decreased by \$172,000.00 change in vehicles and equipment purchases. Parks Capital increased by \$81,000.00 due to the additional costs of the Centennial Park Pavilion and Restroom Project.

Page 25 - Other Grants Fund		
Beginning Fund Balance	\$37,490.00	\$260,000.00
302-331-3904 Stormwater Drainage Grant	\$0.00	\$300,000.00
Total Revenues	\$0.00	\$300,000.00
302-2752-3100 Professional Services	\$0.00	\$35,000.00
302-2752-3200 Administrative Services	\$0.00	\$13,500.00
302-2752-4909 Miscellaneous	\$0.00	\$1,500.00
302-2752-6400 Park and Canal Improvements	\$0.00	\$370,000.00
Total Expenses	\$0.00	\$420,000.00
Ending Fund Balance	\$37,490.00	\$140,000.00

Changes to this Fund pertains to the award of the Florida Department of Environmental Protection Grant No. LPQ0007 Taylor Creek Southwest 4th Street Stormwater.

Page 26 - Appropriations Grant Fund		
Beginning Fund Balance	\$0.00	\$593.00
Ending Fund Balance	\$0.00	\$593.00

Line Items not listed on the pages above, as well as all of pages 2 to 4, 6, 8, 11, 13, 15, 19, 20, and 27 do not include changes, as the proposed mid-year amendment mirrors the October 1, 2019 adopted amounts.

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

- E. The consideration for a letter of support for the Cattlemen's Association to increase negotiated cattle purchases item was withdrawn from the agenda.
- F. Exhibit 5 provided a proposed 10-page Fire Services Interlocal Agreement (ILA), two-page cost projection, and a two-page County document titled Completed Action Item (ID# 5841) giving background and other pertinent information on the subject from the Board of County Commissioners (BOCC). The purpose of the ILA is for the City to contract all fire and preventive services to the BOCC, removing the need for a City Fire Department.

Also included in the Exhibit was a three-page memorandum from Administrator MontesDeOca highlighting his review of the ILA from a managerial standpoint for points of discussion and recommended changes by the Council.

Prior to the meeting, City Clerk Gamiotea received and distributed an email from Economic Council of Okeechobee (ECOK) Executive Director Mrs. Jennifer Tewksbury, which was read by Mayor Watford as follows: "The ECOK continues to support the merger of our local Fire Departments to reduce redundant local spending without compromising our public safety. Attached you'll find additional documents from the ECOK relative to your discussion on the ILA with Okeechobee County for fire rescue services. Also included is a revised Agreement as proposed by the ECOK Board of Directors. In summary, the proposed revisions provide for the following: maintaining the contract execution date as January 1, 2021 while extending the term to five years; the County to purchase all necessary City fire equipment for use, eliminating the lease alternative and obligation to repair and maintain equipment; removal of the obligation to fund 10 percent of the construction costs of a new fire station; total cost to not exceed that which would be generated by the existing County Fire/EMS fee structure if applied to City properties. Please keep in mind, moving forward with an Agreement of this nature will eliminate \$6.7 million in redundant spending in the City over the course of the next decade. The ECOK appreciates the City Council's continued efforts to seek the most effective ways to keep the public safe with our limited tax dollars. We also thank you for consistently keeping the public informed of this discussion. Please do not hesitate to contact me if you have any questions on the statement provided."

During review and lengthy discussion the Council made the following changes (unless noted otherwise, the change was presented as a recommendation from Administrator MontesDeOca):

Page 1, add a paragraph in the preamble such as: in spirit of the proposed ILA, the County shall, under penalties of default, provide the same high level of professional fire services to the City, and those services shall be interpreted to be: maintaining the same level of fire protection, Insurance Services Office (ISO) rating, area of and type of coverages, and response times; with modifications so not to imply Okeechobee County Fire Rescue (OCFR) does not do as good a job as Okeechobee Fire Department (OFD).

