



**MEETING AGENDA
SESSION OF THE CITY COMMISSION
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, FEBRUARY 21, 2023 AT 6:00 PM**

- 1. MEETING CALLED TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

3.A Promotion of Michael Porcella to Fire Lieutenant

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

- 4.A Public Hearing - Second and Final Reading - An Ordinance amending Chapter 22, Article II: Noise and amending Chapter 1, Section 1-22: General Provisions - Proposed Ordinance # 23-01

AN ORDINANCE AMENDING THE CODE OF THE CITY OF KISSIMMEE, FLORIDA; REORGANIZING AND UPDATING LANGUAGE IN CHAPTER 22, ARTICLE II, NOISE; AMENDING CHAPTER 1, SECTION 1-22(B) TO ADD FINES FOR REPEAT NOISE VIOLATIONS; REPLACING THE CODE ENFORCEMENT BOARD WITH THE CODE ENFORCEMENT SPECIAL MAGISTRATE IN CHAPTER 1 SECTION 1-22(C); PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

5. PUBLIC HEARINGS

6. HEAR AUDIENCE

Anything requiring a vote will be heard at a later time.

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.

- 7.A Approval of City Commission Minutes from the February 7, 2023 meeting
- 7.B Approval to utilize Federal Justice Department forfeiture funding to fund the start of the Operation Identify Program
- 7.C Resolution to Amend the Local Housing Assistance Plan covering State Housing Initiative Program fiscal years 2022-2023, 2023-2024, and 2024-2025
- 7.D Approval to submit a 2023 Land and Water Conservation Fund Grant application for capital improvements at the Kissimmee Lakefront Park
- 7.E Internship Grant from Florida Airports Council (FAC) for Kissimmee Gateway Airport
- 7.F Extension of Disaster Response Services Contract for debris monitoring with Thompson Consulting Services
- 7.G Extension of Disaster Response Services Contracts for debris removal with Crowder Gulf and Southern Disaster Recovery

7.H Purchase of Mechanical Chest Compression Devices from Stryker Medical

7.I Additional funding for equipment from Stryker Medical for New Rescue 16

8. DISCUSSION ITEMS

CITY COMMISSION RECESSESS AND CONVENES AS CRA BOARD

8.A Termination of the Developer's Service Agreement between the Downtown Kissimmee CRA and Toho Water Authority

CRA ADJOURNS AND RECONVENES AS CITY COMMISSION

8.B Advisory Board Vacancies: Board of Adjustment and Planning Advisory Board

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

9.B CITY ATTORNEY

9.C CITY COMMISSION

10. ADJOURNMENT

In accordance with Florida Statutes 286.105: 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 to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

ITEM 3.A

Promotion of Michael Porcella to Fire Lieutenant

Request

Staff requests that Michael Porcella be sworn into his newly appointed position of Fire Lieutenant.

Explanation

On February 18, 2023, Michael Porcella was promoted to the position of Lieutenant. This vacancy was created by the retirement of Glory Seley.

Department: Fire

Presenter:

Attachment(s):

1. (S) Oath of Office for Michael Porcella

ITEM 4.A

Public Hearing - Second and Final Reading - An Ordinance amending Chapter 22, Article II: Noise and amending Chapter 1, Section 1-22: General Provisions - Proposed Ordinance # 23-01

AN ORDINANCE AMENDING THE CODE OF THE CITY OF KISSIMMEE, FLORIDA; REORGANIZING AND UPDATING LANGUAGE IN CHAPTER 22, ARTICLE II, NOISE; AMENDING CHAPTER 1, SECTION 1-22(B) TO ADD FINES FOR REPEAT NOISE VIOLATIONS; REPLACING THE CODE ENFORCEMENT BOARD WITH THE CODE ENFORCEMENT SPECIAL MAGISTRATE IN CHAPTER 1 SECTION 1-22(C); PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

Request

Requesting approval of an updated and reorganized Noise Ordinance and approval of modifications to Section 1-22 to include fees for repeat offenses of the Noise Ordinance.

Explanation

In November 2021, City staff began working with a consultant, VHB, to update and reorganize the Noise Ordinance (Chapter 22, Article II), which was out of date, difficult for staff to enforce, and not user-friendly for the public. The proposed ordinance updates definitions, decibel levels, measurement methodology, and standards for enforcement, resulting in a modern ordinance that is easier to interpret and easier to enforce. Amendments are also proposed to Chapter 1, Section 1-22: General Penalty, to create a tiered fine for repeat offenses of the Noise Ordinance.

