MINUTES OF THE REGULAR SESSION OF THE CITY COMMISSION HELD TUESDAY, AUGUST 18, 2020, AT 6:00 PM VIA COMMUNICATIONS MEDIA TECHNOLOGY (CMT) FOR PUBLIC ACCESS AND PARTICIPATION

1. MEETING CALLED TO ORDER

ROLL CALL: Mayor Jose Alvarez (Present), Commissioners Olga Gonzalez (Present), Felix Ortiz (Present), Angela Eady (Present), Jim Fisher (Present)

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

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

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence in memory of Officer Matthew Baxter and Sergeant Sam Howard, Commissioner Fisher led the Commission in the Pledge of Allegiance.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

None.

5. PUBLIC HEARINGS

5.A PUBLIC HEARING - RESOLUTION APPROVING A GEOGRAPHIC EXPANSION OF THE CITY OF KISSIMMEE ENVIRONMENTAL REDEVELOPMENT AREA

Approval of the adoption of a Resolution expanding the geographical area within the City of Kissimmee, Florida designated as a “Brownfield Area”.

Samia Singleton, Community Redevelopment Agency, reviewed the Brownfield Resolution and stated staff recommends approval.

City Attorney Sanchez de Fuentes read Proposed Resolution by title.

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

Commissioner Jim Fisher moved to adopt Resolution # 14-2020 (Exhibit "A"). Commissioner Angela Eady seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Ortiz	AYE
Commissioner Eady	AYE
Commissioner Fisher	AYE
Commissioner Gonzalez	AYE
Mayor Alvarez	AYE

Motion carried 5 - 0.

6. HEAR AUDIENCE

None.

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 Angela Eady moved to approve the Consent Agenda in its entirety. Commissioner Olga Gonzalez seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Eady	AYE
Commissioner Fisher	AYE
Commissioner Gonzalez	AYE
Commissioner Ortiz	AYE
Mayor Alvarez	AYE

Motion carried 5 - 0.

7.A COMMISSION MINUTES APPROVAL

Request Commission approval of the July 21, 2020, Commission Minutes.

7.B FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM GRANT FOR A NEW ELECTRICAL VAULT AND SUPPORT INFRASTRUCTURE – CONSTRUCTION

Acceptance of a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant for a New Electrical Vault and Support Infrastructure – Construction in the amount of $3,330,862.

7.C ACCEPTANCE OF ASSIGNMENT OF GROUND LEASE AGREEMENT ASSOCIATED WITH MAX FLIGHT HELICOPTER SERVICES, INC

Acceptance of a ground lease agreement with MaxFlight Helicopter Services, Inc. for 4010 4th Street.

7.D HELPING EMERGENCY RESPONDERS OBTAIN SUPPORT (HEROS) PROGRAM AT THE FLORIDA DEPARTMENT OF HEALTH (DOH) FOR FY 2020

Commission review and approval to allow the Kissimmee Police Department to accept the donation of the opioid antagonist from the Helping Emergency Responders Obtain Support (HEROS) Program at the Florida Department of Health (DOH).

7.E DISPOSAL OF CITY ASSETS

The request is for Commission approval to dispose of the asset items detailed in the attached report.

7.F RATIFICATION OF EXECUTIVE ORDERS 2020-21 AND 2020-22 AND EXTENSION OF SPECIAL NOTICE 2020-10

City Commission ratification of Executive Order 2020-21 issued August 3, 2020, and Executive Order 2020-22 issued August 10, 2020, to extend the Local Declaration of Emergency to August 16, 2020. Ratification of the extension of Special Notice 2020-10 suspending building permit fees through December 31, 2020.

7.G ACCEPTANCE OF THE HOMELAND SECURITY GRANT THROUGH THE URBAN AREAS SECURITY INITIATIVE PROGRAM

Acceptance of the Homeland Security Grant through the Urban Areas Security Initiative Program (UASI).

7.H AUTHORIZATION TO EXECUTE A CONTRACT WITH GLOBAL PUBLIC SAFETY, LLC. FOR POLICE DEPARTMENT VEHICLE UPFITTING SERVICES

Approval to enter into a contract agreement with Global Public Safety, LLC, for vehicle upfitting services.