Page 2, Section 2 Services, B. Additional Services. Subsection i, add: County shall conduct any and all inspections within seven calendar days of date of request of inspection. The exact number may be modified, OFD uses seven as an average with 10 days being the maximum. Subsection ii, modify to read: County shall coordinate with Okeechobee Utility Authority (OUA) and shall ensure water purveyors provide adequate fire flows and hydrants, as required, for fire protection and training purposes within the City. Subsection iii, delete: City references, County shall work with OUA alone. Subsection iv, add: County shall provide a fee schedule for costs for the various services provided, 30-days at a minimum of adoption of this Agreement for review and acceptance. These fees and charges should be reimbursed to the City or applied a credit to base services.

Page 2, Section 3 Effective Date and Term. Modify date to April 1, 2021 or date to be agreed upon by both parties prior to contract execution. Change the end date to January 1, 2026, making this a five-year Agreement as recommended by the ECOK.

Page 2, Section 4 City's Base Payments for Services and Adjustments, paragraph A, correlate commencement date to be as now amended in Section 3. As recommended by the ECOK, amend the three annual payments Year 1 (January 1, 2021 through December 31, 2021) \$697,599.74; Year 2 (January 1, 2022 through December 31, 2022) \$708,039.73; Year 3 (January 1, 2023 through December 31, 2023) \$683,261.82 by adding "an amount not to exceed the assessed value of City properties as generated by the County's existing fire rescue fee structure" to each year. Projections for years four and five will also need to be added.

Pages 3 and 4, Section 4 City's Base Payments for Services and Adjustments, paragraphs B through F are to be removed as recommended by the ECOK.

Page 4, Section 5 Personnel. Council wants this section reworded to provide all City personnel be employed at the same rate of pay, or as close as possible, and retain longevity years of service. Administrator MontesDeOca and Attorney Fumero are to continue working with Tori Fatjo, International Association of Firefighters (IAFF) District 12 Field Service Representative, to assist in this matter.

Page 4, Section 6 Vehicles. Reword for the City to donate one ladder truck, one fire engine, together with all firefighting equipment and apparatus used in connection with the vehicles. Delete subsections i through vi as recommended by the ECOK.

Page 5, Section 7 Equipment and supplies. As recommended by the ECOK, amend to include radio equipment in paragraph A, delete paragraph B.

Page 5, Section 8 Replacement of Vehicles and Equipment. Deleted as recommended by the ECOK.

Page 6, Section 9 City payments toward Building Construction Costs; Interim Use of City's Apparatus Storage Bays. Paragraph A to be deleted as recommended by the ECOK. Paragraph B is to be modified to provide County the usage of existing building bays for a term no more than one year with payments of usage to cover utility, insurance, and other applicable costs associated with the bay areas to be determined. Calls for services cannot be run from the City's building.

Page 7, Section 16 Default. Paragraph A to include language should the County not be able to provide the same level of fire protection and coverage, and responses to calls for fire under 4.2 minutes as an annual average and a maximum of 6 minutes during incorporated County fire calls, reported to City quarterly. Address for default to include if the County is unable to provide adequate level of inspection and review services, meeting the timelines of the City for reviews. Attorney Fumero will provide additional recommendations on modifying this language and proper placement within the ILA.

Mayor Watford provided instructions on how to proceed with public comments, in that they are to be addressed to the Council. No one should cheer, clap, boo, or be disruptive while others are speaking. Comments are to remain civil, as the Mayor reserves the right to ask individuals to leave or stop the comments should they be out of line.

Council Member Clark read the following email from Ms. Hilda Navarrete into the record as follows: "I have property in both the City and County. I am very upset you guys are even considering giving up the Fire Department to the County. Especially during this time, when you guys should be hiring more first responders, not getting rid of them. Leaving all this people unemployed as well. Especially some that have served the City for over 10 years. Why can't this be put in the ballot for all residents to vote? In the County I pay a fire assessment which is not included in the City. I believe most citizens would pay this so we can continue to have a fast response. I cannot believe this subject has gotten this far because of Councilmen Jarriel and Keefe. Please be the voice of us in the City, that is a luxury of being in the City, extra police and firefighters and a faster response. In that case I would be living in the outskirts of the County." The following is the response Council Member Clark provided to Ms. Navarrete: "Ms. Navarrete, Thank you for contacting me about the Fire Department. Unfortunately the City cannot balance their budget without going into savings every year. It is my job to be fiscally responsible to all the taxpayers of the City and to look at all possibilities of saving that \$1.2 million deficit or the City will go bankrupt. The Fire Department was the first place we started to explore and have not come close to making a decision since we have not received a proposal from the County. We also ask this to be on the ballot but the County refused and in this situation we have to have the City and the County agree. The fire assessment is a little more complicated, the County has many more residents than businesses to spread the money and is very affordable. In the City we have a small residential population and so the businesspeople bear the burden of tax dollars and possible assessments. In the City fire study done about four years ago the average

