



**MEETING MINUTES
SESSION OF THE COMMISSION MEETING
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, MARCH 15, 2022 AT 6:00 PM**

1. **MEETING CALLED TO ORDER Members Present:** Mayor Olga Gonzalez, Commissioners Olga Castano, Felix Ortiz, Carlos Alvarez, III, 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
Members Absent: None

Mayor Gonzalez 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 Introduction of Mr. David Shimp, CEO of HCA Florida - Osceola Hospital

The City of Kissimmee's Economic Development Division will introduce to the Commission the new HCA Florida - Osceola Hospital CEO, Mr. David Shimp.

Economic Development Manager Belinda Kirkegard, reviewed the accomplishments of Mr. David Shimp, newly appointed CEO of Osceola Regional. Mr. Shimp was introduced to the Commission.

Mr. Shimp introduced himself and spoke in reference to his first 90-days at HCA Healthcare and his PowerPoint Presentation (Exhibit "A").

- 3.B Proclamation - Water Conservation Month

The request is for the City Commission to present a Proclamation in honor of "Water Conservation Month."

City Manager Steigerwald read a proclamation in honor of Water Conservation Month as the Mayor and Commissioners presented the proclamation to Mary Cox, Communications Leader, Toho Water Authority.

Ms. Cox thanked the Commission for recognizing April as Water Conservation Month and partnering with Toho Water in making everyone a "Water Hero".

- 3.C Employee of the Month for March

Request that the City Commission join the City Manager in recognizing Justin Hetu, City Manager's Office, as March's Employee of the Month.

City Manager Steigerwald introduced Justin Hetu to the audience and reviewed his attributes and selection as the Employee of the Month. He commented on Justin's focus on the education of our citizens and his upbeat and friendly demeanor. We are pleased to recognize Justin for this honor.

Mr. Hetu thanked everyone and stated he is honored to be a public servant and to be selected by a jury of his peers.

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A Public Hearing - Second and Final Reading - Ordinance Updating Emergency Service Rates and Charges - Proposed Ordinance No. 22-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KISSIMMEE, FLORIDA, CHAPTER 20, ARTICLE II, EMERGENCY MEDICAL SERVICES; SECTION 20-19, RATES AND CHARGES; MODIFYING BASE RATES FOR ALL SERVICES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

This is a request to approve the second and final reading of Proposed Ordinance No. 22-06 to update emergency medical service rates and charges, and to authorize staff to automatically adjust fees every two years according to the annual Ambulance Inflation Factor (AFI) and the Consumer Price Index (CPI).

City Attorney Sanchez de Fuentes read Ordinance # 3053 by title.

City Manager Steigerwald reviewed the request and stated this is the first request for an increase in fees since 2012; if approved, this will authorize staff to automatically adjust the fees every two years according to the Ambulance Inflation Factor (AFI) and the Consumer Price Index (CPI). The proposed price increases are in line with increases approved by the City of St. Cloud and under consideration by Osceola County. After holding the Public Hearing, staff recommends approval of this first reading.

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

Commissioner Fisher moved to adopt Ordinance # 3053 (Exhibit "B"). Commissioner Castano seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Castano	AYE
Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Mayor Gonzalez	AYE

Motion carries 5 - 0.

4.B Public Hearing - Final Reading - Ordinance amending the Zoning Map designation from City MUPUD to City RC-1: Mill Slough Road, ZMA-21-0001 - Proposed Ordinance 22-001

AN ORDINANCE AMENDING ORDINANCE NO. 3034 KNOWN AS THE CITY OF KISSIMMEE LAND DEVELOPMENT CODE, REZONING THE PROPERTY HEREINAFTER DESCRIBED, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

Approval of a zoning map amendment to change the Zoning designation from Planned Mixed Use Development (PMUD) to Multiple Family Medium Density Residential (RC-1) on 30.92 acres of land.

City Attorney Sanchez de Fuentes read Ordinance # 3054 by title.

Brenda Ryan, Development Services, stated this is the final reading to change the zoning map designation which is currently part of the Sunbelt PUD Mixed-Use development. Approximately 30.92 acres are requested for Multiple Family Medium Density Residential. The previous construction plans were approved in 2007 for townhomes and single-family detached homes, however the construction plans expired. Correspondence has been received from citizens who are concerned about the impact. All impacts will be addressed during the development review process and before coming back to the Commission for approval. At this time, staff is recommending approval of the rezoning of this property.