7.I OSCEOLA HUNDRED CLUB DONATION FY 2020

Acceptance of a financial donation from the Osceola Hundred Club in the amount of $26,000.

7.J AWARD OF THE MABBETTE STREET SIDEWALK IMPROVEMENT PROJECT

Approval to award the Mabbette Street Sidewalk Improvement project to Atlantic Civil Constructors Corporation in the amount of $364,537.43 along with a construction schedule of 120 days.

7.K ASSIGNMENT AND ASSUMPTION OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN MOSAIC DEVELOPMENT, LLC AND CITY OF KISSIMMEE

The City Commission authorizes the Mayor to sign the Assignment and Assumption of Amended and Restated Development Agreement between Mosaic Development, LLC, and the City of Kissimmee.

7.L REQUEST TO APPROVE PURCHASE AGREEMENT BETWEEN MNA OAK STREET LLC AND THE CITY OF KISSIMMEE REGARDING THE WEST OAK STREET PROJECT

Approval of the MNA Oak Street LLC purchase agreement.

7.M AWARD CONSTRUCTION ENGINEERING & INSPECTION SERVICES FOR THE MABBETTE STREET SIDEWALK IMPROVEMENT PROJECT TO DRMP, INC

Approval to award the construction engineering & inspection (CEI) services contract for the Mabbette Street Sidewalk Improvement project to DRMP, Inc. in the amount of $76,216.55.

8. DISCUSSION ITEMS

8.A CODE OF CONDUCT AND MEDIA POLICY FOR COMMISSION MEMBERS

Approval of the Code of Conduct and Media Policy Resolution.

City Manager Steigerwald explained that the City Attorney provided a draft of this policy several months ago to the Commission, and a few Commissioners expressed concerns which are addressed in the document before you tonight. Staff recommends approval at the conclusion of the Commission discussion.

Mayor Alvarez asked if there were any questions or concerns that need to be discussed and he gave every Commission the opportunity to speak.

Commissioner Fisher stated he reviewed the policy and felt it was exactly what was discussed previously, and he is in favor.

Commissioner Eady stated she reviewed and feels it is self-explanatory.

Commissioner Ortiz stated he is good with the policy.

Commissioner Gonzalez stated she agrees with it and even though it is not mandatory, it could be used if needed.

Commissioner Jim Fisher moved to adopt Resolution # 15-2020 (Exhibit “B”) adopting the Code of Conduct and Media Policy for Commission Members. Commissioner Olga Gonzalez seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Fisher	AYE
Commissioner Gonzalez	AYE
Commissioner Ortiz	AYE
Commissioner Eady	AYE
Mayor Alvarez	AYE

Motion carried 5 - 0.

8.B ANNUAL ADVISORY BOARD APPOINTMENTS

Commission reappoint existing board members who wish to continue serving and make appointments to fill any vacancies. All current board members continue to serve until reappointed or replaced.

Commissioner Ortiz stated he would not take any action tonight.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

CITY MANAGER STEIGERWALD

City Manager Steigerwald reminded the Commission that the First Public Hearing of the Proposed Budget will be held on Wednesday, September 9, 2020 at 6:00 p.m. He explained that due to the potential results of the election tonight, this may be our last full Commission meeting together. With that in mind, City Manager Steigerwald asked the Commission if they would like to schedule the City Manager and City Attorney Annual Evaluations for September 9, 2020 at 5:00 p.m.

Consensus was for the Evaluations to be held on that date.

9.B CITY ATTORNEY

CITY ATTORNEY SANCHEZ DE FUENTES

Nothing.

9.C CITY COMMISSION

COMMISSIONER GONZALEZ

Nothing.

COMMISSIONER ORTIZ

Commissioner Ortiz wished everyone well who is running for election today.

COMMISSIONER EADY

Nothing.

COMMISSIONER FISHER

Commissioner Fisher reminded everyone of the meaning of Labor Day and encouraged spending time with your family and staying safe.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Alvarez adjourned the meeting at 6.12 PM.

MAYOR-COMMISSIONER

ATTEST

Linda S Hansell

CITY CLERK

Exhibit “A”
Resolution # 14-2020
Approving Geographic Expansion of the City Environmental Redevelopment Area
Item 5.A.