resident would pay approximate \$440.00 as a fire assessment and a church such as First Baptist would pay about \$30,000.00 because it is based on square footage. Due to the disparity of the assessment from the County versus the City these churches would much rather pay the County assessment which in First Baptist Church's case would be \$10,000.00. The reason we are looking at the Fire Department is that there are many more residents and businesses that have pressed us into merging the two fire departments than against so that we could lower the City taxes, which are some of the highest in the state. All I can promise is that we will be very diligent in looking into all possibilities (such as ambulance services), take care of the men and women that have served us at the City while taking all the taxpayers into consideration. Thank You, Monica Clark, Council Member."

OFD Captain Lalo Rodriguez questioned whether the Council would be considering the options he presented at the January 21, 2020 meeting. With no immediate response from the Council, Mayor Watford offered since the Council has only requested to discuss the ILA he was of the impression that they did not wish to consider other options. Should this not be adopted, the Council may then explore the options. Council Member Keefe agreed with the Mayor's statement, and explained his position. He was concerned with the additional capital expenditures needed to implement for the OFD to take over the Emergency Medical Services in the City. It is his opinion that there could be more long-term costs associated that have yet to be discussed.

Mr. Frank Wesley Williamson III, Chair-Elect of the ECOK, urged the Council to focus on the projected \$600,000.00 annual savings the City would realize by contracting the services. The effect on the economy from the COVID-19 pandemic is unknown. He added the ECOK feels very strongly that the annual fee the County has presented is accurate.

Mr. Josh Borgstrom, IAFF Local 2918 President, provided his opposition to approving the ILA mostly due to the fact that all OFD employees will lose their jobs. As proposed, this is not a merger, but a shutdown of the OFD. County Fire Chief Franklin is steadfast that all OFD employees will be required to follow the same process as a new employee, making it clear there is no guarantee any would be hired in addition to there not being sufficient positions for all of them. Mr. Borgstrom strongly advocated for the hiring of all OFD employees by the County at their current rate of pay and longevity. When it was pointed out that the reason the BOCC did not include this within the proposed ILA was it is prohibited in the current Fire Union Contract, he offered that the Union would not be opposed to amending the Collective Bargaining Agreement with the County to ensure OFD employees do not lose their jobs.

Mr. Matthew Buxton, owner of Buxton Funeral Home, urged the Council to consider the large number of unknowns in the proposed ILA, as he is not convinced his taxes will be reduced. His business is a large supporter of community events, and is currently able to keep his costs low, but is unsure of how this proposal will affect the cost of doing business in five years. He is an advocate of all OFD employees being hired at the County. He then spoke briefly about the comment of "being fiscal responsible," as it is the Council's responsibility to look at all proposals to save money, including Captain Rodriguez's. Should the Council not be willing to explore all options, it is his opinion a decision has already been made. He closed by questioning what his taxes and insurance premiums would be should the ILA be approved.

Ms. Karyne Brass expressed disappointment in the decision the Council has made to potentially eliminate a very important essential service that has been part of the City since incorporation. The OFD has taken good care of the citizens; their response time is unbelievable. She asked what the County Fire Assessment rate was and how much of a reduction in taxes she would receive should the OFD be eliminated. She explained her disbelief that approving this would result in a substantial savings for the City. Although the County may assure an amount, the difference in services is of great concern as five years is a long time to suffer when it comes to something as important as essential services. She continued by stating that she fails to see how the \$600,000.00 savings the ECOK has

presented is a valid number, and that all City Departments should be looked at, or take it further and consolidate all services with the County. In her opinion it is the responsibility of the Council to explore any viable work plan that has been presented by the OFD. The City has the potential to retain these services and make OFD more efficient, as they are already making strides to bring fiscal viability. The City can work towards solvency without doing anything brash. Council Member Jarriel thanked Ms. Brass for her comments and added the Council has requested the figures to be able to make an intelligent decision on this.

