



AGENDA
CITY COMMISSION MEETING
COMMUNITY BUILDING, 109 EAST DIXIE AVENUE
MONDAY, MARCH 11, 2013 5:30 PM

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS: None

3. PRESENTATIONS:

A. Fiscal year 2012 Presentation of the Comprehensive Annual Financial Report by Dan O'Keefe of Moore, Stephens and Lovelace

B. Expenditure of Funds for Public Safety Training Facility

C. Presentation relating to proposal by Florida Region of USA Volleyball, Inc for Ski Beach

4. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

A. CITY COMMISSION MEETING MINUTES:

B. PURCHASING ITEMS:

1. Purchase request 45489 by the Fire Department for the purchase of Holmatro brand rescue extrication equipment from South Florida Emergency Vehicles, LLC. as a Sole Source provider for a total cost of \$29,535.00.

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Professional Services Agreement with Nick Lenoci Enterprises, Inc. for consulting services; and providing an effective date.

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Professional Services Agreement with Booth, Ern, Straughan and Hiott, Inc. (BESH), for professional engineering design services associated with the Plantation water treatment plant construction project (Phase I); and providing an effective date.
3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Odyssey Manufacturing Company for the supply and installation of two HDPE sodium hypochlorite storage tanks at the Canal Street water treatment plant; and providing an effective date.

D. OTHER ITEMS: None

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW) AVAILABLE

- A. Second reading of an ordinance authorizing two optional Time-of-Use (TOU) Electric Tariffs enabled by the AMI and Related Technology Initiatives
- B. First reading of an ordinance adopting an Interlocal Service Boundary Agreement (ISBA) among Leesburg, Lake County, the City of Groveland, the City of Mascotte, the City of Clermont, the City of Minneola, and the Town of Howey-In-The-Hills
- C. First reading of an ordinance rezoning approximately 5.68 acres on the east side of Executive Boulevard, approximately 0.2 miles south of CR44, from City R-3 (High Density Residential) to City SPUD (Small Planned Unit Development). (Good News Church of Leesburg)
- D. Purchase request by the Fire Department for the purchase of eleven (11) forty (40) foot cargo containers (CONEX boxes) to be used for the Joint Public Safety Training Facility for an amount not to exceed \$35,000.00.
- E. Approval of staff selection of Colin Baenzinger & Associates to provide executive recruiting services for the City Manager position and approving the issuance of a purchase order for \$21,500.00.

6. INFORMATIONAL REPORTS: None

7. CITY ATTORNEY ITEMS:

8. CITY MANAGER ITEMS:

9. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting.

Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to two minutes.

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they 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 to be based." The City of Leesburg does not provide this verbatim record.



AGENDA MEMORANDUM

Item No: 4.B.1.

Meeting Date: March 11, 2013

From: Mike Thornton, Purchasing Manager

Subject: Purchase request by the Fire Department for the purchase of vehicle rescue and extrication equipment from South Florida Emergency Vehicles, LLC as a sole source purchase

Staff Recommendation:

Staff recommends approval of the purchase request to South Florida Emergency Vehicles, LLC for a total amount of \$29,535.00.

Analysis:

The purpose of this purchase is to replace one set of vehicle rescue and extrication equipment. The requested Holmatro rescue equipment is the standard equipment used by the Leesburg Fire Department. All rescue equipment on the fire apparatus is manufactured by Holmatro.

The Fire Chief is requesting this purchase be approved as a Sole/Single Source purchase and waiving the competitive solicitation process. While there are other brands of rescue equipment available, purchase of Holmatro brand would maintain consistency among the apparatus. Standardizing on a single manufacturer allows fire fighters to move from one apparatus to another without having to learn how to use different equipment. Having mixed manufacturers would require more training and could possibly cause a delay in providing rescue services if fire fighters were not familiar with the equipment.

Holmatro has provided a letter stating that South Florida Emergency Vehicles, LLC is the only retailer in the State of Florida authorized to resell and service their equipment.

Attached to this memorandum are the Sole Source justification from the Fire Chief, a Single Source letter from Holmatro and the price quote from South Florida Emergency Vehicles, LLC.

