

ST. CLOUD CITY COUNCIL REGULAR MEETING
Thursday, February 27, 2020
City Hall - Council Chambers
1300 9th Street
6:30 p.m.
Minutes

- I. Mayor Blackwell called the meeting to order at 6:30 p.m.
- II. Invocation given by Pastor Alden Wightman from Amazing Grace Baptist Church
- III. Pledge of Allegiance
- IV. Roll Call

- ◆ Mayor Nathan Blackwell City Manager, William Sturgeon
- ◆ Deputy Mayor Linette Matheny City Attorney, Daniel Mantzaris
- ◆ Council Member Chuck Cooper Linda Jaworski, City Clerk
- ◆ Council Member Dave Askew Ivy De La Cruz, Deputy City Clerk
- ◆ Council Member Keith Trace Members of the Press

All members were present.

V. Presentations

- Presentation of Employee of the Month

Heather Welch presented Preciouslee Maldonado with the December Employee of the Month Award.

- Presentation of Employee of the Month

Joe Etter presented Lillian Rosario with the January Employee of the Month Award.

- Presentation by Osceola Community Health Services

Belinda Johnson-Cornett provided a presentation regarding the Osceola Community Health Services and the many health services provided to the community.

Brian Wheeler, Interim Environmental Utilities Director, provided a presentation regarding the Icepigging process and the duration of the contract.

Council direction to investigate the cost of adding filters to all of the houses with water problems and draft a letter as a formal request to the company to extend the Icepigging company Suez to extend their contract and time within the City.

- VI. Citizens Forum - Any person who desires to comment on any item not on this agenda is provided this opportunity to address the City Council. Each person is requested to complete a sign-in form to be provided to the presiding officer prior to, or as soon as is practical thereafter, the person addresses the Council.

Steve Kliner, 4780 Cypress Forest Lane, asked when a vote for zoning change at the corner of Neptune Road and Old Canoe Creek Road would take place. He requested a study of cars that go in and out at the intersection of 192 Shopping Center and the Turnpike versus resident's homes. He also stated he had a water filter on his refrigerator that had produced clean drinking water.

Michelle Peters, 4914 Zion Drive, was very upset regarding the water problem in the City.

City Manager Sturgeon stated an independent company had been contracted to test the resin and when the results were completed he would bring it to Council.

Monique Costantino, 1870 Big Buck Drive, asked if the house plumbing is contaminated with resin, how would they be able to sell their house without disclosing it. Also, spoke about the Montalvo murder and the alleged relationship between the Mayor's Church and the Rivera family.

Mayor Blackwell stated the Rivera family attended his church with several thousand other people. Mr. Rivera was a member of the church but not a missionary of the church but an independent missionary not associated with the church.

Melissa Kennedy, 1707 Pinon Circle, asked if the City would consider a permanent traffic signal on Sgt. Graham and Neptune Roads.

Mayor Blackwell said he spoke to the County and they are going to leave the traffic light at that location until the improvements are done.

Discussion followed regarding a roundabout or other traffic calming devices that could be used at this location. Council consensus was to investigate if a roundabout could be built at this intersection.

Hughette Crumpler, 300 Michigan Avenue, thanked the Public Works department for working hard and appreciates what they do. She asked the Council to vote on the best interest of all the citizens and not a few. She asked the Mayor to put public safety first regarding the water problem, police and fire, and fiscally responsible for the hiring of companies and consultants.

Laura Tweed, 2808 Mead Avenue, Health & Human Rights Advocate, stated she was having a problem with the filters in her house filling with grit. She also stated some of her medical problems were affected due to the water.

Council Action item #3 was moved to this portion of the meeting.

3. Discussion and Possible Action Regarding Agreement with Waste Connections of Osceola, Inc., f/k/a Omni Waste of Osceola, LLC regarding the Discharge of Leachate from the J.E.D. Solid Waste Management Facility.

Ivy De La Cruz, Deputy City Clerk, read Council Action #3 into the record.

City Attorney Mantzaris reviewed Council meetings addressing the intake and halting of leachate from Puerto Rico at the J.E.D. Landfill. He stated litigation may be forth coming and open discussion is advisable. He informed Council that City Manager Sturgeon had engaged Thomas Cloud of Gray Robinson to look into the matter.

Thomas Cloud, Gray Robinson, 301 E Pine Street, Orlando, disclosed that he had worked on a case regarding the above landfill. He stated the leachate in the water met State standards, but

there were several other significant biochemical oxygen demands and a tremendous amount of ammonia beyond loadings in the wastewater plant. His recommendation was to follow the contract and submit a letter, for the City's protection, with stipulations regarding the leachate, future omission of the flash, and responsibility for the costs.