MAYOR WATFORD RECESSED THE MEETING AT 8:29 P.M. AND RECONVENED AT 8:38 P.M.

Clerk Gamiotea received two comments by email prior to the meeting and one during the meeting by an individual attending via Zoom, which were read into the record by Mayor Watford.

Ms. Tammy R. Barbour: "I have done a little research on several issues with the closure of the OFD. I have read over the proposed contract agreed on by the BOCC that has been forwarded back to the City Council for agreement. I do have several questions regarding this closure. Is not the purpose of the City Council to look after the best interests of the City of Okeechobee residents? Yet, the residents will not have any say so regarding this decision of closing their Fire Department? Does putting 13 people out of work even cause you to toss and turn at night? This is 13 families that will no longer have this income, 13 families that are going to become the statistic of unemployment. Granted, according to this proposal contract, OCFR will hire six new employees, which none of those new positions are guaranteed to any of the 12 firefighters losing their jobs. Sure, they can go elsewhere, which has been said a time or two, where exactly? Fire Departments look for recruits fresh out of school that will eventually retire from their station, it's not likely they hire firefighters that are over a certain age. Yes, some of these firefighters have 15 to 20 years on the job, some even more, however, that also means they are at least 35 to 45 years old (if they started this career at 18). How is that looking out for the best interests of your City employees? The OFD has not went over budget in five years, why are they the first to cut because the City of Okeechobee has budget issues? How is it that the current City Attorney came in at a higher bid, but got the job anyway, if the City of Okeechobee is so over budget? Which we cannot say 'because they are already familiar with everything' because so is the OFD. Why is the City Fire Captain's proposal not even being seriously considered instead of being tossed away like an obstruction to some backroom plan to shut down the OFD? Which leads to this; the Florida State Statute 112.313 Section 7A, states: 'Conflicting Employment or Contractual Relationship, (a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.' Therefore, I am curious as to how several of the City Council Board Members, do in fact have personal relationships with businesses in Okeechobee and yet sit on the City Council able to vote on such decisions effecting the City of Okeechobee? In closing, I am asking this question for nearly 500 Okeechobee residents (at the time of writing this email), that have signed a petition that was posted on one Facebook page, and shared over a hundred times, have absolutely no say in this decision? Is this not their Fire Department? Are those not their firefighters? Doesn't the fire trucks and equipment being used belong to them? After all, it is the 'taxpayers' money that buys such things, is it not? I currently do not reside in Okeechobee anymore, but I have many family members that do. I personally know people that are employed by OCFR as well as OFD, I understand how both Departments operate, I also personally know people that have been employed

by both Departments. When I was made aware that the City of Okeechobee's City Council Board intends to close the OFD, I became very concerned for my children, my grandchildren, many aunts, uncles, nieces and nephews, and their safety. I am also concerned with response times being longer if my family needs assistance. I am concerned for taxes they will now have to absorb because of this closure, and I am concerned for the City of Okeechobee's history being erased as if it never happened. Things such as the OFD, the City Park, the buildings on Park Street, the Livestock Market, these things all make Okeechobee what it is, why is it so important to become 'modern' anyway? Why put 13 people in an unemployment line just stop 'kicking a can' or 'keep up with times'? Ask your residents. This issue, at the very least should be implemented on a ballot for the citizens of Okeechobee to decide, not left up to five people on a board, that claim to have the best interests of these citizens as their main priority. It doesn't seem as if the citizens interests are not even being considered at all." Attorney Fumero noted in regard to the ethics law, friendships are not against the law. The scenario provided is not a conflict. Council Member Keefe responded to the online petition and various social media comments disagreeing that the public has been shut down during meetings and clarifying that the Council can only meet under Sunshine requirements. All agendas are posted on the City's website to provide the public with sufficient time to know and review what is being considered. Additionally, public records requests can be made for copies of the minutes to see what was previously discussed.

