



MINUTES OF THE REGULAR SESSION OF THE CITY COMMISSION HELD TUESDAY, DECEMBER 3, 2019, AT 6:00 PM AT THE CITY OF KISSIMMEE, CITY HALL COMMISSION CHAMBERS LOCATED AT 101 CHURCH STREET, KISSIMMEE, FLORIDA

1. MEETING CALLED TO ORDER

Members Present: Mayor Jose Alvarez, Commissioners Olga Gonzalez, Felix Ortiz, Angela Eady, Jim Fisher

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell, Records Specialist Eugenio Morales

Members Absent: None

Mayor Alvarez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Commissioner Fisher led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A. EMPLOYEE OF THE MONTH FOR DECEMBER

That the City Commission join the City Manager in recognizing **Emerson Godin-Koehler**, Police Department, as December's Employee of the Month.

City Manager Steigerwald introduced Officer Emerson Godin-Koehler, Employee of the Month for December 2019. Officer Godin-Koehler has been with the City for over three (3) years and has gone above and beyond in his service. City Manager Steigerwald reviewed the nomination and stated this award is selected by a committee of peers from all departments in the City and there is no greater honor.

Officer Godin-Koehler thanked the City Commission and his co-workers for selecting him for this honor.

5. PUBLIC HEARINGS

None.

6. HEAR AUDIENCE

Wanda LaFauvre, 564 Bitterwood Court, Kissimmee, addressed the Commission with her concerns on the Friday night Cruise In and the removal advertising for all the events that go along with the Movie in the Park and Food Truck events. They contacted Kissimmee Main Street and were added to the electronic media, but they are seeking assistance from the City to be included in the City event advertisement.

Dr. Jose Otero, 2430 Marcasite Loop, Kissimmee, spoke in favor of the City initiating a method, including golf carts, to slow down traffic through downtown. He commented on his arrival in 2011 and how much the Commission has done to improve Downtown; he has many clients who visit the restaurants and added modes of transportation would add to the City.

Jeremy Lanier, 5 W Darlington, Kissimmee, spoke as the President of the Downtown Business Association. He is concerned about pedestrian safety on the downtown streets and requesting the City come together with Kissimmee Main Street, Police Department, and the downtown merchants to talk about pedestrian safety. He is in support of the golf carts Downtown if it will slow down traffic.

Jackie Espinosa, 2800 Swoop Circle, Kissimmee, requested the Commission consider the use of golf carts Downtown to increase safety by slowing down vehicle traffic. Ms. Espinosa understands this would require a traffic study, but she believes many studies have already been conducted by SunRail and Lynx and those should be taken into consideration. Ms. Espinosa provided pictures (Exhibit "A") of the golf carts and feels this is something that should be discussed in the near future.

Audrey Rodriguez and Andrea Benitez, 2104 Fleet Court, Kissimmee, submitted forms in support of the use of golf carts downtown but neither spoke on the issue.

7. CONSENT AGENDA

THE CONSENT AGENDA IS A TECHNIQUE DESIGNED TO EXPEDITE HANDLING OF ROUTINE MISCELLANEOUS BUSINESS OF THE CITY COMMISSION. THE CITY COMMISSION IN ONE MOTION MAY ADOPT THE ENTIRE AGENDA. THE MOTION FOR ADOPTION IS NON-DEBATABLE AND MUST RECEIVE UNANIMOUS APPROVAL. BY REQUEST OF ANY INDIVIDUAL MEMBER, ANY ITEM MAY BE REMOVED FROM THE CONSENT AGENDA AND PLACED UPON THE REGULAR AGENDA FOR DEBATE.

Commissioner Jim Fisher made a motion to approve the Consent Agenda in its entirety. Commissioner Angela Eady seconded the motion.

Motion carried 5 - 0.

7.A. COMMISSION MINUTES APPROVAL

Request Commission approval of the November 19, 2019 Commission Minutes.