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

Commissioner Fisher moved to approve the Final Reading of Ordinance # 3054 (Exhibit "C"). Commissioner Castano seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

4.C Public Hearing - First Reading - Ordinance to Annex 13.52 acres of land: Hilliard Park, AX-21-0001 - Proposed Ordinance 22-002

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN HEREIN DESCRIBED LAND, TO THE CITY OF KISSIMMEE, FLORIDA, FURTHER PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH LAND AFTER ITS ANNEXATION, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

Approval to annex approximately 13.52 acres of property located east of Simpson Road, north of Hilliard Isle Road, south of Pebble Pointe Way, and west of Cahokia Court.

City Attorney Sanchez de Fuentes read Proposed Ordinance #22-02 by title.

Brenda Ryan, Development Services, reviewed the proposed annexation of the property that is found to be adjacent to the City limits to the north and west boundaries which meets voluntary annexation criteria. Staff has received correspondence from property owners and they are attached to the agenda. The Land Use Amendment and Rezoning application are not currently under consideration and will be brought back to the Commission during the Second and Final reading of the annexation. Staff received communications from the owner's representative with proposed change to single-family. Staff recommends approval of the annexation.

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

Commissioner Ortiz expressed concern about the annexation and he does not agree to annexation without any resolution to proposed changes.

City Attorney Sanchez de Fuentes reminded the Commission that traffic is not a consideration during annexation.

Commissioner Fisher stated the developer has indicated that they are reducing the amount of housing.

City Manager Steigerwald explained to the Commission that Land Use and Zoning would not be considered until the Second and Final Reading. Land-Use cannot be decided prior to the property being annexed into the City.

Commissioner Fisher moved to approve Proposed Ordinance # 22-02. Commissioner Ortiz seconded the motion for discussion.

Upon roll call, the vote was as follows:

Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE
Commissioner Ortiz	NAY
Mayor Gonzalez	AYE

Motion carried 4 - 1.

5. PUBLIC HEARINGS

- 5.A Public Hearing - Tapestry, Parcel 2, Phases 2 and 3 PUD Amendment: DRC-21-00092
Approval of a Planned Unit Development (PUD) Amendment to reallocate and increase multi-family uses and phasing in Tapestry Parcel 2, Phases 2 and 3, on approximately 50.84 acres of land.

Brenda Ryan, Development Services, stated this is an Amendment to reallocate and increase multi-family uses. A trip generation analysis was provided to verify the changes will not generate additional trips and have potential adverse impacts on transportation. Staff is recommending approval subject to the three (3) conditions listed.

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

Commissioner Fisher moved to approve the First Public Hearing for the Tapestry Parcel 2 Planned Unit Development. Commissioner Castano seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Fisher	AYE
Commissioner Castano	AYE
Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

6. HEAR AUDIENCE

None.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

Commissioner Fisher made a motion to approve the Consent Agenda in its entirety. Commissioner Ortiz seconded the motion.

Motion to Approve Passed 5 - 0.

- 7.A Approval of City Commission Minutes from the March 1, 2022 meeting
Request Commission approval of the March 1, 2022 Commission Minutes.
- 7.B Magnolia Park Replat - Final Plat (DRC# SR-21-0002)
Requesting City Commission approval of the final plat known as Magnolia Park Replat.
- 7.C Agreement with American Traffic Solutions d/b/a Verra Mobility for Traffic Camera Safety Improvement Program
Approval of an agreement with American Traffic Solutions d/b/a Verra Mobility for the Traffic Camera Safety Improvement Program.
- 7.D Task Work Order No. 2 to Michael Baker International, Inc. for Phase II of the Stormwater Asset Inventory Data Collection Project
Approval to issue Task Work Order No. 2 to Michael Baker International, Inc. for Phase II of the Stormwater Asset Inventory Data Collection Project for the City's downtown

drainage basin in the amount of \$270,753.

7.E Acceptance of CDBG-MIT funds through the State of Florida, Department of Economic Opportunity for the Woodside Drainage Improvement Project

Approval to accept \$3,400,000 in CDBG-MIT funds awarded for the construction of the Woodside Drainage Improvement project and to amend the budget accordingly.

7.F Request to Approve Utility Easement to Toho Water Authority Relating to Osceola County's Bill Beck Boulevard - Segment B Roadway Improvement Project

This is a request for a Commission approval of a utility easement granted from the City of Kissimmee to Toho Water Authority in order to put in proper utilities necessary for the Bill Beck Boulevard - Segment B Roadway Improvement Project.

