



MINUTES OF THE REGULAR SESSION OF THE CITY COMMISSION HELD TUESDAY, DECEMBER 17, 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 6:01 p.m.

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. PROCLAMATION - PURPLE HEART CITY

The request is for the City Commission to present a Proclamation in honor of the City of Kissimmee being named a "Purple Heart City".

City Manager Steigerwald read a proclamation in honor of Purple Heart City as the Mayor and Commissioners presented the proclamation to Vice-Commander John Hillery and members of the Military Order of the Purple Hearts.

Vice-Commander Hillery thanked the Commission on behalf of the Lakeland, Florida Military Order of the Purple Hearts and presented a Proclamation Acceptance Speech (Exhibit "A") and requested that this sealed certificate be put on display.

Mayor Alvarez stated this is a huge honor to be named a "Purple Heart City".

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

None.

5. PUBLIC HEARINGS

5.A. PUBLIC HEARING - PROGRAM YEAR 2018-2019 CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Approval of Program Year 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER).

Frances DeJesus, Housing and Community Development Coordinator, presented the 2018/2019 Consolidated Annual Performance and Evaluation Report provided with the Agenda and reviewed the accomplishments.

Mayor Alvarez announced the Public Hearing.

Tom Kapp, 21 Clyde Avenue, Kissimmee, commented that he did not understand what Ms. DeJesus was referencing and it was explained by staff.

Commissioner Jim Fisher made a motion to approve the Public Hearing. Commissioner Angela Eady seconded the motion.

AYE: Mayor Jose Alvarez, Commissioner Olga Gonzalez, Commissioner Angela Eady, Commissioner Jim Fisher, City Commissioner Felix Ortiz

NAY: None

Motion carried 5 - 0.

5.B. PUBLIC HEARING - PAIN MANAGEMENT LICENSE: PALM TREE INTERVENTIONAL PAIN MANAGEMENT, DRC #19-00148

Approval of a Pain Management License for Palm Tree Interventional Pain Management Clinic.

Brenda Ryan, Development Services, reviewed the request for a pain management license which requires Commission approval. All documents have been provided; staff recommends approval with the following conditions:

1. A criminal background check of all owners or operators or any other party with a proprietary interest in the establishment shall be conducted in order to provide assurances that such persons have no criminal convictions, including but not limited to convictions under Florida Statute Ch. 893 within the last ten years.
2. The pain management clinic shall only operate between the hours of 9:00 a.m. to 6:00 p.m.
3. Each pain management clinic or pharmacy shall be registered separately for each location within the City regardless of whether each clinic or pharmacy is operated under the same business name or management as another clinic or pharmacy.