Council Member Cooper shared several concerns regarding costs and time frames for handling the leachate situation upon reading the contract with J.E.D.

Mayor Blackwell thanked Mr. Cloud for his expertise and asked if anyone would like to comment on this item.

Laura Tweed, 2808 Mead Avenue, shared several concerns regarding the J.E.D. landfill.

City Attorney Mantzaris advised Council that they had no control over the J.E.D. landfill.

Hughette Crumpler, 300 Michigan Avenue, shared concerns about public safety and the legalities in handling of the contract with Waste Connections.

Mike Lella, 2423 Regent Way, Kissimmee, would like more citizen transparency regarding data.

Monique Costantino, 1870 Big Buck Drive, shared concerns regarding local expert's advice.

Mikala Wells, 9040 Mercury Drive, shared several concerns regarding testing and the quality of water.

Jessica Sullivan, 714 Kentucky Avenue, shared concerns regarding the leachate and the ADF testing.

Valerie Anderson, 714 Kentucky Avenue, shared her concerns regarding contaminants from the landfill.

Ariel Hartman, 199 Cedarwood Circle, Kissimmee, presented a graph showing increased COD Concentration.

David Meisner, 3410 Pawley's Loop N, stated the City needed to follow Mr. Cloud and City Attorney Mantzaris' advice.

Council discussion followed regarding moving forward with the best interest for the citizens and the City.

Mayor Blackwell made a motion to send a letter to invoke provisions of the contract with no trace exceedents and toxins and provide an opportunity to cure with no interest in receiving any leachate from the landfill with coal ash. Council Member Askew seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote3-2) Council Member Cooper and Deputy Mayor Matheny voted nay.

Public Hearing #2 was moved to this portion of the meeting.

- 2. PUBLIC HEARING FOR RESOLUTION NO. 2020-024R**, a resolution of the City Council of the City of St. Cloud, Florida, amending resolution number 2019-169R which adopted the fiscal year 2019/2020 budget for the City of St. Cloud, finding the City Manager has certified there are prior year fund balances and or current revenues available in the budget for additional projects and programs in various funds not included in the original budget, requiring the budget to be increased to include said additional funding in the various funds and making supplemental appropriations within the funds.(Above is full title) **ACTION ON RESOLUTION NO. 2020-024R**

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2020-024R into the record by title.

Wendy Collazo, Finance Director, reviewed the proposed resolution.

Mayor Blackwell announced the proposed resolution with no response from the audience.

Discussion followed to include budgeting replacement vehicles in the future and verifying there were sufficient funds to complete the ice pigging process.

Fire Chief Silvestris, reviewed the rationale for a new apparatus.

Council Member Cooper made a motion to approve Resolution No. 2020-024R Deputy Mayor Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote 5-0)

VII. Consent Agenda: The next portion of tonight's meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

Mayor Blackwell announced the Consent Agenda.

City Manager Sturgeon pulled Item C to be brought back at a later date.

Deputy Mayor Matheny requested part of the revision would be to contemplate a change to the LDC that would require communities to provide, at least a portion of their irrigation water, out of their storm water pond.

Council Member Trace pulled Item A for questions.

David Meisner, 3410 Pawley's Loop N, had a question on Item I regarding the equipment for new officers, whether the fees would come from impact fees or the general budget Police Chief Gauntlett informed Mr. Meisner that if the grant was funded and approved by Council, the capital items would come from the law enforcement impact fees.

Mr. Meisner had a question on Item J regarding the contract on icepigging,

City Manager Sturgeon explained that the project was more widespread than first thought and is now requesting another allocation to ensure the job could be completed.

Hughette Crumper, 300 Michigan Avenue, had questions on several agenda items to which City Manager Sturgeon responded.

A. Resolution 2020-002R, a resolution of the City Council of the City of St. Cloud, Florida, revising Article VI, Construction and Design Standards for Pavement and Drainage Systems, to update the Streets Section in the Land Development Code; provides for severability, conflict resolution, and an effective date.

COST: There is no cost associated with this item.

This item is for the revision of Article VI, Construction and Design Standards for Pavement and Drainage Systems, to update the Streets Section in the Land Development Code.

Council Member Trace asked for confirmation regarding Council requesting power lines being placed underground. City Manager stated the intent would require new developments to place their utility lines underground.