7.B. PURCHASE OF AN ELGIN CROSSWIND STREET SWEEPER AND VACTOR 2100i SEWER CLEANER

Approval to purchase an Elgin Crosswind Street Sweeper and a Vactor 2100i Plus Sewer Cleaner from Environmental Products Group (EPG) via the Florida Sheriff's Association Contract in the total amount of \$564,103 with a trade-in of units DR73 and DR63.

7.C. CITY-WIDE PAVEMENT MANAGEMENT STUDY USING CONTINUING SERVICES CONTRACT WITH SOUTHEASTERN SURVEY AND MAPPING COMPANY (SSMC)

Approval to contract with Southeastern Survey and Mapping Company (SSMC), to complete a City-wide pavement management study for an overall assessment of the City's roadway conditions at a cost of \$99,830.

7.D. ACCEPTANCE AND EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF \$661,559; AND APPROVAL TO EXECUTE SUB-RECIPIENT AGREEMENTS

Accept the 2019-2020 Community Development Block Grant (CDBG) from the Department of Housing and Urban Development (HUD) in the amount of \$661,559, execute the funding agreement and approve staff to execute all sub-recipient agreements that are within the City Manager's and Department Head's approval authority consistent with the City's Procurement Policy.

7.E. PURCHASE OF HYDRAULIC STRETCHERS AND POWER LOAD COT FASTENING SYSTEMS

Approval to purchase two (2) hydraulic stretchers and two (2) power load cot fastening systems from Stryker Medical at a total cost of \$75,134.84.

7.F. BURKHARDT CONSTRUCTION MANAGER AT RISK FOR CONSTRUCTION OF THE LAKE TOHO APARTMENTS UTILITY RELOCATION

Approval of the City of Kissimmee Construction Manager at Risk (CMAR) for the construction of the Lake Toho Apartments Utility Relocation at a cost not to exceed \$555,745.34.

7.G. PUBLIC WORKS AND ENGINEERING DEPARTMENT REORGANIZATION OF TRAFFIC DIVISION

Approval to reorganize the Public Works and Engineering Department's Traffic Division in order to better align the Division's responsibilities and functions within the Public Works and Engineering Department.

7.H. RS&H, INC. WORK ORDER #1 AMENDMENT TO THE CHURCH STREET PARKING IMPROVEMENTS PROJECT

Approval to amend Work Order #1 with RS&H, Inc. for the Church Street Parking Improvements project in the amount of \$33,808.71.

7.I. APPROVAL OF A MEMO OF UNDERSTANDING WITH LEADERS INVESTMENT GROUP

Commission approval of the Memorandum of Understanding, with Leaders Investment Group for the development of an aircraft maintenance hangar within the Kissimmee Gateway Airport's Business Airpark.

7.J. BUDGET TRANSFER TO PROJECT PW1522 – CARROLL STREET/DYER BOULEVARD

Approval to transfer funds from the Oak Street Widening project (ST1622) into the Carroll Street/Dyer Boulevard project (PW1522) in the amount of \$38,037 to balance the account.

7.K. AMENDMENT OF 2020 LEGISLATIVE PRIORITIES

Approval to amend the previously approved Legislative Priorities to include support of Osceola County Resolution #19-186R requesting state regulation of coal ash disposal within the State of Florida.

7.L. RESOLUTION ADOPTING SANITATION RATES AND CHARGES

Adoption of this resolution for Sanitation rates as presented in the Solid Waste Rate Study and approved on November 19, 2019.

Resolution # 26-2019 (Exhibit "B").

7.M. APPROVAL OF LETTER FROM MOSAIC PARTNERS IV, LLC REGARDING THE ESCROW OF THE PROCEEDS FROM THE SALE OF THE HANSEL PLANT SITE

Staff requests the City Commission authorize the Mayor to sign a letter from Mosaic Partners IV, LLC regarding the escrow of funds the City will receive from the sale of the Hansel Plant site to Mosaic Partners IV, LLC.

7.N. APPROVAL OF A SPACE/USE PERMIT FOR LEAD AIR

Commission approval of a Space/Use Permit for Lead Air.

8. DISCUSSION ITEMS**8.A. LANCASTER RANCH PARK MASTER PLAN APPROVAL**

Request City Commission to discuss and approve the Master Plan for Lancaster Ranch Park.