Options:

1. Approve the purchase to South Florida Emergency Vehicles, LLC; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The Fire Department budgeted \$28,000.00 in the current fiscal year for this purchase. Finance will transfer \$1,535.00 from their operating budget to the capital account listed to cover the shortage.

Submission Date and Time: 5/29/2013 4:02 PM

Department: <u>Fire Department</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-2220-522.64-10</u> Project No. _____ WF No. _____ Budget <u>\$28,000.00</u> Available <u>\$28,000.00</u>
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03/11/13



AGENDA MEMORANDUM

Item No: 4.C.1.
Meeting Date: March 11, 2013
From: Jim Lemberg – Manager, Communications Utility
Subject: Resolution authorizing execution of an agreement with Nick Lenoci Enterprises, Inc. for consulting services.

Staff Recommendation:

Staff recommends approval of a resolution authorizing a Professional Services Agreement with Nick Lenoci Enterprises, Inc. under which consulting services will be provided to the City.

Analysis:

The City's Communications Utility currently purchases Internet bandwidth from Level 3 Communications. This agreement will retain a consultant to review the City's existing orders for Internet bandwidth and potentially assist the City in obtaining better pricing. The consultant has extensive senior level experience and contacts within the telecommunications market and will be able to provide expert advice to the City regarding its current Internet bandwidth orders with Level 3 Communications and any opportunity to obtain more favorable pricing from that vendor.

Options:

1. Approve the resolution, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

The consultant's fees under the agreement would be three months of any savings achieved on the City's costs to purchase Internet bandwidth. The consultant would only be paid if new pricing is obtained from Level 3 Communications (or some other provider of Internet bandwidth).

Submission Date and Time: 5/29/2013 4:02 PM

Department: <u>IT/Communications</u> Prepared by: <u>Jim Lemberg</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: <u>n/a</u> Attorney Review: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>n/a</u> Project No. <u>n/a</u> WF No. <u>n/a</u> Budget <u>n/a</u> Available <u>n/a</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH NICK LENOCI ENTERPRISES, INC. FOR CONSULTING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute a Professional Services Agreement with NICK LENOCI ENTERPRISES, INC., whose address is 6227 GREATWATER DRIVE, WINDERMERE, FL 34786, for CONSULTING SERVICES.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the eleventh day of March 2013.

Mayor

ATTEST:

City Clerk

03/11/13



AGENDA MEMORANDUM

Item No: 4.C.2.

Meeting Date: March 11, 2013

From: Mike Thornton, Purchasing Manager, for
D.C. Maudlin, Interim Public Works Director

Subject: Resolution authorizing execution of an agreement with Booth, Ern, Straughan & Hiott, Inc. to provide professional design services for the construction of the Plantation Water Treatment Plant

Staff recommends approval of the resolution authorizing execution of the agreement with Booth, Ern, Straughan & Hiott, Inc. (BESH) for \$76,830.00 to accomplish Phase I (planning, design, permitting) services for the Plantation Water Treatment.

Analysis:

The purpose of this project is to contract with a qualified engineering firm to provide professional design and engineering services for the subsequent construction of the Plantation Water Treatment Plant. The professional services will be provided in two phases. Phase I will require the selected firm to prepare several studies and a basis of design. The Plantation WTP site has demonstrated some geotechnical considerations for the construction of two ground storage tanks. The engineering firm will perform extensive geotechnical investigations to select the best site and the best construction method for the existing geotechnical conditions.

Tasks in Phase I shall include: production of a Capacity Analysis Report, verification and calibration of a hydraulic model, evaluation of distribution system pressure variations, cost estimating and creation of a basis of design memorandum. In addition, review of available geotechnical investigation information will occur, and additional geotechnical investigations shall be conducted at each site, with recommendations for long-term subsurface stabilization to be provided.

After completion of the Phase I services and deliverables the City will determine the best approach for the WTP construction. Based on the selected approach, the professional will prepare a proposal for design, bidding and construction phase engineering services.

Procurement Analysis:

Acquisition of professional engineering services is governed by State of Florida Statute 277.055, better known as the Consultants Competitive Negotiation Act or CCNA. This statute requires professionals be selected based on qualifications evaluated through a Request for Qualifications (RFQ) process.