Naseem Ghandour, Public Works Director, stated this resolution would put the requirement into the land development code.

After further discussion, this item was pulled to be brought back at a later date.

- B. Resolution No. 2020-018R, a resolution of the City Council of the City of St. Cloud, Florida, amending the Purchasing Policy for the City of St. Cloud, renaming it the Procurement Policy, and providing an effective date.

COST: No cost associated with this item.

This item is to adopt the new Procurement Policy for the City of St. Cloud.

- C. Resolution No. 2020-022R, a resolution of the City Council of the City of St. Cloud, Florida amending and readopting Section 7.1.30 and Section 7.1.31 of standard details associated with Article VII "Utilities" as provided for in Ordinance No. 2014-26 providing for severability, conflict, and an effective date.

COST: There is no cost associated with this resolution.

This resolution changes the Florida Water Star landscape and irrigation requirements in the land development code to the St Cloud Efficiency Program to facilitate the adoption and implementation of the water use efficiency requirements.

This item was pulled from the agenda by the City Manager. (See comments above)

- D. Resolution No. 2020-025R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the 2020 City-Wide Garage Sales to be held on April 17, 18, and 19, 2020, and on November 20, 21, and 22, 2020.

COST: No cost associated with this item.

This item is for the approval of the two citywide garage sales event.

- E. Resolution No. 2020-031R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the utilization of Sourcewell Contract #041217-WQI whose subject matter is Solid Waste and Recycling Collection and Transport Equipment with Related Equipment, Supplies, and Accessories, providing for the award thereof to Wastequip, LLC, and providing an effective date.

COST: up to \$79,976.00

This item will approve the purchase of roll-off containers from Wastequip, LLC.

- F. Resolution No. 2020-032R, a resolution of the City Council of the City of St. Cloud, Florida, approving the acceptance of the Florida Division of Emergency Management Hazard Mitigation Grant Program (HMGP) funds for the purpose of surveying, engineering, design, plans preparation, permitting and bidding for a pump station at Blackberry Creek Pond and authorizing the City Manager to execute the acceptance documents.

COST: up to \$1,003.50 (Phase I Project Total \$4,014.00/ Grant Award \$3,010.50/ City Match \$1,003.50)

This item is to authorize the City Manager to accept and execute the HMGP Award documents for Phase I.

- G. Resolution No. 2020-033R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the City Manager to declare items as obsolete, damaged, and/or surplus property and otherwise in the best interest of the City of St. Cloud.

COST: There is no cost associated with this item.

This item is for disposal of obsolete property

- H. Resolution No. 2020-034R, a resolution of the City Council of the City of St. Cloud, Florida authorizing the Mayor to accept a public utility easement from WWRH Osceola 3, LLC. for The Green Solution Commercial Development to have and to hold for all uses traditionally made of a public utility easement.

COST: No cost associated with this item.

This item is for a utility easement within The Green Solution Commercial Development.

- I. Resolution No. 2020-036R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the grant application by St. Cloud Police Department under the U.S. Department of Justice Office of Community Oriented Policing Service Agency 2020 COPS Office Grant Program solicitation for the hiring of ten police officers and authorizing the Grants Division or designee to submit the application and the City Manager to execute the application and all other documents associated with the implementation and execution of the grant on behalf of the St. Cloud Police Department.

COST: up to \$2,638,938.00 (Project total \$2,638,938.00/ Federal Share 75%: \$1,979,203.50 (\$659,734.50 per year for three years) /City match 25%: up to \$659,734.50 (\$219,911.50 per year for three years)

This item is to authorize submitting an application for the FY 2020 COPS Hiring Program.

- J. Resolution No. 2020-037R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the Mayor to enter in to a First Amendment to the agreement dated December 18, 2019 between the City of St. Cloud and Utility Service Co., Inc. for Ice Pigging - Domestic Water Mains, and providing an effective date.

COST: up to \$600,000.00

This item is to enter in a First Amendment to the agreement with Utility Service Co., Inc. for Ice Pigging - Domestic Water Mains.

- K. Resolution No. 2020-038R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a third addendum to the agreement dated March 23, 2017 between the City of St. Cloud and Sunstate Meter & Supply, Inc. for Cold Water Meters, and providing an effective date.

COST: This contract will be utilized by various departments for the purchase of products on an as-needed basis from various approved and budgeted projects and expenditure accounts throughout the fiscal year.

This item will approve the third addendum to the agreement with Sunstate Meter & Supply, Inc. for Cold Water Meters, and providing an effective date.