City Manager Steigerwald explained that Parks and Recreation staff was unaware of the condition for annexation of Lancaster Ranch. Meetings will need to be held with residents that are associated with the annexation to review the plans. This item is being removed from the Agenda and it will be brought back to the Commission Meeting in January of 2020.

9. HEAR CITY OFFICIALS

9.A. CITY MANAGER

CITY MANAGER STEIGERWALD

City Manager Steigerwald reviewed upcoming events in the City:

- December 6, 2019 – Movie “Elf” in Lakefront Park along with Food Trucks
- December 10, 2019 – Commission Workshop (Beaumont Property, Form Based Code)
- December 11, 2019, 11:30 a.m. to 1:00 p.m. – Annual Employee Luncheon – Osceola Heritage Park
- December 13, 2019, 9:30 a.m. – Monument Street Marker Unveiling by Public Works
- December 14, 2019, 7:00 p.m. – Festival of Lights Parade downtown, and from 4:00 p.m. to 6:00 p.m. visits with Santa at the Community House

City Manager updated the Commission on the Festival of Lights Parade and stated the entry limit was reached and we have a waiting list. Staff met and came up with a solution to expand the size of the parade by an additional fifteen (15) floats, which should accommodate all the requests.

City Manager Steigerwald followed up on the comments from “Hear the Audience” and requested direction from the Commission on whether to proceed with conducting a study on the feasibility of golf carts, e-scouters, and e-bikes within the Downtown Corridor. The City Attorney’s Office created a memo (Exhibit “C”) with an explanation of what steps need to be taken and that the City Engineer makes the determination on what streets would be considered appropriate and safe for this mode of transportation.

Mayor Alvarez asked the Commission for a consensus on if they would like staff to do the study.

Commission consensus was to move forward with the Study; Commissioner Fisher requested it be a detailed report.

City Manager Steigerwald assured the Commission that once staff has identified the type of Study that is needed and identified a funding source, staff will come back to the Commission with the findings prior to proceeding with an RFQ or RFP.

9.B. CITY ATTORNEYCITY ATTORNEY SANCHEZ DE FUENTES

Nothing.

9.C. CITY COMMISSIONCOMMISSIONER GONZALEZ

Nothing.

COMMISSIONER ORTIZ

Commissioner Ortiz requested the Commission grant permission to use the TOHO Garage for temporary sheltering for the homeless during inclement weather. He expressed concern after local churches could provide blankets, food, and volunteers but not shelters.

Commissioner Eady mentioned there is a church near her home that is willing to serve as a shelter, but they need assistance with providing food and maybe the City could provide it.

Commissioner Gonzalez stated she thought that using TOHO Garage is a good idea and knows of churches willing to provide some assistance.

Commissioner Fisher expressed his concern with the amount of liability the City would incur and doesn't believe the City should be a direct social service provider.

City Attorney Sanchez de Fuentes added to Commissioner Fisher's comment and stated this would not be covered by the City's insurance policy and the construction of the facility was funded through grant money from the State.

Deputy City Manager Matthews stated the only confirmed shelter for tonight for the homeless in Osceola County is the United Methodist Church in St. Cloud.

Mayor Alvarez stated the City does provide funding to organizations that assist with homelessness but there would be liability for the City to use public property.

Deputy City Manager Matthews stated many of the programs the City funds are for long-term sustainability and not necessarily for emergency services. The chronic homeless population have some very specific needs that can make it challenging for only one facility housing them; the homeless include sex offenders, individuals with medical needs, and families with children that cannot be co-mingled with men.

Commissioner Ortiz felt the City should use the same measures used for hurricanes and he does not see how these same people are unable to be sheltered.

Deputy City Manager Matthews noted the difference is that when it is a hurricane, it is declared a state of emergency by the Governor and it allows for assistance with funding for the services and resources that are used.

There was no formal motion or consensus of the Commission to discuss at the Workshop or approve the usage of the parking garage as a shelter.

COMMISSIONER EADY

Nothing.

COMMISSIONER FISHER

Nothing.