Exhibit “B”
Resolution # 15-2020
Code of Conduct and Media Policy for Commission Members
Item 8.A

Item 8A

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KISSIMMEE, ESTABLISHING A CODE OF CONDUCT FOR CITY COMMISSION MEMBERS; ESTABLISHING A MEDIA POLICY; PROVIDING FOR PENALITES; PROVIDING FOR PLEDGE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the performance of duties and responsibilities of an elected City Commission and the manner in which such duties are performed have a direct impact on the quality of service afforded to the citizens of Kissimmee; the morale and job performance of the City employees, contractors, and the other City Commission Members, and the City's accountability to the citizens of Kissimmee; and

WHEREAS, City of Kissimmee, Code of Ordinances §2-2-1 provides the City Commission the authority to regulate themselves, and to make such bylaws and rules for its own guidance and government as it may deem expedient; and

WHEREAS, the City Commission of the City of Kissimmee desires to adopt a Code of Conduct for its members for purposes of enhancing professionalism, performance, productivity, morale, accountability, and integrity of the City Commission and all facets of City governments; and

WHEREAS, the City Commission finds that this Resolution is in the best interest of the public health, safety, and welfare of the citizens of Kissimmee.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Kissimmee, Florida, as follows:

<u>SECTION 1.</u> **<u>Code of Conduct</u>.** The following Code of Conduct is hereby adopted for the City Commission and the members thereof as a public statement of expected City Commission conduct and ethics, and that members of the Commission shall evidence their pledge to uphold the following code tenets by affixing their signatures to this Resolution as set forth in Section 3 herein:

A I affirm that the proper statutory and City Charter role of a City Commission Member, as with any elected member of a legislative body, is to **act collectively, not individually, to set and/or revise the City of Kissimmee's governing policies** and that the City Manager and staff administer such policies.

B I understand that a City Commission member **does not** manage the affairs of the City (a) by intruding into daily operations or spheres of responsibility designated by Florida Statutes and the City Charter to the City Manager as the chief executive officer or to administrator acting as City Manager designees, or (b) by undermining the City Manager's lawful authority

C. I will **represent the interests of the entire City** when making decisions and will reply

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upon available facts and my independent judgement In my capacity as an elected City Commission member, I will avoid all legal conflicts of interest and avoid using my official position for personal, professional or partisan gain.

D I will **demonstrate dignity, respect, and courtesy** towards those with whom I am in contact in my capacity as a City Commission Member I will refrain from intimidation and ridicule of fellow Commission Members, City Manager, staff, and other stake-holders in the City of Kissimmee

E I will **refrain from inappropriate language** including statements that are malicious, threatening, disparaging, mean-spirited, vulgar, or abusive All disagreement, concerns, or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an elected official and the honor of the City Commission

F I will **focus on solving problems** I will maintain appropriate decorum and professional demeanor in the conduct of City business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process

G. I will **demonstrate patience** and refrain from demanding interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation or analysis that will result in staff neglect of more urgent duties Such requests will be made through the City Manager for scheduling and prioritizing or through consensus of City Commission

H I will **devote sufficient time for adequate preparation** prior to City Commission meetings and be in attendance, insofar as possible, at those meetings and all other scheduled events at which Commission member's participation is required I will prepare myself through study, inquiry and thought so as to be informed thoroughly about issues to be discussed in public meetings.

I. I will **respect diversity and encourage the open expression of divergent ideas and opinions** from my fellow City Commission members, staff, citizens of Kissimmee, and utility customers. I will listen actively and objectively to others' concerns or constructive criticism.

J I will **refrain from any individual action that could compromise the integrity** of the City, the City Commission, or my fellow City Commission Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or I am acting or speaking in my capacity as a representative of the City Commission

K I will **maintain confidentiality of privileged information and will abide by the *Government in the Sunshine Law*, the *Florida Code of Ethics for Public Officers*, and the *City Commission Rules of Procedure*** in both its spirit and its intent.