4. The pain management clinic or pharmacy shall not limit the form of payment for goods or service to cash only.
5. The pain management clinic or pharmacy shall not accept cash for payment of goods and services associated with the prescribing or dispensing of Schedule II substances except for insurance co-pays, coinsurance, or deductibles.
6. Prior to prescribing or dispensing any Schedule II substances, the licensed physician shall perform a physical examination of a patient on the same day at the same location that he or she dispenses or prescribes any Schedule II substance. The physical exam shall be performed by the licensed physician and shall not be performed by a nurse or physician's assistant. A written report of the physical examination shall be placed in the patient's record.
7. The physician shall require a valid State or Federal photo identification, or passport, to identify the patient or, in the case of a minor, his/ her parent or legal guardian's similar identification, prior to the prescribing or dispensing of any Schedule II substances.
8. A physician shall not prescribe or dispense more than a thirty (30) day supply of any Schedule II substances provided the patient's valid identification is from the State of Florida.
9. For any patient whose valid identification is outside the State of Florida, the physician shall not prescribe or dispense more than a seventy-two (72) hour supply of any Schedule II substances except that a physician may prescribe or dispense up to a thirty (30) day supply of any Schedule II substance provided the patient presents:
 - a) A valid photo identification in accordance with this section.
 - b) A utility bill that is not older three (3) months that is in the name of the patient or the patient's spouse and that shows a City of Kissimmee address.
10. The physician shall maintain a legible copy of the prescription for Schedule II substances as defined by the Code of Ordinances, the patient's photo identification for each prescription; and the utility bill required by this section, if applicable. The records must be maintained for a minimum of two (2) years. Such records shall be available for inspection and copying by law enforcement agencies, as permitted by law, for a minimum of two (2) years.
 - a) Each prescription must be clearly documented in the patient record. All written prescriptions must include the name, address, substance name, amount prescribed, and detailed instructions.
11. Provide a monthly summary report to the Police Department for all Schedule II substances as defined in Section 5-13-2 of the Code of Ordinances that have been prescribed or dispensed by the facility. The monthly report shall be provided by the seventh (7th) day of each month for the previous month. At a minimum, the report shall include the following:
 - a) List of all physicians that have prescribed Schedule II substances, with their business addresses;
 - b) The number of prescriptions written by each physician or physician's office;
 - c) The number of prescriptions associated with each type of Schedule II substances.
12. The pain medication license shall be issued for a period of one (1) year. This license must be renewed annually, subject to a \$200 fee, and approved by the City Manager or designee.
13. Subject to City Manager (or designee) and City Commission review and approval.
14. Such other conditions as the City Commission determines are reasonably related to the public health, safety and welfare.
15. All applicable code requirements of the City of Kissimmee Code of Ordinances shall be adhered to for any proposed use(s) and its processes.

Commissioner Fisher requested information on how many pain clinics are in the City.

Planner Ryan stated she could research and provide the information.

Mayor Alvarez announced the Public Hearing with no response from the audience.

Commissioner Jim Fisher made a motion to approve the Public Hearing. Commissioner Angela Eady seconded the motion.

AYE: Mayor Jose Alvarez, Commissioner Olga Gonzalez, Commissioner Angela Eady, Commissioner Jim Fisher, City Commissioner Felix Ortiz

NAY: None

Motion carried 5 - 0.

5.C. PUBLIC HEARING - WALMART #2881 ONLINE GROCERY PICKUP: PUD AMENDMENT, DRC#19-150 (UPDATE SIGN STANDARDS)

Approval of a PUD Amendment updating the sign standards for the Gateway Commons PUD project.

Planner Ryan stated this request is to modify signage for the Gateway Commons PUD. She reviewed the sizes as listed in the Agenda back-up and stated all others would remain the same. Staff recommends approval with the following conditions:

1. Subject to DRC Comments.
2. This amendment does not affect any other design or use standards. Those standards not identified in the sign package shall be governed by the Lane Development Code.

Mayor Alvarez announced the Public Hearing with no response from the audience.

Commissioner Angela Eady made a motion to approve the Public Hearing. Commissioner Jim Fisher seconded the motion.

AYE: Mayor Jose Alvarez, Commissioner Olga Gonzalez, Commissioner Angela Eady, Commissioner Jim Fisher, City Commissioner Felix Ortiz

NAY: None

Motion carried 5 - 0.

6. HEAR AUDIENCE

Dr. Ann Tyler, 602 Lee Street, Kissimmee, spoke before the Commission reference the 604 Lee Street property (Exhibit "B") that is not being maintained by the owner. She reviewed the cost that she and her neighbors have incurred to keep the property from becoming an eyesore. Although the City cuts the growth, she has personally spent \$200 for branch removal at the back of her lot, \$200 for tree branches on the lot which leaned over her roof, and \$40 month for grass cutting from June through to October (five months). All of this from 2007 to 2018. She estimated a total of \$2,040 in costs. The stump near her fence has roots that are pressing up against her handicap ramp and she is asking the City to get this resolved before Christmas. Dr. Tyler provided details of the owner based on information she obtained from the Osceola Property Appraiser's Office.