MAYOR ALVAREZ

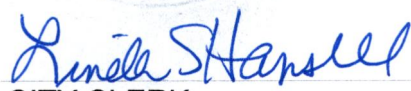
Nothing.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Alvarez adjourned the meeting at 6:40 PM.



ATTEST:


CITY CLERK


MAYOR-COMMISSIONER

Exhibit "A"
Golf Cart Photos Provided by Jackie Espinosa
Hear the Audience
Item 6.











Exhibit "B"
Resolution # 26-2019
Adopting Rates and Charges Chapter 10-01 Solid Waste and Recyclable Materials
Item 7.L.

Exhibit "C"
Legal Memorandum from City Attorney
Golf Cart Operation on City Streets
Item 9.A.

12/3/2019

LEGAL MEMORANDUM

TO: Mike Steigerwald, City Manager

FROM: Kalanit, Oded, Deputy City Attorney
Olga Sanchez de Fuentes, City Attorney

SUBJECT: Golf Cart Operation on City Streets

DATE: November 27, 2019

ISSUE:

Whether the City may adopt an ordinance enabling operation of golf carts on select City streets, and to what extent may the City regulate the operation of golf carts.

DISCUSSION and ANALYSIS:

The City may enact an ordinance permitting the use of golf carts on select public streets provided the municipality posts appropriate signs or otherwise informs the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory. Fla. Stat. § 316.212(8)(a). Whereas operation of golf carts on public streets is generally prohibited pursuant to the Florida Uniform Traffic Control Law, Chapter 316, Florida Statutes, Section 316.212(1) therein permits operation of golf carts on "*a municipal street that has been designated by a municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts*"

City code designates the Director of Public Works and Engineering with the authority to evaluate which public roads are appropriate and safe for golf cart travel. *See*, Kissimmee City Code, Section 2-4-15. As such, a traffic study would be conducted to gather data regarding traffic volume, speed and accident frequency on the roadways where golf carts are desired to determine whether the road is compatible for the safe movement of traffic by both existing vehicular traffic and the golf carts. The Public Works Department would make a recommendation to the City

Commission based on the traffic study findings. Thereafter, the City Commission is charged with making the final determination that golf carts may safely travel on designated streets based on factors including speed, volume and character of motor vehicular traffic. Fla. Stat. § 316.212(1). The City is required to post signs indicating that golf cart operation on designated roads is permissible. Id.

Generally, golf carts can operate on city streets between sunrise and sunset, unless the municipality finds it appropriate to operate golf carts during additional hours and said golf carts are equipped with headlights, brake lights, turn signals, and a windshield. Fla. Stat. § 316.212(5). The minimum age to operate golf carts on public roads or streets is fourteen (14). Fla. Stat. §316.212(7). Fla. Stat. § 316.212 generally allows a municipality to adopt an ordinance that is more restrictive than state law regulation of golf carts, however, those regulations may only apply to unlicensed drivers. Fla. Stat. §316.212(8)(a) and § 322.04(1)(e); *See also*, AGO 16-17. Furthermore, a municipality may not require the installation of safety equipment, including seat belts or child restraint, on golf carts. See, AGO 04-60.

CONCLUSION:

City Commission is authorized by Fla. Stat. § 316.212 to adopt an ordinance allowing golf carts to travel on designated public streets or roadways but is still bound by specific provisions of the Florida Uniform Traffic Control Law.

The following chart serves as a convenient summary of what may and may not be regulated by City ordinance:

City May Regulate	City May Not Regulate
Hours of golf cart operation: <i>if beyond sunrise to sunset, must be regulated by ordinance, and provided that golf carts are equipped with headlights, break lights turn signals and a</i>	Driving Age: <i>established by state law as age fourteen (14)</i>

<i>windshIELD.</i>	
Which public roads are safe and appropriate for golf cart travel.	Requirement of additional Safety Equipment: <i>including seat belts or child restraints.</i>
Operation of golf carts on sidewalks pursuant to adoption of a local ordinance.	Cannot prohibit individuals with suspended or revoked licenses from operating golf carts on public streets (but may provide some limitations by adoption of a local ordinance.).