This is accompanied by an internal enforcement guide that breaks the ordinance into highlights that can easily be used in the field when City staff are working with the public on correcting a noise violation. Attached is a draft enforcement policy which will be finalized prior to the effective date of this ordinance and establishes the joint enforcement of the Noise Ordinance between Code Enforcement and the Kissimmee Police Department (KPD). A 90 day effective period was added to allow time for training on the ordinance, sound meter, and to give enough notice to the public of the new regulations.

A minor amendment has been made since the first reading of this item, Section 22-26.B was removed from the ordinance but will be placed in the Enforcement Policy to give enforcement more flexibility on the time needed to comply with the ordinance (if in violation). Removing this section and putting the standards in the Enforcement Policy will allow both KPD and Code Enforcement to follow their own procedures.

Recommendation

Approval to amend Chapter 22, Article II: Noise and Chapter 1, Section 1-22: General Provisions.

REQUESTED CITY COMMISSION ACTION:

Approve
Adopt

Department: Development Services
Presenter: Ashley Cornelison

Attachment(s):

City of Kissimmee

1. (S) - Proposed Ordinance # 23-01
2. Draft Noise Enforcement Policy
3. Sec 1-22 General Provisions - Strikethrough
4. Noise Ordinance - Strikethrough
5. Noise Enforcement Handout
6. Advertisement

ITEM 7.A**Approval of City Commission Minutes from the February 7, 2023 meeting****Request**

Request Commission approval of the February 7, 2023 Commission Minutes.

Explanation

Minutes of the Commission meeting held on February 7, 2023 are attached for approval.

Recommendation

Staff recommends Commission approval.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: City Commission

Presenter:

Attachment(s):

1. February 7, 2023 City Commission Minutes

ITEM 7.B

Approval to utilize Federal Justice Department forfeiture funding to fund the start of the Operation Identify Program

Request

The Police Department is requesting the Commission approve the use of Federal Justice Department forfeiture funding to fund the initial purchase needed to begin the Operation Identify program.

Explanation

Operation Identify would allow first responders to have the ability to identify any non-verbal, unconscious, or cognitively challenged individuals who may be lost via a unique identifying wristband. The wristband is embedded with NFC technology along with a QR code and a unique serial number. The wristband is for identification purposes only and does not track the location of the wearer.

Police Legal Advisor Curtis McGehee was contacted about the use of Federal Asset Sharing Trust money for the initial purchase of the wristbands and beginning of the project. Police Legal Advisor McGehee certifies that this request complies with the current version of the U.S. Departments of Justice and Treasury's "Guide for Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies".

Financial Information

Account #	Project #	Increase / Decrease	Budget	Actual
01430743 505252		Increase	\$15,000.00	
01430730 509275		Decrease	\$15,000.00	

Financial Summary:

Funding is available through the Federal Justice Department Forfeiture fund.

Recommendation

Staff recommends approval of the use of Federal Justice Department forfeiture funding to fund the start of the Operation Identify Program at the Police Department.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Police
Presenter:

Attachment(s):

City of Kissimmee

None

ITEM 7.C

Resolution to Amend the Local Housing Assistance Plan covering State Housing Initiative Program fiscal years 2022-2023, 2023-2024, and 2024-2025

Request

Approve and adopt by Resolution the proposed changes to the Local Housing Assistance Plan (LHAP) for FY 2022-2023, 2023-2024, and 2024-2025.

Explanation

On April 19, 2022, the City of Kissimmee adopted its most recent Local Housing Assistance Plan covering fiscal years 2022-2023, 2023-2024, and 2024-2025 by Resolution. Since then, the City has amended the Plan once to include additional strategies in response to Hurricane Ian and Nicole. Additional changes are needed to the implementation of the Owner Occupied Rehabilitation Program and the Demolition and Reconstruction Program.

Increase Maximum Award Limits:

Price increases in construction materials and labor have had a major impact on construction costs. If the awards are not increased, the City's rehabilitation programs may suffer due to the lack of nonprofit and contractor interest in working with the City.

1. Roof Replacement Program - From \$20,000 to \$30,000
2. Owner Occupied Rehabilitation Program - From \$70,000 to \$120,000
3. Demolition and Reconstruction - From \$165,000 to \$250,000

Change in terms of Demolition and Reconstruction strategy:

By increasing the maximum award limit to \$250,000, it is necessary to change the years required in the City's construction lien.

1. Demolition and Reconstruction - Change in number of lien term years depending on the amount of assistance: From \$120,001 to \$152,500 - 15 Years; From \$152,501 to \$185,000 - 20 Years; From \$185,001 to \$217,500 - 25 Years; and From \$217,501 to \$250,000 - 30 Years.