Mayor Alvarez confirmed that staff will look into it.

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 December 3, 2019 Commission Meeting and the December 10, 2019 Commission Workshop Minutes.

7.B. PURCHASE OF AN ENVIROSIGHT CLOSED CIRCUIT TV INSPECTION SYSTEM AND FORD TRANSIT BUILD-OUT TRUCK

Approval to purchase an Envirosight Closed Circuit TV (CCTV) Inspection System and Ford Transit Build-out truck (camera truck) using the Sourcewell Contract (#022014-EVS) for \$181,060.91.

7.C. CONTRACT WITH HABITAT FOR HUMANITY OF GREATER ORLANDO & OSCEOLA COUNTY, INC - 310 LESESNE STREET

Award and execute the contract and other related documents between the City of Kissimmee, Habitat for Humanity of Greater Orlando & Osceola County, Inc. and the homeowner of 310 Lesesne Street to demolish and reconstruct the structure.

7.D. APPROVAL OF A RESOLUTION FOR EMINENT DOMAIN FOR WEST OAK STREET WIDENING AND IMPROVEMENT PROJECT

Approve a Resolution to authorize the City to take by eminent domain, if necessary, land needed for the next phase of the West Oak Street Widening and Improvement Project.

Resolution # 27-2019 (Exhibit "C").

7.E. APPROVAL OF INDIVIDUAL PARCEL RESOLUTIONS FOR EMINENT DOMAIN FOR WEST OAK STREET WIDENING AND IMPROVEMENT PROJECT

Approve five separate Resolutions that authorize the City to take by eminent domain land necessary for the West Oak Street Widening and Improvement Project

Resolution # 28-2019, Resolution # 29-2019, Resolution # 30-2019, Resolution # 31-2019, Resolution # 32-2019 (Exhibit "D").

7.F. ACCEPT TOURIST DEVELOPMENT COUNCIL (TDC) GRANTS FROM EXPERIENCE KISSIMMEE TO ASSIST WITH 2020 CHILI COOK-OFF, KOWTOWN FESTIVAL, AND PRIDEFEST KISSIMMEE EVENTS

Request approval to accept Experience Kissimmee TDC grants for 2020 Chili Cook-Off, Kowtown Festival, and Pridefest Kissimmee Events and to amend the budget accordingly.

7.G. APPROVAL TO ACCEPT THE NATIONAL RECREATION AND PARK ASSOCIATION GRANT FOR CONNECTING COMMUNITIES THROUGH OUTDOOR PLAY

Approval to accept the National Recreation and Park Association Connecting Communities Through Play Grant in the amount of \$26,000 for the construction of an outdoor fitness course at Mill Slough Park.

7.H. BELLAVIDA PHASE 2C – MAJOR SUBDIVISION, FINAL PLAT (DRC#18-00181)

City Commission approval of the final plat known as Bellavida Phase 2C with Performance Guarantee Agreement.

7.I. NEW STREET LIGHTING INSTALLATION FOR THE EXTENSION OF THACKER AVENUE AND BALL PARK ROAD WITHIN FLORA RIDGE

Approval of a line extension contract with the Kissimmee Utility Authority for the installation of street lighting along the new sections of Thacker Avenue and Ball Park Road in accordance with the Roadway Improvement and Mobility Impact Fee Credit Agreement with Epoch Development dated September 18, 2018.

7.J. SCHUYLKILL STREET SUBDIVISION - FINAL PLAT (DRC#19-00041)

Approval of the final plat known as Schuylkill Street Subdivision.

7.K. 904 W. CHERRY - FINAL PLAT (DRC#19-00138)

City Commission approval of the final plat known as 904 W. Cherry.

8. DISCUSSION ITEMS

None.

9. HEAR CITY OFFICIALS**9.A. CITY MANAGER**CITY MANAGER STEIGERWALD

City Manager provided information to the Commission on the following events:

Ribbon Cutting for the Lakefront Phase IV Project - Friday, December 20, 2019 at 12:00 p.m.