L. I will **promote constructive relations in a positive climate** with all employees, consistent with my role as a Commission member, as a means to enhancement of productivity and morale I will recognize the achievements of staff, business partners, and others sharing the City of Kissimmee's mission

M I will **update and improve my knowledge, contributions, and value to the City** by keeping abreast of current issues and trends through reading, continuing education and training. I will study policies and issues affecting the City of Kissimmee, and attend training programs such as those offered through the Florida League of Cities My continuing goal will be to improve my performance as an elected City Commission Member

N I will **value and assist my fellow City Commission Members** by exchanging ideas, concerns and knowledge gleaned from my research or training I will help build positive community support for the City of Kissimmee's mission and the policies establish by the City Commission

O. I will take **a stand for my beliefs but will remain flexible enough to understand others' views** I recognize that I share in the responsibility for all City Commission decisions and will accept the will of the majority.

P I will **remember always that my first and greatest concern must be the citizens of Kissimmee** and the public health, safety, and welfare. I will seek to provide appropriate leadership that nurtures and motivates the citizens of Kissimmee to be stakeholders in the affairs and achievements of the City.

Q I will be **accountable to the City Commission for violations of the Code of Conduct** set forth in this Resolution.

SECTION 2. Media Protocol.

A *Communication with Media* When a Commission member receives an inquiry (phone call, personal visit, or email) from the media regarding City business, the Commission Member should contact the Communications and Public Affairs Officer for coordination of a response to the media's inquiry, and scheduling of any interviews. In speaking to the media as an individual citizen Commission Members will delineate clearly for any audience that they are acting or speaking in their individual capacity and not as a representative of the City Commission. City Commission members are to use good judgment and remember they are public servants who are held to a "higher standard" by the community and should not engage in speech or behavior that is unbecoming of an elected official

B. *Social Media*. The City Commission endorses the use of secure social media to further its mission by enhancing communication and information exchange. Publicly posted information will be professional and reflect positively on the City of Kissimmee, its employees, volunteers, programs, policies, and services. Commission members are expected to demonstrate prompt, professional, courteous, respectful, fair, and honest treatment to all citizens during all social media usage.

SECTION 3. **Penalties.** Based upon the gravity and frequency of the vıolatıon, the Cıty Commıssıon by 4/5 vote of Commıssıon may impose any and all of the following penalties for a violation of this Resolutıon by any member of the Cıty Commıssıon·

A. Required public apology;
B. Censure of Cıty Commıssıon (Verbal Reprimand);
C Written Reprimand to be included wıthın the mınutes of the Cıty Commıssıon;
D. If the vıolation occurs during a City Commission meeting and unduly dısrupts the Commıssıon from conductıng Cıty business:
    1 Temporary recess of Commission Meetıng to regaın control,
    2. Upon return and a second such violation by the Commission Member, the temporary ouster of the Commıssıon Member from that meeting in order to regain control of the meeting (discouraged except from the absolute necessıty of conducıng Commıssıon business)
E Removal from office for nonfeasance, mısfeasance, or malfeasance pursuant to Chapter 2, Sectıon 18, City of Kissimmee, Florida, Code of Ordinances.

SECTION 4. **Execution by Commission Members.** The current Members of the Cıty Commıssıon pledge to uphold the code tenets set forth herein by affixing their signature to this Resolutıon Commission Members appointed or elected subsequent to the effectıve date of thıs Resolutıon shall be requıred to affix theır sıgnature to thıs Resolutıon or an addendum hereto upon taking the Oath of a City Commission Member.

SECTION 5. **Severability.** In the event that any word, phrase, clause, sentence or paragraph hereof shall be held ınvalıd by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 6. **Repealing Clause.** All Resolutıons or other actions of the City which are in conflict herewith are hereby repealed to the extent of such conflict or ınconsıstency.

SECTION 7. **Effective Date.** Thıs Resolutıon shall take effectıve ımmedıately upon ıts adoptıon.

DONE AND RESOLVED thıs ____ day of August, 2020.

CITY OF KISSIMMEE, FLORIDA

By. ________________________________

Jose Alvarez, Mayor-Commıssıoner

Attest:

By· ________________________________

Lında Hansell, Cıty Clerk

By. ______________________________

Jim Fisher, Vice-Mayor Commission

By. ______________________________

Angela Eady, Mayor Pro-Term Commissioner

By. ______________________________

Olga Gonzalez, Commissioner

By· ______________________________

Felix Ortiz, Commissioner

Approved as to form and legality

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Olga Sanchez de Fuentes, City Attorney