8. DISCUSSION ITEMS

8.A Appointments to the MetroPlan Orlando Board of Directors and Community Advisory Committee

Staff requests Commission direction regarding the appointment of a non-voting airport representative to the MetroPlan Orlando Board of Directors and the citizen representative to MetroPlan's Community Advisory Committee.

City Manager Steigerwald reviewed the openings on the MetroPlan Board for City representation. Currently, we have a seat on the Board of Directors as a non-voting member that needs to be associated with the Kissimmee Gateway Airport. The current member does not meet the guidelines for MetroPlan.

Commissioner Castano nominated herself and Commissioner Ortiz seconded the motion to appoint Commissioner Castano as a non-voting member of the Board representing the Airport.

Commissioner Fisher explained that an alternate is needed for his voting position on the Board.

The motion was amended to appoint Commissioner Castano as the Alternate for Commissioner Fisher and a voting member of the Board.

Motion carried 5 - 0.

Commissioner Fisher made a motion to appoint Shaun Germolus to MetroPlan as a non-voting member representing the Airport. Commissioner Castano seconded the motion.

Motion carried 5 - 0.

City Manager Steigerwald explained the third position that is open is a member of the Citizen Advisory Committee.

Commissioner Fisher made a motion to postpone the appointment of the Citizen Advisory Committee to the April 5, 2022 Meeting. Commissioner Castano seconded the motion.

Motion carried 5 - 0.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

City Manager Steigerwald stated in response to Commissioner Ortiz's request for a letter reference NEO City that was drafted for the Commission, please forward your feedback to the City Manager.

Commissioner Fisher thanked Commissioner Ortiz for bringing this to the Commission's attention.

Commissioner Castano stated she spoke with one of the County Commissioners and they are willing to work with us.

9.B CITY ATTORNEY

City Attorney Sanchez de Fuentes presented an item to the Commission and requested a Resolution (Exhibit "D") be approved by the Commission to appoint City Engineer Ashley Willis to represent and bind the City at a Court Hearing being held on March 29, 2022.

Commissioner Fisher made a motion to adopt Resolution # 01-2022. Commissioner Castano seconded the motion.

Motion passed 5 - 0.

9.C CITY COMMISSION

Commissioner Alvarez wished all a happy St. Patrick's Day and reminded everyone of the events being held at Chambers Park and the Kowtown Festivals at the Lakefront on March 19, 2022.

10. ADJOURNMENT There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 6:41 PM.



Rudi Stansell
CITY CLERK

Olaya Gonzalez
MAYOR-COMMISSIONER

Exhibit "A"
PowerPoint Presentation
HCA Healthcare
Item # 3.A



Our Mission and Values

Above all else, we are committed to the care and improvement of human life.

Integrity

Compassion

Accountability

Respect

Excellence



About Osceola Regional Medical Center

- 404 licensed beds
- Over 600 independent physicians
- Two freestanding emergency departments – Hunter's Creek and Millenia
- Key service lines include: Level II Trauma Cardiovascular, Comprehensive Stroke, Orthopedics, Neurosciences, General Surgery, OB with Level III NICU, Behavioral Health, Inpatient Rehabilitation Hospital, Oncology
- Over 180 residents in 12 ACGME-accredited programs including 4 fellowships in partnership with University of Central Florida College of Medicine



Key Statistics: Caring for the Community

Statistic	2019	2020	2021
Hospital Admissions	25,407	21,575	21,066
ED Visits	94,971	76,329	85,279
Surgeries	8,281	7,349	7,768
Births	1,705	1,493	1,339
BH Admissions	1,659	1,544	1,510
Total FTEs	1,769	1,703	1,761



Investment in our Community

- Opened new FSED at Millenia; \$11M investment
- \$27M Lobby & Tower B and C Renovation
- \$1.7M Angiography Replacement
- 1.5 MRI Replacement
- GME Continuity Clinics
- New Equipment
 - DaVinci Xi, Mako, Holmium Laser, Echocardiograms, Surgical Drills, Portable X-Ray, Ultrasound, ICU beds
- Additional surface parking south of hospital, 400+ spaces