The Purchasing Division issued RFQ 130023 on October 1, 2012; soliciting submittals from interested and qualified professional engineering firms licensed in the State of Florida capable and

qualified to assist the City in the planning, design, permitting (phase I), bidding, construction and start-up (phase II) of the Plantation Water Treatment Plant and supporting facilities.

The Purchasing Division issued RFQ 130023 on October 1, 2012, soliciting interested firms to submit qualification statements in response to the RFQ. The RFQ was advertised in both The Daily Commercial and Orlando Sentinel newspapers as well as being posted on-line to Public Purchase. On November 1, 2012 the City received responses from the nine (9) firms listed in the summary of rankings.

An evaluation committee consisting of five Public Works staff evaluated the responses in accordance with the published evaluation criteria. The evaluation results are summarized here with a detailed evaluation sheet attached for your review.

COMPANY NAME	TOTAL POINTS	FINAL RANKING
Booth, Ern, Straughan, and Hiott, Inc. (BESH) - Tavares, FL	399.50	1
ARCADIS – Maitland, FL	392.80	2
McKim & Creed – Clearwater, FL	392.94	3
AECOM – Palm City, FL	389.23	4
Springstead – Leesburg, FL	391.89	5
Jones Edmunds – Gainesville, FL	384.37	6
CPH – Orlando, FL	380.65	7
H&B Consulting – Tavares, FL	382.45	8
Chen Moore – Gainesville, FL	369.84	9

Following receipt of the evaluation committee's final determination of rankings with BESH as the highest rated firm, the Purchasing Division requested a fee proposal from BESH to provide Phase I professional services related to the Plantation Water Treatment Plant.

The initial task and fee proposal submission received from BESH was \$81,335. Staff review of the proposal found tasks which were believed to duplicate some geotechnical tasks and studies currently being done for the Consumptive Use Permit renewal for which the City already had or will have data. Discussions were held with BESH representatives February 21, 2013 which resulted in a revised fee proposal in the amount of \$76,830 that subsequently was considered fair and reasonable by staff.

Options:

1. Authorize execution of the professional services agreement with Booth, Ern, Straughan and Hiott, Inc.; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

The project for the Plantation Water Treatment Plant professional design services is budgeted and funded in the account reflected below. Funding is provided by 2007 bond proceeds.

Submission Date and Time: 5/29/2013 4:02 PM

Department: <u>Public Works</u> Prepared by: <u>Terry Pollard</u> Attachments: Yes <input type="checkbox"/> X <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input checked="" type="checkbox"/> X <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: <u>September 30, 2012</u> Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> <u>Revised 6/10/04</u>	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>043-3099-533-3130</u> Project No. <u>430006</u> WF No. <u>0741294/004</u> Budget <u>\$1,767,253.00</u> Available <u>\$1,767,253.00</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BOOTH, ERN, STRAUGHAN AND HIOTT, INC. (BESH), FOR PROFESSIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE PLANTATION WATER TREATMENT PLANT CONSTRUCTION PROJECT (PHASE I); AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with BOOTH, ERN, STRAUGHAN AND HIOTT, INC. whose address is 350 North Sinclair Avenue, for Professional Engineering Services pursuant to Request for Qualification 130023.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 11th day of March 2013.

Mayor

ATTEST:

City Clerk

03/11/13



AGENDA MEMORANDUM

Item No: 4.C.3.

Meeting Date: March 11, 2013

From: Mike Thornton, Purchasing Manager, for
Jimmy Feagle, Deputy Director, Public Works

Subject: Resolution authorizing the execution an agreement with Odyssey Manufacturing Company for the supply and installation of two sodium hypochlorite storage tanks at the Canal Street water treatment plant.

Staff Recommendation:

Staff recommends execution of an agreement with Odyssey Manufacturing Company for the supply and installation of two sodium hypochlorite storage tanks at the Canal Street water treatment plant for a total amount of \$33,900.00.

Analysis:

This procurement action was initiated to replace two of three existing sodium hypochlorite (bleach) storage tanks at the Canal Street waste water treatment plant. The sodium hypochlorite is used to treat the waste water processed at the plant. Currently, one 9,000 gallon tank is being used. The remaining two tanks are not usable due to cracks caused by age and the environment.