Chambers Park Community Center, Breakfast with Santa - Saturday, December 21, 2019 from 9:00 a.m. to 1:00 p.m.

City Manager Steigerwald notified the Commission he will be out of town starting Wednesday and will return to the office on the 26th; Deputy City Manager Matthews will be in charge during his absence.

City Manager Steigerwald introduced the new Aviation Director Shaun Germolus to the Commission.

Director Shaun Germolus stated he is happy to be here from Minnesota. He commented to the Commission that we have a wonderful City and are doing amazing things at the Airport, he looks forward to continuing with those efforts.

The Commission welcomed Mr. Germolus to the City.

9.B. CITY ATTORNEYCITY ATTORNEY SANCHEZ DE FUENTES

City Attorney Sanchez de Fuentes thanked the Commission for their confidence in her and wished them a Merry Christmas; she is looking forward to more adventures in 2020.

9.C. CITY COMMISSION

COMMISSIONER GONZALEZ

Commissioner Gonzalez wished everyone a Merry Christmas and Happy New Year.

COMMISSIONER ORTIZ

Let the record reflect that Commissioner Ortiz was not called upon to comment.

COMMISSIONER EADY

Commissioner Eady wished everyone a Happy Holidays.

COMMISSIONER FISHER

Commissioner Fisher commented on the great parade this past weekend and wished everyone a Merry Christmas.

MAYOR ALVAREZ

Mayor Alvarez congratulated Parks and Recreation for a successful Holiday Parade; great job.

Mayor Alvarez distributed a portion of the City Charter on Decorum (2-2-25) and shared the information with the Commission (Exhibit " E ").

Mayor Alvarez wished everyone a very Merry Christmas and Happy New Year.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Alvarez adjourned the meeting at 6:24 PM.

ATTEST:




CITY CLERK


MAYOR-COMMISSIONER

Exhibit "A"
Purple Heart City – Proclamation Acceptance Speech
Item 3.A.



PROCLAMATION ACCEPTANCE SPEECH

Mr. Mayor, City Commissioners, Fellow Patriots, Ladies and Gentlemen

On behalf of our Purple Heart Chapter in beautiful Lakeland, Florida.
I accept your proclamation, to become a Purple Heart City.

I am very honored to stand here to receive this Document from you,
and your Mayor. We are very humbled by your Support of our
Organization and the work we are doing in this community.

I am very grateful for the wording of the Proclamation, that acknowledges
the sacrifices made by the Combat Wounded Veterans here in Kissimmee,
and Osceola County ,Florida

I feel personally honored to be a part of this Historic Ceremony

We will take all necessary action to have this City Placed
on the National Register as a Purple Heart Entity.




John L. Hillery
Jr. Vice Commander



MILITARY ORDER OF THE PURPLE
HEART

JOHN L. HILLERY
JR. VICE COMMANDER

AZELA PARK
1325 GRASSLANDS BLVD.
LAKELAND, FLORIDA 33803
1-863-647-2112
SRHILLERY@HOTMAIL.COM

Exhibit "B"
Comments – Dr. Ann Tyler Reference 604 Lee Street
Item 6.A.

Mailing Address: P. O. Box 420668
Kissimmee, FL 34742-0668

Kissimmee City Commissioners & STAFF,

This is Dr. Ann Y. Tyler, a happy resident of Kissimmee, since August, 1991.
Today I am pleading for a solution to the problem of the vacant lot on the North side of my house. I realize it may take money and maybe even a new ordinance or statute.