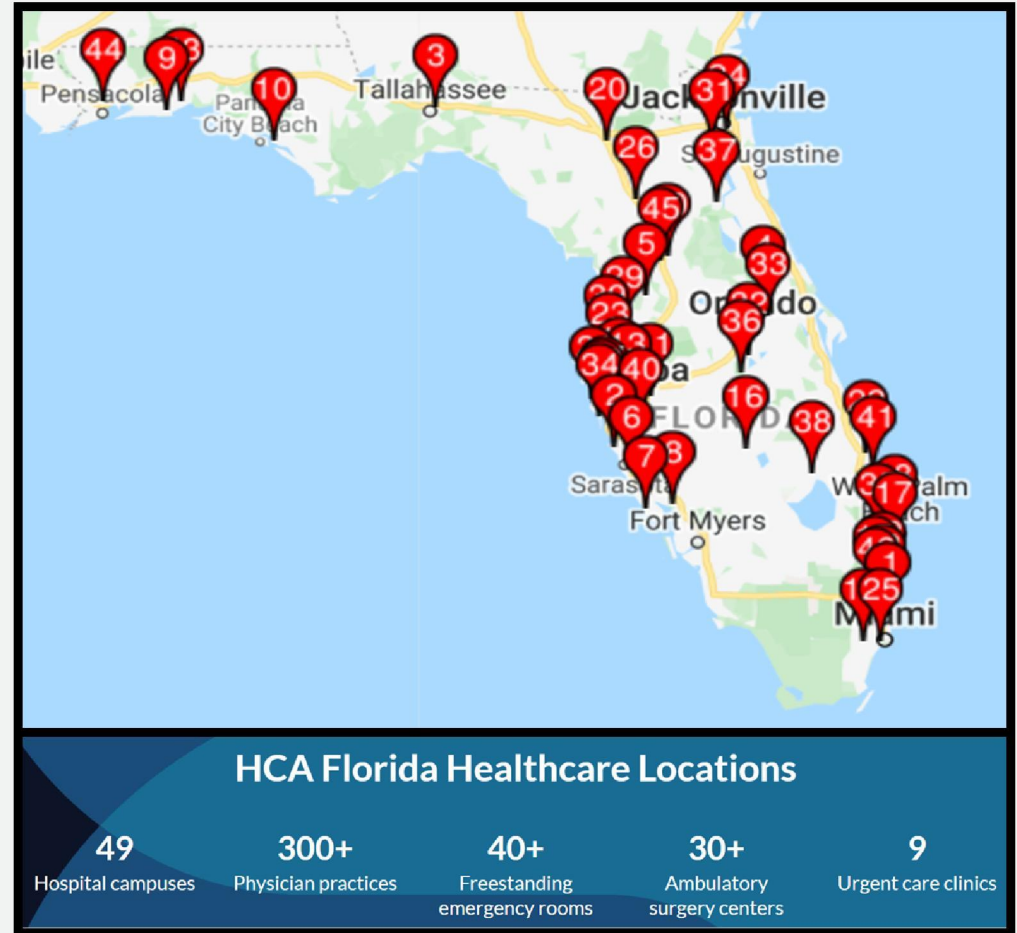


HCA Florida Healthcare

HCA Florida Healthcare is uniting our more than 400 sites of care - including hospitals, physician practices and other facilities across the state - under one name to create a connected and collaborative healthcare experience for you and your family.

HCA Florida Healthcare Impact

- 6.4+ million patient encounters
- 2.2 million Emergency Room visits
- ~31,000 babies delivered
- ~11,000 Active & affiliated Physicians
- 77,000 Caregivers



CONFIDENTIAL – Contains proprietary information.
Not intended for external distribution.



Exhibit "B"
Ordinance # 3053
Emergency Services Rates and Charges
Item # 4.A.

PROPOSED ORDINANCE NO. 22-06
ORDINANCE NO. 3053

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KISSIMMEE, FLORIDA, CHAPTER 20, ARTICLE II, EMERGENCY MEDICAL SERVICES; SECTION 20-19, RATES AND CHARGES; MODIFYING BASE RATES FOR ALL SERVICES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA IN LAWFUL SESSION ASSEMBLED AS FOLLOWS:

SECTION 1. Rates and Charges

The following rates and charges shall be assessed by the City of Kissimmee for the provision of the services indicated:

EMERGENCY MEDICAL SERVICES RATES AND CHARGES:

1. Base Rates

Basic Life Support Transport Fee (BLS)	\$775.00
Advanced Life Support (ALS 1)	\$800.00
Advanced Life Support (ALS 2)	\$870.00
Treatment without Transport (ALS)	\$400.00
Mileage	\$12.00

The table of Rates and Charges shall automatically increase every two (2) years according to the annual Ambulance Inflation Factor (AIF) and the Consumer Price Index (CPI).