The tanks to be installed are Snyder Industries, Inc. industrial vertical tanks with a capacity of 8.750 gallons each. The new tanks come standard with a one year manufacturer warranty and the installing contractor is providing an additional two year extended warranty for a full three year warranty.

The City will be reusing the metal ladders installed on the current tanks. This will provide a savings of \$4,000 per tank.

Procurement Analysis:

On January 28, 2013, Invitation to Bid (ITB) 130221 was advertised in the Orlando Sentinel and posted on-line through Public Purchase soliciting qualified and interested firms to submit bid responses for this project. Several manufacturing companies were notified of the bid opportunity and on February 8, 2013, one response was received and is summarized here for your review.

Vendor Name	Bid Amount per Tank	Deduction for Utilizing Existing Ladders (per tank)	Net Price Per Tank
Odyssey Manufacturing Company	\$20,950	(-) \$4,000	\$16,950.00
Total Cost for 2 Tanks			\$33,900.00

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH ODYSSEY MANUFACTURING COMPANY FOR THE SUPPLY AND INSTALLATION OF TWO HDPE SODIUM HYPOCHLORITE STORAGE TANKS AT THE CANAL STREET WATER TREATMENT PLANT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement with ODYSSEY MANUFACTURING COMPANY whose address is 1484 Massaro Blvd., Tampa, FL 33619 for Supply and Installation of two sodium hypochlorite storage tanks at the Canal Street water treatment plant pursuant to Invitation to Bid 130221.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 11th day of March 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5A.

Meeting Date: March 11, 2013

From: Paul Kalv, Electric Director

Subject: Ordinance authorizing two optional Time-of-Use (TOU) Electric Tariffs enabled by the AMI and Related Technology Initiatives

Staff Recommendation:

Staff recommends the Commission adopt the two Time of Use rate structures presented.

Background:

Leesburg is developing multiple optional rate plans designed to meet the needs and abilities of residential and commercial customers with the objective to reduce Leesburg's power supply costs and share the savings with the customers that enabled those savings. Staff's initial focus was the development of operational strategies within the City's control to reduce power supply costs; next, the Load Reduction Credit Rider was offered to large commercial customers with a portion of the savings shared with those customers. Each of these strategies produced power supply savings reported during the January 29th Commission Workshop.

The meter infrastructure is now operational in the field and there is a need to communicate the specifics of these optional rate plans to customers through the various customer outreach available channels. The general TOU rate concept has been presented in the media and in customer group presentations since 2008. Customers now need the specifics in order to evaluate their ability to shift some of their electric usage away from high cost time periods to time periods with lower costs in anticipation of saving money on their electric bill.

Analysis:

City staff and our strategic partners and vendors are currently working the complete the integration of back office IT systems; we must all understand the actual availability of the TOU rates. The rates will not be announced until all systems are capable of calculating the rates. Our intent is to identify sooner rather than later those customers who want to receive service under the TOU rate schedule and provide the requested information and education to those customers that are considering the TOU rate, but have additional questions before switching to the TOU rate plan.

Options:

1. Adopt the Ordinance as presented; or,
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

TOU rates were calculated to be revenue neutral to the City. TOU rates will allow the Electric Utility to reduce the cost of purchase power therefore creating the rebate back to the customer for participating in the program.

Submission Date and Time: 5/29/2013 4:02 PM

Department: <u>Electric</u> Prepared by: <u>Paul Kalv</u> Attachments: <u>Yes X</u> <u>No</u> Advertised: <u>Not Required</u> Dates: _____ Attorney Review : <u>Yes X</u> <u>No</u> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>Paul Kalv</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>041-0000-3xx-xxxx</u> Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §22 – 196 OF THE CODE OF ORDINANCES TO ADD SUBSECTION 13 ENTITLED RATE SCHEDULES TOU – R1 AND TOU – R2, RESIDENTIAL TIME OF USE SERVICE; SPECIFYING THE TERMS AND CONDITIONS OF THOSE RATE SCHEDULES AND THEIR AVAILABILITY TO ELECTRIC UTILITY CUSTOMERS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leesburg, Florida, provides electrical utility service to its customers and endeavors to provide that service as economically and effectively as possible, and

WHEREAS, the cost of electricity utilized at the coincident peak demand period is considerably more expensive than electricity utilized during off – peak periods, and