- L. Resolution No. 2020-039R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a second addendum to and extension of the agreement dated September 13, 2018, between the City of St. Cloud and Flowers Chemical Laboratories, Inc. whose subject matter is Laboratory Services, and providing an effective date.
COST: up to \$156,814.00
This item will extend the agreement for an additional (6) six month period from March 1, 2020 to August 31, 2020.
- M. Resolution No. 2020-040R, a resolution of the City Council of the City of St. Cloud, Florida,, authorizing the Mayor to enter into a first amendment to and extension of the agreement dated June 17, 2019, between the City of St. Cloud and Florida Armature Works, Inc., for Motor and Pump Repair, Rewind and Machine Work as needed, and providing an effective date.
COST: up to \$358,000.00
This item will approve the first amendment to the agreement with Florida Armature Works, Inc.
- N. Resolution No. 2020-041R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the termination of that certain agreement dated October 7, 2019, between the City of St. Cloud and Integrated Solutions Consulting, Corporation, whose subject matter is Public Assistance and Disaster Recovery Consulting and Management Services.
COST: No cost associated with this item.
This item is to terminate the agreement with Integrated Solutions Consulting, Corporation.
- O. Resolution No. 2020-042R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the purchase of one (1) Pierce Impel Level I Pumper Truck, with options available through Florida Sheriff's Association Contract No. FSA18-VEH13.0, titled Fire Rescue Vehicles & Ambulances, and the award thereof to Ten-8 Fire Equipment, Inc., and providing an effective date.
COST: up to \$514,842.64
This item is for the purchase of one Pierce Impel Level I Pumper Truck, with options.
- P. Minutes: March 14, 2019 / Regular Meeting, April 11, 2019 / Regular Meeting, April 18, 2019 / Workshop, April 25, 2019 / Regular Meeting, May 1, 2019 Workshop, May 9, 2019 / Regular Meeting and May 16, 2019 / Workshop.

Council Member Trace made a motion to approve the Consent Agenda minus A and C. Deputy Mayor Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote 5-0)

VIII. Public Hearings

1. **FIRST READING AND INTRODUCTION FOR ORDINANCE NO. 2020-10**, an ordinance of the City Council of the City of St. Cloud, Florida amending Chapter 36, Solid Waste, of the City of St. Cloud City Code, deleting Article III- "Landfill" Sections 36-71, 36-72, and 36-73 and creating new Article III, Solid Waste Impact Fee; Section

36-71, Fee Imposition; Section 36-72, Adoption of Technical Report as Basis of Impact Fees; Section 36-73; Definitions; Section 36-74, Determination of Fee; Section 36-75 Collection of Solid Waste Impact; Section 36-76, Solid Waste Impact Fee Schedule; Section 36-77 Use of funds collected; Section 36-78, Exemptions; Section 36-79, Interpretation of Article and Fee Schedule; Section 36-80, Effect of other Regulations and Requirements; Section 36-81, Alternative Calculation of Solid Waste Impact Fees; and Section 36-81, Alternative Calculation of Solid Waste Impact Fees; and Section 36.82, Appeals Providing for severability, conflict, codification and an effective date. (Final Public Hearing will be held March 12, 2020) (Above is full title) **ACTION ON ORDINANCE NO. 2020-10**

Ivy De La Cruz, Deputy City Clerk, read the First Read and Introduction for Ordinance No. 2020-10 into the record by title.

Mayor Blackwell announced the public hearing for Ordinance No. 2020-10.

Jim Wally, Innovative Waste Consulting Services, reviewed a presentation regarding commercial waste bin services.

Hughette Crumpler, 300 Michigan Avenue, requested clarifications which were provided.

Deputy Mayor Matheny made a motion to approve the First Reading and Introduction for Ordinance No. 2020-10. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote 5-0)

2. **PUBLIC HEARING FOR RESOLUTION NO. 2020-024R**, a resolution of the City Council of the City of St. Cloud, Florida, amending resolution number 2019-169R which adopted the fiscal year 2019/2020 budget for the City of St. Cloud, finding the City Manager has certified there are prior year fund balances and or current revenues available in the budget for additional projects and programs in various funds not included in the original budget, requiring the budget to be increased to include said additional funding in the various funds and making supplemental appropriations within the funds.(Above is full title) **ACTION ON RESOLUTION NO. 2020-024R**

This Public Hearing was heard under the Citizens Forum. (Please see page #3)

IX. Council Action

1. Resolution No. 2020-019R, a resolution of the City Council of the City of St. Cloud, Florida, determining the lowest responsive, responsible bidder whose bid is reasonable and otherwise in the best interest of the City of St. Cloud, and the award thereof in regards to Invitation to Bid (ITB) No. 2019-071 to Cathcart Construction Company-Florida, LLC, whose subject matter is Nolte Road Commercial Park Utility Improvements, establishing a contingency, authorizing the City Manager to approve change orders without increasing the approved budget, and providing an effective date.