SECTION 2. All Ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect immediately upon its passage.

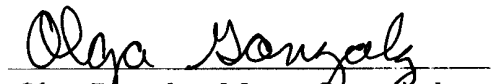
Commissioner Fisher moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner Castano and upon roll call on the motion the vote was as follows:

AYES:

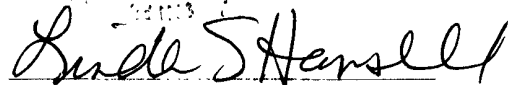
Commissioner Castano	AYE
Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Mayor Gonzalez	AYE

NAYS:

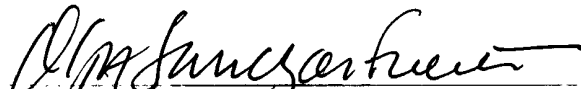
Said motion having been duly carried, thereupon, Mayor Gonzalez, declared said Ordinance duly passed and adopted this 15th day of March, 2022.


Olga Gonzalez, Mayor-Commissioner

ATTEST:


Linda Hansell, City Clerk

Approved as to form and legality:


Olga Sanchez de Fuentes, City Attorney

PROOF OF PUBLICATION
From

OSCEOLA NEWS-GAZETTE

STATE OF FLORIDA
COUNTY OF OSCEOLA

Before me, the undersigned authority, personally appeared Pamela Bikowicz, who on oath says that she is the Business Manager of the Osceola News-Gazette, a twice-weekly newspaper published at Kissimmee, in Osceola County, Florida; that the attached copy of the advertisement was published in the regular and entire edition of said newspaper in the following issues:

February 24, 2022.

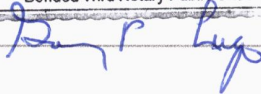
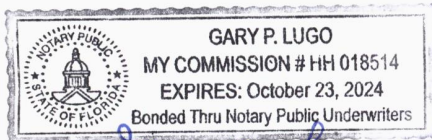
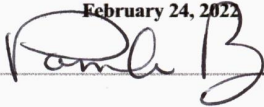
Affiant further says that the Osceola News-Gazette is a newspaper published in Kissimmee, in said Osceola County, Florida, and that the said newspaper has heretofore been continuously published in said Osceola County, Florida, each week and has been entered as periodicals postage matter at the post office in Kissimmee, in said Osceola County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn and subscribed before

me by Pamela Bikowicz, who is

personally known to me, this

February 24, 2022



In THE MATTER OF:
NOTICE OF PUBLIC HEARING AND
SECOND READING
ORDINANCE 22-06

NOTICE OF PUBLIC HEARING
AND SECOND READING

The City Commission of the City of Kissimmee, Florida will meet on **Tuesday, March 1, 2022, at 6:00 p.m.** in the City Commission Chambers, Municipal Administration Building, 101 Church Street, Kissimmee, Florida, to hear the **FIRST READING** and will meet on **Tuesday, March 15, 2022, at 6:00 p.m.** to hear the **SECOND AND FINAL READING** and consider the passage of the proposed ordinance as set forth below. The proposed Ordinance may be inspected in the Office of the City Clerk at the Municipal Administration Building, 101 Church Street, Kissimmee, Florida. All interested parties may appear and be heard on the above dates.

PROPOSED ORDINANCE # 22-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KISSIMMEE, FLORIDA, CHAPTER 20, ARTICLE II, EMERGENCY MEDICAL SERVICES; SECTION 20-19, RATES AND CHARGES; MODIFYING BASE RATES FOR ALL SERVICES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

CITY COMMISSION
KISSIMMEE, FLORIDA

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105: ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

IN ACCORDANCE WITH FLORIDA STATUTE 286.26, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK 407-518-2308 AT 101 CHURCH STREET, KISSIMMEE, FL 34741, PRIOR TO THE MEETING (FS 286.26).
February 24, 2022



Make remittance to: Osceola News-Gazette
22 W. Monument Ave., Suite 5
Kissimmee, FL 34741
Phone: (407) 846-7600 Fax: (321) 402-2946
Email: legalads@osceolanewsgazette.com
You can also view your Legal Advertising on
www.AroundOsceola.com or
www.FloridaPublicNotices.com
Ad#36284

Exhibit "C"
Ordinance # 3054
Zoning Map Designation Mill Slough Road
Item # 4.B.