WHEREAS, by encouraging customers to utilize less electricity during the peak demand period can produce substantial savings for the City of Leesburg and its customers, and

WHEREAS, the City therefore wishes to provide its customers with various incentive programs to encourage less use of electricity during peak demand periods, one of which is a “time of use” electrical rate which charges participating customers less for electricity used during off peak periods, and higher rates for electricity used during peak periods, and

WHEREAS, the City has structured the rate differential between peak and off peak use of electricity so as to make this program revenue and cost neutral, as much as possible, for those customers who participate but who do not achieve the anticipate economy by shifting the use of electricity to off peak periods, while providing the participating customers who are able to shift their usage to off peak periods a benefit through lower electricity bills,

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

Subsection 13 is hereby added to §22 – 196 of the Code of Ordinances of the City of Leesburg, Florida, to read as set forth below:

- (13) Rate Schedules TOU – 1 and TOU – 2, Time of Use Rates.
 - a. Availability. Available throughout the entire territory served by the City subject to equipment availability. This is an optional service available at the customer’s request. Customer may choose either rate schedule TOU-R1 or TOU-R2.

- b. **Applicability.** The residential electric rate applies to an electrical service supplying electricity to a single-family residence. Service provided under this section shall not be shared with or resold to others.
- c. **Character of Service.** Service shall be single-phase, sixty (60) cycles and approximately 120/240 volts. If three (3) phases are desired, additional charges must be paid by the customer.
- d. **Limitations.** Service is subject to all of the rules and regulations of this ordinance and the general rules and regulations of the City's electric utility. Standby or resale service is not permitted. No customer who elects to obtain service under this TOU rate schedule shall be eligible for any other load management credits offered by the City to residential customers.
- e. **Rates per month.** The following rate schedules shall apply to this TOU rate:

Customer Charge \$11.10

Rate per kWh:

	<u>TOU-R1</u>	<u>TOU-R2</u>
Winter – On-peak	\$0.404134	\$0.265005
Winter – Off-peak	0.060165	0.070985
Summer – On-peak	0.352527	0.230715
Summer – Off-peak	0.062573	0.072777

Winter – On-peak is defined as the hours from 7 a.m. to 9 a.m. on Monday through Friday during the months of December, January and February, excluding any federal holiday occurring on those days. Winter – Off-peak is defined as all other hours during the months of December, January and February.

Summer – On-peak is defined as the hours from 3 p.m. to 5 p.m. on Monday through Friday during the months of March through November, excluding any federal holiday occurring on those days. Summer – Off-peak is defined as all other hours during the months of March through November.

The rate per month is subject to the annual inflation adjustment component pursuant to §22 - 166. Promptly after each annual

inflation adjustment, the City will for informational purposes notify the Florida Public Services Commission in writing of its then current rates including any annual inflation adjustment.

- f. **Minimum Charge.** The minimum monthly bill shall be the customer charge plus other applicable charges, covered by ordinance, state statutes or federal law.
- g. **Maximum Charge.** After the customer's first three billing months under this rate schedule, at the customer's request, the City will calculate the total billings the customer would have been charged under the basic residential rate, Rate RS, and refund to the customer any excess of the actual billings under this rate over such calculated amount.
- h. **Term of Service.** Service under this TOU rate schedule shall be for a minimum initial term of twelve (12) months from commencement of service and shall continue thereafter until receipt of notice by the City from the customer to disconnect, or upon disconnect by the City as provided by City ordinance. Customers taking service under another rate schedule who elect to transfer to this rate must remain on this rate for a minimum of twelve (12) months. A customer taking service under this rate schedule who elects to transfer to another rate will be prohibited from taking service on this rate schedule again for a minimum of twelve (12) months.

SECTION II.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION III.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 25th day of February, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

Attest: _____
BETTY RICHARDSON, City Clerk

03/11/13



AGENDA MEMORANDUM

Item number: 5.C

Meeting Date: March 11, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance adopting an Interlocal Service Boundary Agreement (ISBA) among Leesburg, Lake County, the City of Groveland, the City of Mascotte, the City of Clermont, the City of Minneola, and the Town of Howey-In-The-Hills.

Staff Recommendation:

Staff requests the City Commission approve the ordinance adopting the Interlocal Service Boundary Agreement (ISBA) between Leesburg and the referenced Cities and the County.