Minor modifications to the management of the waiting list:

1. Give priority status on the waiting list to households with special needs seeking assistance through the programs listed above.

Construction Management by Non-Profit Organization:

In the past, the City has partnered with only one nonprofit organization to assist with rehabilitation programs. COVID demonstrated that a best practice would be to expand the list of eligible nonprofits to allow the City more flexibility.

1. Allow for the selection of one or more non-profit agencies to act as the construction manager for the project on a more frequent basis than every three years, if necessary.

The Florida Housing Finance Corporation has the final authority to approve and accept the requested changes.

City of Kissimmee

Recommendation

Approve and adopt by Resolution the proposed changes to the Local Housing Assistance Plan for FY 2022-2023, 2023-2024, and 2024-2025.

REQUESTED CITY COMMISSION ACTION:

Adopt

Approve

Department: Development Services

Presenter:

Attachment(s):

1. Local Housing Assistance Plan (22-25)_Rev. 2.23
2. (S) Amended Resolution_Rev.2.23

ITEM 7.D

Approval to submit a 2023 Land and Water Conservation Fund Grant application for capital improvements at the Kissimmee Lakefront Park

Request

Approval to submit a 2023 Land and Water Conservation Fund Grant application for capital improvements at the Kissimmee Lakefront Park and request for authorization to allow the City Manager to sign documents related to this grant.

Explanation

The Florida Department of Environmental Protection provides funds through the Land and Water Conservation Fund program (LWCF) for competitive grants to assist with the construction and development of recreational facilities. The Kissimmee Lakefront Park projects under consideration are a new amphitheatre shade structure, playground safety surface replacement and fishing pier repairs. The grant request amount is \$200,000 with a City match of \$200,000.

The Parks and Recreation Department is confident the City can obtain a high ranking for grant consideration as these projects are in alignment with the Commission's strategic initiatives and identified in the 5-year capital budget.

Recommendation

Staff recommends approval to submit a 2023 Land and Water Conservation Grant application to assist with capital improvements at the Kissimmee Lakefront Park and authorize the City Manager to sign documents related to the grant.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Parks & Recreation

Presenter:

Attachment(s):

None

ITEM 7.E

Internship Grant from Florida Airports Council (FAC) for Kissimmee Gateway Airport

Request

Commission approval to accept an Internship Grant from the Florida Airports Council (FAC) for Kissimmee Gateway Airport.

Explanation

The Florida Airports Council (FAC) is offering the City of Kissimmee an internship grant for the Kissimmee Gateway Airport. The full grant to the selected intern will be \$5,000 (\$4000 FAC, \$1,000 Airport funds). The City/Airport will be responsible for distributing the grant funds to the intern via the payroll process.

The purpose of FAC's program is to produce an intern that will possess the skills necessary to work for an airport at an entry-level position. The intern will work a total of 40 hours per week for a maximum of 8 weeks during 2023 and produce a research project that will benefit the Airport.

Financial Information

Account #	Project #	Increase / Decrease	Budget	Actual
470000337-337410		Increase	4,000	
46170103-503131		Decrease	1,000	
46170101-501212		Increase	4,339	
46170101-502121		Increase	383	
46170101-502424		Increase	278	

Financial Summary:

The City's \$1,000 match will be funded from the professional services account.

Recommendation

Staff recommends Commission approval of accepting an internship grant from the Florida Airports Council (FAC) for 2023.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Airport

Presenter:

Attachment(s):

City of Kissimmee

1. (S) - FAC Intern Grant Offer 11-8-2022

ITEM 7.F

Extension of Disaster Response Services Contract for debris monitoring with Thompson Consulting Services

Request

Approval to extend the Disaster Response Services Contract for debris monitoring with Thompson Consulting Services for one year.

Explanation

On March 17, 2020, the City Commission approved the selection of Thompson Consulting Services for the Disaster Response Services Contract for Debris Monitoring. This contract was for one year with the option of four (4) one-year extensions. The contract will expire on March 23, 2023. Under this contract, Thompson Consulting Services will work hand in hand with the debris removal contractor(s) to ensure that all debris is properly accounted for and processed in the correct way so that the City will be eligible for federal/state reimbursement.

Staff would like to request approval to extend this contract for one-year with a new expiration date of March 23, 2024.