PROPOSED ORDINANCE NO. 22-001
ORDINANCE NO. 3054

**AN ORDINANCE AMENDING ORDINANCE NO. 3034
KNOWN AS THE CITY OF KISSIMMEE LAND
DEVELOPMENT CODE, REZONING THE PROPERTY
HEREINAFTER DESCRIBED, REPEALING ALL
ORDINANCES IN CONFLICT HERewith AND PROVIDING
AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COMMISSION THAT ORDINANCE NO. 3034 KNOWN AS THE CITY OF KISSIMMEE LAND DEVELOPMENT CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1. Ordinance No. 3034, known as the City of Kissimmee Land Development Code, is hereby amended so as to rezone the following described property to-wit:

FROM: MUPUD (Mixed Use Planned Unit Development) – City

TO: RC-1 (Multi Family Medium Density Residential) – City

The subject property is located at: Parcel ID# 13-25-29-00U0-0012-0000, 13-25-29-2198-0001-00B0, 13-25-29-2198-0001-00C0, & 13-25-29-2198-0001-00D0

Legal Description:

COM AT NW COR OF SEC, S1362.73FT E 687.01 FT TO POB; N 60 DEG E 322.37 FT, N 30 DEG W 839.17 FT N 60 DEG E 556.02 FT TO PT ON WLY R/W OF FLA TURNPIKE, S 19 DEG E 1415.65 FT TO PT OF CURVE, W ARC OF CURVE TO LEFT HAVING 7839.44 FT RADIUS CENTRAL ANGLE OF 9 DEG, ALONG CURVE 1227.84 FT W 1318.76 FT, N 1295.16 FT, E 14.27 FT TO POB SUBJ TO ESTM OVER ELY 22.74 FT THEREOF ORD 1559 LESS PLAT OF SUNBELT PH 1 PB 21 PG 66

Together with Parcel 2:

SUNBELT PH 1 PB 21 PG 66 TRACT B WET DETENTION POND

Together with Parcel 3:

SUNBELT PH 1 PB 21 PG 66 TRACT C WET DETENTION POND

Together with Parcel 4:

SUNBELT PH 1 PB 21 PG 66 TRACT D OUTFALL

A map of the area is included with this ordinance.

SECTION 2. Upon the effective date of this ordinance, the City Manager shall promptly cause the rezoning as provided in Section 1 herein to be entered onto the official zoning map of the City of Kissimmee.

SECTION 3. Except as hereby amended said City of Kissimmee Land Development Code Ordinance No. 3034 as heretofore amended shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect 10 days after its passage.

Commissioner Fisher moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner Castano and upon roll call on the motion the vote was as follows:

AYES:

Commissioner Ortiz	AYE
Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE
Mayor Gonzalez	AYE

NAYS:

Said motion having been duly carried, thereupon, Mayor Olga Gonzalez declared said Ordinance duly passed and adopted the 15th day of March, 2022.



ATTEST:

Ronda S. Hansell
City Clerk

Olga Gonzalez
Mayor - Commissioner

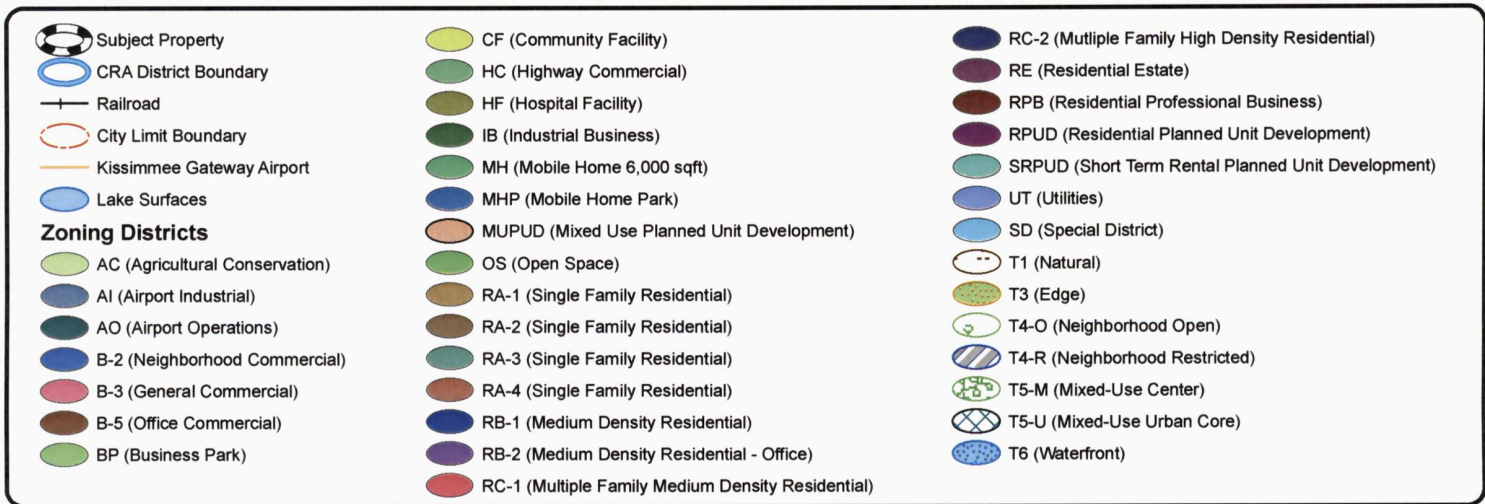
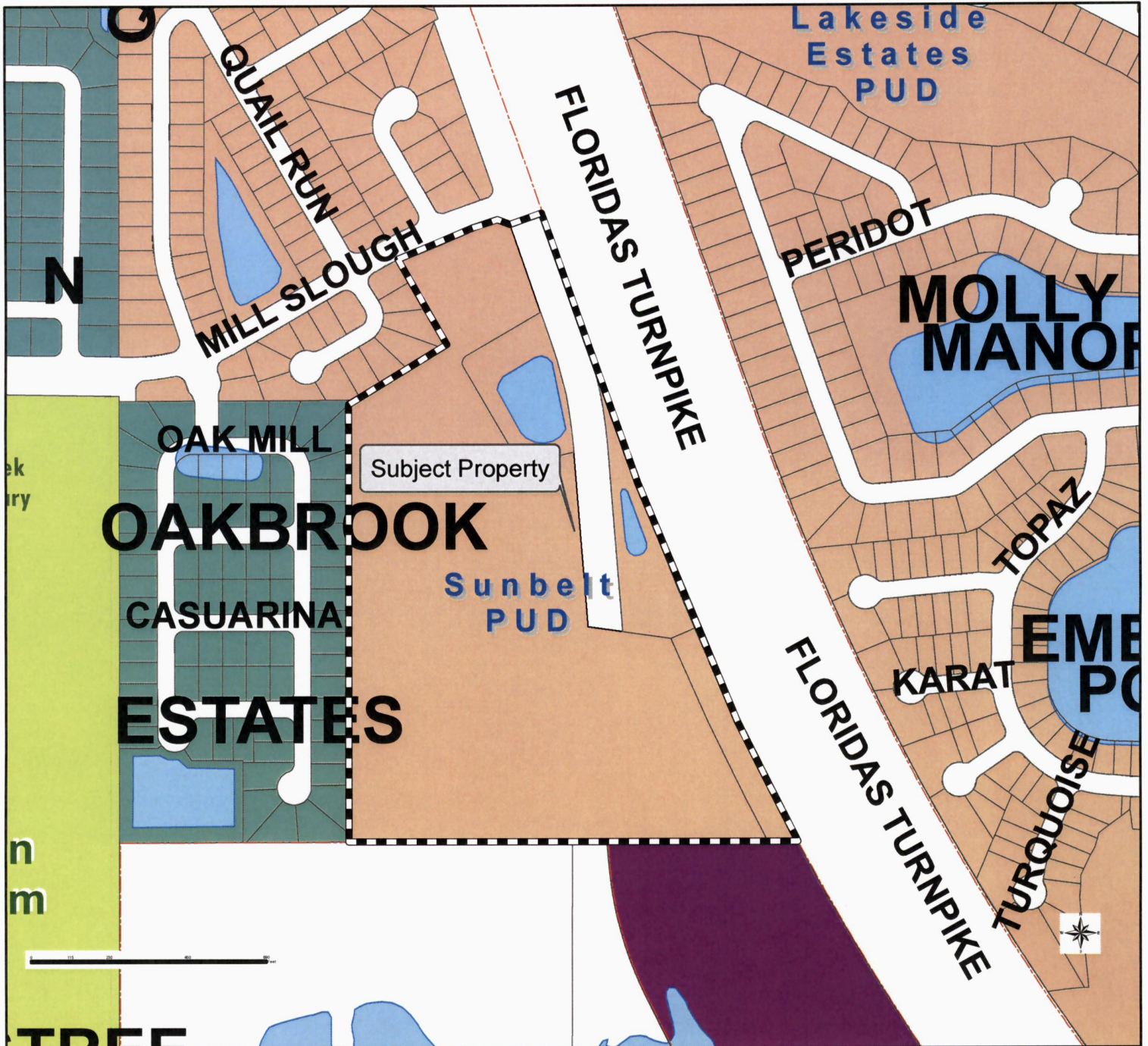