Note: Staff has resolved the issues regarding the Bar-Key Groves property and has revised the agreement to permit annexation of their property when utilities are available.

Analysis:

The Legislature adopted Part II of Chapter 171, Florida Statutes known as the Interlocal Service Boundary Agreement (ISBA) process as an alternative to the standard methods for local governments to annex property into their municipality. As a result, the City of Groveland adopted Resolution 2010-03-01 initiating the ISBA process pursuant to Chapter 171.203, Florida Statutes for negotiating an ISBA and invited the referenced cities and county, including Leesburg, to participate. As an invited municipality, the City of Leesburg was required to adopt a responding resolution, in order to participate in the negotiation process for an Agreement. Per state statutes, if an invited participant fails to accept the invitation by not adopting a Responding Resolution, it is bound by any agreement reached by the other local governments. On December 10, 2010 the City of Leesburg adopted Resolution 8652 (Attached) responding to the City of Groveland's initiating Resolution to start the ISBA process. Numerous meetings and negotiations during the last 30 months have resulted in the final proposed ISBA Agreement. Attached is an Executive Summary that highlights the Agreement.

The principal goal of the state legislation establishing the Interlocal Service Boundary Agreement Act Section 171.20, Florida Statutes is to "encourage local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community." It is also intended to provide "a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation" . . . "to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments" . . . "to promote sensible boundaries that reduce the costs of local governments, avoid duplicating local

services, and increase political transparency and accountability” . . . and “to prevent inefficient service delivery and an insufficient tax base to support the delivery of those services.”

As required by the act, Cities and the County have identified lands that are logical for future annexations into Cities and land that will not be annexed into Cities but will instead remain unincorporated (“Unincorporated Service Area”) unless and until municipal services can be provided in an efficient and cost effective manner (See attached Exhibit A). The overall goal of the ISBA process is to establish agreed upon standards for annexation and service delivery in the unincorporated areas of the County.

Each City is preparing to adopt the proposed Agreement in February/March 2013 in preparation of the County’s adoption in March/April 2013. Any changes will require each city and the county to re-adopt the agreement and will delay the process further.

Options:

1. Approve the ordinance adopting the Interlocal Service Boundary Agreement (ISBA) between Leesburg and the referenced Cities and the County.
(Note: Any changes to the Agreement will require that all local governments re-adopt the Agreement)
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is a positive fiscal impact to the City through future development brought into the City under new provisions of this agreement.

Submission Date and Time: 5/29/13 4:02 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No _____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No _____ _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u> BW </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ADOPTING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT AMONG LEESBURG, LAKE COUNTY, THE CITY OF GROVELAND, THE CITY OF MASCOTTE, THE CITY OF CLERMONT, THE CITY OF MINNEOLA, AND THE TOWN OF HOWEY IN THE HILLS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Part II of Chapter 171, Florida Statutes as an alternative for local governments regarding annexation of real property into a municipality; and

WHEREAS, in part, the intent of the Legislature is to “encourage intergovernmental coordination in planning, service delivery, and boundary adjustments”; and

WHEREAS, the City is authorized by §171.203 to participate in negotiations with other local governments; and

WHEREAS, the City of Leesburg desires to participate in negotiations initiated by the City of Groveland for a Interlocal Service Boundary Agreement with Lake County, Groveland, the City of Mascotte, the City of Minneola, The City of Clermont, and the Town of Howey-in-the-Hills concerning an unincorporated area of real property and service delivery for that unincorporated area; and

WHEREAS, these Cities, and Lake County, have determined that the benefits of intergovernmental communications and coordination will accrue to all Parties; and

WHEREAS, the elected officials of Cities and County have met and negotiated in good faith to resolve issues relating to annexation, joint planning and provision of infrastructure and wish to reduce their agreement to writing as set forth in this Agreement; and

WHEREAS, the ISBA Agreement is entered into pursuant to the authority of Article VIII of the Florida Constitution and Chapters 125.01, 163.3177, 166.021 and 171.203, 190.011, Florida Statutes (2009).