Recommendation

Staff recommends City Commission approval to extend the Disaster Response Service Contract for debris monitoring with Thompson Consulting Services for one-year with a new expiration date of March 23, 2024.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Public Works & Engineering

Presenter:

Attachment(s):

1. (S) Thompson - Contract Extension Agreement

ITEM 7.G

Extension of Disaster Response Services Contracts for debris removal with Crowder Gulf and Southern Disaster Recovery

Request

Approval to extend the Disaster Response Services Contracts for debris removal with Crowder Gulf and Southern Disaster Recovery.

Explanation

On March 17, 2020, the City Commission approved the selection of Crowder Gulf and Southern Disaster Recovery for the Disaster Response Services Contract for debris removal. These contracts are currently for one year with the option of four (4) one-year extensions. The contracts will expire on March 23, 2023.

Staff requests approval to extend both contracts for one year with a new expiration date of March 23, 2024.

Recommendation

Staff recommends City Commission approval to extend the Disaster Response Service Contracts for debris removal with Crowder Gulf and Southern Disaster Recovery for one-year with a new expiration date of March 23, 2024.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Public Works & Engineering

Presenter:

Attachment(s):

1. (S) Crowder Gulf - Contract Extension Agreement
2. (S) Southern Disaster Recovery - Contract Extension Agreement

ITEM 7.H

Purchase of Mechanical Chest Compression Devices from Stryker Medical

Request

Staff requests approval to purchase three (3) mechanical chest compression devices (Lucas Device 3.1) from Stryker Medical for the amount of \$56,078.46.

Explanation

Included in the Fire Department's approved FY23 Capital Budget, Project FD2310, are three (3) mechanical chest compression devices (Lucas Device 3.1). We are requesting approval to make this purchase from Stryker Medical.

These devices perform automated CPR compressions in place of department personnel having to perform them. The CPR provided by these devices has proven to provide more consistent compressions than a human can provide. The device also provides continuous CPR while the patient is being carried, even up or down stairs. It also offers a level of safety for our crews as they do not have to try to stand and do compressions in the back of a moving rescue. We currently have these devices on several of our rescues. This purchase will allow us to carry this device on each of our front-line rescues.

The cost of the Lucas Device, batteries and a charger is \$18,692.82 each, for a total purchase price of \$56,078.46. This is a sole-source purchase.

Financial Information

Account #	Project #	Increase / Decrease	Budget	Actual
00135203 506494	FD2310		\$56,744.00	\$56,078.46

Financial Summary:

Included in the Fire Department's approved FY23 Capital Budget, Project FD2310.

Recommendation

Staff recommends approval of this purchase using funding from the Fire Department's approved FY23 Capital Budget, Project FD2310.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Fire

Presenter:

City of Kissimmee

Attachment(s):

1. Sole-Source Letter - dynamic date37
2. Lucas Device (3) Quote

ITEM 7.I

Additional funding for equipment from Stryker Medical for New Rescue 16

Request

Staff requests approval to add \$566.77 to the purchase price of new equipment from Stryker Medical for New Rescue 16.

Explanation

On December 20, 2022, the Commission approved the purchase of new equipment from Stryker Medical in the amount of \$106,977.29. These funds came from the approved Sales Tax Project, ST2303. The Commission also approved the transfer of these funds from account 10435206 5006495 to account 10435206 5006494.

The cost of some of the accessories for the LifePak 15 Monitor, totaling \$566.77, was omitted from the December 20th agenda item. Therefore, staff requests approval to increase the amount of the LifePak 15 Monitor, case, batteries & charger purchase by \$566.77, bringing the total for that item to \$38,010.34 and the total purchase price for the new equipment for New Rescue 16 to \$107,544.06.

The items being purchased for New Rescue 16 and the corrected amounts are as follows:

Stretcher, batteries & charger	\$ 26,645.22
Fastening (Lift) system	\$ 22,638.92
LifePak 15 Monitor, case, batteries & charger	\$ 38,010.34
Lucas CPR Device, batteries & charger	\$ 15,712.01
Modem	\$ 1,011.07
Stair Chair	<u>\$ 3,526.50</u>
Total Purchase Cost:	\$107,544.06

Financial Information

Account #	Project #	Increase / Decrease	Budget	Actual
10435206 506495	ST2303	Decrease	567.00	
10435206 506494	ST2303	Increase	567.00	

Financial Summary:

\$567.00 is being transferred to 10435206 5006494 from 10435206 5006495, all within Project ST2303, for the additional equipment that will be placed on the new Rescue.

Recommendation

Staff recommends approval to increase the amount of the new equipment purchased from Stryker Medical for New Rescue 16 by \$566.77, bringing the new total to \$107,544.06.