Exhibit "D"
Resolution # 01-2022
Appointing City Engineer Ashley Willis as Representative in Court
March 29, 2022
Item # 9.B.

RESOLUTION No. 01-2022

RESOLUTION AUTHORIZING THE CITY ENGINEER TO BIND THE CITY AT ORDER OF TAKE HEARING IN THE EXERCISE OF THE CITY'S POWER OF EMINENT DOMAIN FOR THE PURPOSE OF ACQUIRING THE NECESSARY PROPERTY INTERESTS FOR THE WEST OAK STREET WIDENING AND IMPROVEMENT PROJECT.

WHEREAS, the City of Kissimmee, Florida, a Florida municipal corporation (the "City"), is responsible for constructing, improving, and maintaining the public roadways within its municipal limits and determined that West Oak Street needs to be widened to improve the safety and service of the local roadway system, (the "Project"); and

WHEREAS, the Project requires, and therefore the City intends to implement, the construction, grading and re-grading of new and existing roadway facilities and landscaping and utility installation and relocation; and

WHEREAS, the City has the authority to acquire and condemn private property in accordance with the Constitution and laws of the State of Florida including but not limited to Sections 166.401, 166.411, 180.06 and 180.22 and the provisions of Chapters 73 and 74, Florida Statutes; and

WHEREAS, the City Commission adopted Resolutions No. 28-2019, pertaining to Parcel 100, 700 and 800 and Resolution 29-2019 pertaining to Parcel 101, 701, and 801, authorizing the City Attorney of the City of Kissimmee, or her designees, together with the appropriate officials and employees of the City, to acquire the necessary property interests by voluntary purchase, gift and/or eminent domain proceedings; and

WHEREAS, on or about December 27, 2021, the City Attorney notified interested parties that the City would move forward with the condemnation process acquiring title to those property interests, although construction of the project would not begin until after July 1, 2022, and the interested parties would receive rent free extended possession of the property to allow for current use of the premises without interruption from the City through June 30, 2022; and

WHEREAS, the fee owner defendants filed a request for hearing on the proposed order of taking, as did former tenant Sedano's Real Estate LLC, despite having vacated the premises and closed the store on August 24, 2021; and

WHEREAS, a Order of Taking Hearing is scheduled before the Honorable Judge Robert J. Egan, Circuit Court of the Ninth Judicial Circuit in and for Osceola County, Florida at the Osceola County Courthouse, 2 Courthouse Square, Courtroom 5C, Kissimmee, Florida 34741 on March 29, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Commissioners of the City of Kissimmee, Florida, a Florida municipal corporation, that all of the foregoing facts are true, correct and incorporated herein by reference; and it is

FURTHER RESOLVED that the City Engineer, of the City of Kissimmee or his designees, together with the appropriate officials and employees of the City are hereby authorized to represent and bind the City at the Court hearing, as may be necessary and proper for the City to obtain possession of the fee simple right of way, permanent landscape, utility easements and temporary construction easements as the Project serves a public purpose in the public interest and provides a public benefit necessary to satisfy the public duties and responsibilities of the City of Kissimmee; and it is

FURTHER RESOLVED that if any phrase, portion or part of this resolution is found to be invalid or unconstitutional by a court of competent jurisdiction, such phrase, portion or part shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder of the Resolution; and it is

FINALLY RESOLVED that this Resolution shall take effect immediately upon its adoption as dated below.

Dated this 15th day of March, 2022.



Attest:

Linda S. Hansell

City Clerk

CITY OF KISSIMMEE, FLORIDA

By: Olga Gonzalez

Olga Gonzalez, Mayor-Commissioner

Approved as to form and legality

Olga Sanchez de Guzman

City Attorney