My neighbor Wanda Shelton Kelly, and I have consistently paid to keep the lot between us trimmed with our own personal funds. I will not present her funds spent, but for me, even when the City has cut the growth, (twice to my knowledge and billed the Owner, even when the previous Owner, Nascimento Da Silva has had the growth cut twice a month on Tuesdays, for a year. I have paid my workers \$200.00 for the branches cut down at the back of the lot near my fence, \$200.00 for the tree branches on the lot which loomed over my roof, and \$40.00 a month for the grass cutting during June July, August, September and October from 2007-2018. (11 years times 5 months=\$2040.00)

Now the stump near my fence has roots that are pushing up my fence near my handicap ramp. It needs to be removed.

So Please, if you can't find Medrano, Inc. before Christmas Day, have this lot cleared of the all the corn grass, grass, weeds, the stump and it's branches. We try very hard to keep our own properties clean and cleared. Sanitation guys do a wonderful job every Tuesday and Friday. the neighbors get along well. TOHO responds when called for water emergencies.

You, I'm sure have, the property lines as I have. My neighbor, Wanda Shelton Kelly has her property line from when the Habitat for Humanity built her house.

I KNOW MY CITY WANTS ITS NEIGHBORHOODS TO LOOK GOOD! (No matter what I was told by Mr. Fisher and Mr. Vazquez, when they so kindly came to visit me at 602 to explain the situation as they interpreted it.)

Sincerely submitted,

ATT

Dr. Ann Y. Tyler, Kissimmee Resident

PERTINENT INFORMATION

Parcel # 21-25-2390-0001-0180 PHYSICAL ADDRESS: 604 LEE ST., KISSIMMEE, FL 34741
Owner Name MEDRANO DRYWALL & FINISHING, INC., 2017 MILLER BLVD., FRUITLAND, FL 34731
Sale Price: Warranty Deed (WD) \$30,000.00 Taxable (estimated) \$16,500.00
Sale Date 4/12/2019
Export Search CSV, TXT, XLS
Source: Osceola County Property Appraisers Office <https://ira.propertyappraiser.org>
Google Results for the Owner shows: Masters of Plaster 1.352.365.0048

Exhibit "C"
Resolution # 27-2019
Eminent Domain for West Oak Street Widening and Improvement Project
Item 7.D.

Exhibit "D"
Resolutions # 28-2019, # 29-2019, # 30-2019, # 31-2019, # 32-2019
Eminent Domain – Individual Parcels
Item 7.E.

Mayor Alvarez
12/17/2019[Print](#)Exhibit
Item 9

Kissimmee, FL Code of Ordinances

§ 2-2-25 DECORUM.

(A) While the City Commission is in session, the members thereof shall not, by conversation or otherwise, delay or interrupt the proceedings nor the peace of the City Commission and shall obey all orders of the City Commission or its presiding officer, except as otherwise herein provided. The presiding officer shall preserve strict order and decorum at all meetings.

(B) During City Commission meetings, commission members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the City Commission. Every Commissioner desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate and shall avoid all personalities and indecorous language. Every Commissioner desiring to question the administrative staff shall address his question to the City Manager who shall be entitled either to answer the inquiries himself or to designate some member of the staff for that purpose. A Commissioner, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions for another member. All members of the City Commission shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the City Commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Commissioners shall confine their remarks to the issues before the City Commission.

(C) Members of the administrative staff and employees of the city shall observe the same rules of procedure and decorum applicable to members of the Commission. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the City Manager also shall be responsible for the orderly conduct and decorum of all city employees under his direction and control. The City Manager shall take such disciplinary action as may be necessary to insure that such decorum is preserved at all times by city employees in Commission meetings. Any staff member or City Manager desiring to address the City Commission or members of the public shall be recognized by the chair, shall state his name for the record, and shall limit his remarks to the matter under discussion. All remarks and questions shall be addressed to the City Commission as a whole and not to any individual member thereof. No staff member, other than the staff member having the floor, shall enter into any discussion, either directly or indirectly, without permission of the presiding officer.

(D) Public members attending City Commission meetings also shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Commission. Any person making personal, impertinent and slanderous remarks or who becomes boisterous while addressing the City Commission or while attending the Commission meeting shall be removed from the room.