City of Kissimmee

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Fire

Presenter:

Attachment(s):

None

ITEM 8.A

Termination of the Developer's Service Agreement between the Downtown Kissimmee CRA and Toho Water Authority

Request

Approve the Termination of the Developer's Service Agreement between the Downtown Kissimmee CRA and Toho Water Authority.

Explanation

In 2011, the Downtown Kissimmee Community Redevelopment District and the Toho Water Authority ("Toho") entered into a Water and Wastewater Developer's Service Agreement. The intent of the Agreement was to provide water at the site for a community garden on the Beaumont property. The City did not establish a community garden on the property, therefore the terms of that Agreement will be nullified by approval of the Termination of the Developer's Service Agreement. Skyview, the developer of the Beaumont site, will contract with Toho directly for the necessary water and wastewater systems needed for the redevelopment of the property as they begin construction of Phase I.

Recommendation

Approve the Termination of Developer's Service Agreement between the Downtown Kissimmee CRA and Toho Water Authority

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Development Services

Presenter: Samia Singleton

Attachment(s):

1. (S) Termination of DSA_Downtown Kissimmee Community Redevelopment

ITEM 8.B

Advisory Board Vacancies: Board of Adjustment and Planning Advisory Board

Request

The Commission is requested to make appointments to fill vacancies on the Board of Adjustment and Planning Advisory Board.

Explanation

Commissioner Castano appointed Jeniffer Salas to the Board of Adjustment on October 18, 2022, pending review of an application that was to be filed. Ms. Salas' application was received, but upon review she did not qualify for the position. She was notified and submitted a second application with changes but she still did not qualify for the position on the grounds she is not a City resident and does not own or operate a business in the City. Since the term expiration date for this vacancy is set for May 31, 2023, City staff requests that the appointment be made for the remainder of the term, plus an additional three (3) full year term, expiring on May 31, 2026. Commissioner Castano requested a thirty-day extension at the February 7, 2023 Commission Meeting due to her inability to attend the February 21, 2023 Meeting. The new deadline for the Seat #1 appointment is March 21, 2023.

Seat #1 was originally assigned the Board of Adjustment vacancy and it has been reassigned to Seat #1 due to the applicant not qualifying for appointment.

Planning Advisory Board Member, Jackie Espinosa missed more than half of the scheduled meetings for the calendar year of 2022 and also missed three consecutive scheduled meetings. City Code Section 2-146, states that "in the event that an appointee misses three consecutive meetings or at least one-half of the meetings of the calendar year, he shall be considered to have resigned and a new replacement may be appointed."

Seat #2 has been assigned this Planning Advisory Board vacancy.

Planning Advisory Board Member, Jeffrey Wolff missed more than half of the scheduled meetings for the calendar year of 2022. City Code Section 2-146, states that "in the event that an appointee misses three consecutive meetings or at least one-half of the meetings of the calendar year, he shall be considered to have resigned and a new replacement may be appointed." Mr. Wolff's term is set to expire on May 31, 2023. When an appointment is made, City staff requests that the appointment be made for the remainder of the term, plus an additional three (3) full year term, expiring on May 31, 2026.

Seat #3 has been assigned this Planning Advisory Board vacancy.

The Commissioners will have 30 days to make an appointment. If no extension is requested, the appointment will automatically roll over to the next Commissioner in the rotation.

Commissioner Rotation:	Appointment Expires:	Advisory Board:	Board Term Expires:	Requirements:
Seat #1 - Castano <i>*No applications currently on file*</i>	4/17/2023- 2/21/2023 3/21/2023	Board of Adjustment	05/31/2023 (requesting filling of partial term, plus new three (3) year	City Resident and must have a Florida License as an Engineer, Architect, Surveyor or

			term, ending 05/31/2026	Contractor. Members may be a resident or non-City resident; non-residents must either own real property or maintain a business office within the City.
Seat #2 - Eady <i>*No applications currently on file*</i>	2/21/2023	Planning Advisory Board	05/31/2024	Member must be a City resident or maintain a business office within the City.
Seat #3 - Alvarez <i>*No applications currently on file*</i>	2/21/2023	Planning Advisory Board	05/31/2023 (requesting filling of partial term, plus new three (3) year term, ending 05/31/2026	Member may be a resident or non-City resident; non-residents must either own real property or maintain a business office within the City.

Recommendation

Staff recommends the Commission make appointments to fill vacancies on the Board of Adjustment and Planning Advisory Board.

REQUESTED CITY COMMISSION ACTION:

Appoint/Reappoint

Department: City Manager

Presenter: Mike Steigerwald

Attachment(s):

None