Ivy De La Cruz, read Resolution No. 2020-019R into the record by title.

Leslie Flores, Procurement Director, reviewed the proposed resolution.

Mayor Blackwell announced the proposed resolution with no response from the audience.

Mayor Blackwell made a motion to approve Resolution No. 2020-019R. Council Member Askew seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote 5-0)

2. Resolution No. 2020-035R, a resolution of the City Council of the City of St. Cloud, Florida, approving a Water & Wastewater Service Agreement from Mid-Florida Acres, LLC., a residential development named Narcoossee Reserve located in the unincorporated area of Osceola County on the east side of Narcoossee Rd., west of Zuni Rd., north of Thompkins Dr., and south of Lake Hinden Cove, authorizing the City Manager to execute the agreement; and providing an effective date.

Ivy De La Cruz, read Resolution No. 2020-035R into the record by title.

Brian Wheeler, Interim Environmental Utilities Director, reviewed the proposed resolution.

Mayor Blackwell announced the proposed resolution.

Mr. Watson, Hanson, Walter & Associates, stated he was available to answer any questions.

Council Member Cooper made a motion to approve Resolution No. 2020-035R. Deputy Mayor Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski, motion carried. (Vote 5-0)

3. Discussion and Possible Action Regarding Agreement with Waste Connections of Osceola, Inc., f/k/a Omni Waste of Osceola, LLC regarding the Discharge of Leachate from the J.E.D. Solid Waste Management Facility.

This Council Action was heard under the Citizens Forum. (Please see page #2)

X. City Attorney

City Attorney Mantzaris stated Council had been provided copies of a Matrix from the broker for the Stevens Plantation DSD north property.

XI. City Manager

City Manager Sturgeon stated he had nothing at this time.

Linda Jaworski, City Clerk informed Council of the corrections for the DSD and Workshop meetings on the agenda would be the DSD meeting at 5:30 p.m. and the Workshop at 6:00 p.m. or immediately following.

XII. Mayor and Council Members

Council Member Askew stated he had nothing at this time.

Council Member Trace stated he had nothing at this time.

Deputy Mayor Matheny asked the status of removing the poles on 10th Street and what options the City had to motivate OUC. Council consensus was to request a timeline. She reminded

everyone of the Culinary Bike Tour and the Fund Raiser at Avatar Car Wash for the families of the two homes lost in the fire.

City Manager Sturgeon stated that OUC agreed, but did not provide a time frame.

Council Member Cooper requested an update on music in the downtown area and the Pennsylvania Avenue project, Phase II.

Leslie Flores, Procurement Director, reviewed the scope of the process for the music and information received today.

City Manager Sturgeon stated it would probably go out for bid in the early part of 2021.

Mayor Blackwell stated he had gone to Washington with OUC St. Cloud Board to meet with the American Public Power Association. Discussions were held regarding:

1. Lack of FEMA storm recovery
2. FCC to allow action on broadcast bands
3. Spoke with Federal Lobbyists regarding hiring of police and funding for Safety Complex.
4. Work with Representative Darren Soto for help with water testing and funding recovery for monies spent.

XIII. Information Section and Report Section

Mayor Blackwell read the following:

- Thursday, March 5, 2020 - Stevens Plantation Dependent Special District Meeting - 6:00 p.m. @ City Hall, Council Chambers
- Thursday, March 5, 2020 - City Council Workshop - 6:30 p.m. (or immediately following the DSD Meeting) @ City Hall, Council Chambers
- Friday and Saturday, March 6th and 7th, 2020 - Institute for Elected Municipal Officials - Altamonte Springs
- Thursday, March 12, 2020 - City Council Meeting - 6:30 p.m. @ City Hall, Council Chambers

Reports:

- Warrant List #7
- Tree Advisory Committee Meeting Minutes December 2019 - Approved

XIV. Adjournment: 10:12

Mayor Nathan Blackwell

ATTEST: City Clerk, Linda P. Jaworski

Minutes Approved: _____