Ms. Alyssa Weeks: "In reference to the possibility of the OFD closing. I am a City resident and have three small children, one whom is asthmatic. My main concern of course would be the amount of time it will take for the OCFR to reach my home verses the amount of time it will take the OFD to reach my home, if needed in an emergency situation. The OCFR is always so busy handling accidents, medical situations, and all other emergency calls, that it seems they are always stretched thin. Okeechobee County is a very large area to have to provide emergency services for. Which is why I feel that I, personally can only benefit from the OFD remaining open and servicing the city limits within Okeechobee County."

Ms. Melissa King: "Good evening Councilmen, I see the Section 16 listing the default criteria, and after hearing the discussion to City Council's desired changes to the contract presented by the County with regards to transferring those certain vehicles to the County, what contingencies are in place to obtain those vehicles back in case of default by the County? And what consideration has been given to the re-start up cost of purchasing vehicles or other equipment at the end of the five year contract if the City wants to have their own Department back? Thank you." The Council responded; should the County default and the vehicles are leased, the lease is void and the vehicles are returned to the City. Should the vehicles be sold or donated, the City would have to purchase new vehicles.

Ms. Tori Fatjo, IAFF District 12 Field Service Representative, addressed the Council via Zoom. She provided a brief background on herself, which showed her experience in dealing with municipal and county fire department mergers. Although she commended the Council for taking the time to thoroughly review the proposal. The purpose of her comment was to offer assistance with the negotiation process to ensure City Fire Union Members are being represented. She and Mr. Borgstrom met with Administrator MontesDeOca two weeks ago on this. She explained in detail that municipalities in Broward County have similar contracts/ILA's emphasizing that in all of the scenarios, the municipal employees were merged into the County Departments without losing seniority, rank, or pay, and also noted the municipalities realized a small savings but nothing substantial. She wanted to ensure the Council that their goal of all employees being hired with the County can be achieved.

The discussion then turned to clarify the citizens' request to vote on this issue. The City Council can provide for a straw-poll referendum to be on the ballot for City voters to cast their decision. However, the decision is not legally binding and used in rare circumstances. This is different than a decision to be made by a referendum regarding the Fire Assessment, which requires the City to agree to relinquish taxing authority to the County and the County would have to accept the taxing authority, both agencies would generate a referendum with the results

determining the outcome. Attorney Fumero confirmed that the City has not officially asked the BOCC in writing about a referendum.

The Attorney and Administrator were instructed to provide a revised ILA reflecting the changes discussed and present it for the Council to vote on a counter proposal.

- G.** Administrator MontesDeOca's employment services contract provides for an annual evaluation of his performance by the Mayor and Council. The individual scores were read into the record as follows: Mayor Watford 4.6; Council Member Abney 2.8; Council Member Clark 3.9; Council Member Jarriel 4.6; and Council Member Keefe 3.8. The total was 19.7, divided by 5 evaluations provided a final score rating of **3.9 Satisfactory** out of 5.0. As the evaluation was discussed by and between Council Members, Council Member Abney realized that he had made a scoring error. Immediately following the Council meeting, he fixed the error and submitted a corrected, executed evaluation form for the record. The ultimate outcome of the Administrator's evaluation was not materially changed by Council Member Abney's corrected evaluation form.


Mayor Watford reminded the Council that meetings can still be scheduled to review their individual evaluation with the Administrator. The evaluations are filed in Mr. MontesDeOca's personnel file; a copy of each are also made part of the official minute file.

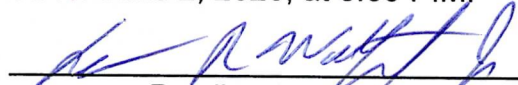
VII. COUNCIL COMMENTS

Council Member Jarriel's comment was related specifically to New Business Item F, whose discussion had concluded.

- VIII.** There being no further items on the agenda, Mayor Watford adjourned the meeting at 9:12 P.M. The next regular meeting is scheduled for June 2, 2020, at 6:00 P.M.

ATTEST:


Lane Gamiotea, 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.