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The City of Leesburg does hereby adopt the Interlocal Service Boundary Agreement in the form attached to this Ordinance as Exhibit “A” and the City Commission authorizes and directs the Mayor and City Clerk to execute the Agreement on behalf of the City of Leesburg.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION III.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

Attest: _____
BETTY RICHARDSON, City Clerk

**Executive Summary
City of Leesburg
Interlocal Service Boundary Agreement (ISBA)**

The overall goal of the ISBA process is to establish agreed upon standards for annexation and service delivery between the Cities and the County. *Each City is preparing to adopt the Agreement in February/March 2013 in preparation of the County's adoption in March/April 2013. Any changes to the proposed Agreement will require that all local governments re-adopt the Agreement extending the final adoption schedule.* The following sections from the ISBA agreement are provided as summaries:

2. **INTERLOCAL SERVICE AGREEMENT BOUNDARY**

The **Exhibit A** map is the boundaries of the ISBA area for each City and the County.

3. **ANNEXATIONS.** The agreement governs any annexations that may occur within the ISBA area:
- a. **Unincorporated Areas.** Areas shown on the map as unincorporated areas can not be annexed by any City unless approved by the County.
 - b. **Designated Municipal Areas.** These are area which are designated as a future annexation area for a one City which not be annexed by any other City unless approved by the affected City and County.
 - c. **Annexations Within Designated Municipal Areas.** Annexations by a City within that City's designated municipal area is subject to the following:
 - i. **Part I Chapter 171 F.S..** City shall continue to annex any property as currently permitted F.S.
 - ii. **Enclaves.** County consents to the annexation of any enclave or the creation of any enclave which is the result of an annexation, so long as City agrees to provide services to such enclave, and the City holds public hearings with proper notice. *(Note: This is a benefit to the City)*
 - iii. **Annexation of Properties Which Do Not Meet Part I, Chapter 171, F.S..** County consents to the annexation of listed properties for each of the Cities on the Exhibit B-1 map. Properties listed in **Exhibit B-1 may be annexed at any time. Properties listed in Exhibit B-2 may only be annexed by a city after executing an agreement with the county relating to the provision of fire services. In addition, the County consents to the future annexation by Leesburg of the noncontiguous parcels located at the Ronald Reagan Turnpike (North access) and U.S. Hwy 27 as shown on Exhibit B-1 (City of Leesburg). (Note: This is a great benefit to the City to define our future southern gateway to the City)**
 - iv. **Annexation of Properties Which Do Not Meet Part I, Chapter 171, F.S; Not Listed in Exhibit B.** The annexation of any property which does not meet Part I, or not listed on Exhibit B-1, Exhibit B-2, requires approval of County. County will consent to annexation only when it creates jobs or other economic activity other than residential construction.
 - v. **Annexation of Right of Way.** County will not oppose the annexation of right of way located in the ISBA area of a City, where at least one side of the road will be bounded by property located within the City after the annexation, or which meets other annexation requirements of the Agreement. The City

agrees that at the time that it annexes any property which abuts a roadway, that, *to the extent possible*, it will also annex the adjacent road right of way to avoid the creation of roadway enclaves. ***Annexing the right of way does not require City to accept maintenance responsibility for such road.***
(Note: The City is not required to accept maintenance responsibility)

4. DEVELOPMENT APPLICATIONS, LAND DEVELOPMENT REGULATIONS, COMPREHENSIVE PLAN PROVISIONS.
In order to minimize difficulties, the Cities and County agree as follows:
 - a. Development Applications. Any application for development which is within five hundred feet (500') of land that is located in the unincorporated area shall be treated as a joint development application. City and County shall work together to minimize any conflicts in regulations and to make the permitting process as efficient as can be.
(Note staffs have informally coordinated for many years)
 - b. Land Development Regulations. Cities and County will work together to compare their respective Land Development Regulations, and where there are inconsistent regulations; work towards eliminating such inconsistency, to the extent possible with in eighteen (18) months. ***(Note staffs have informally coordinated for many years)***
 - c. Comprehensive Plans. Cities and County acknowledge that City Comprehensive Plans will have to be updated as annexations occur, and that the County Comprehensive Plan may need to be amended to accommodate future growth plans of the Cities within their designated areas. Cities and County agree to work together on Comprehensive Plans to avoid incompatibility between uses in the City and County. ***(Note staffs have informally coordinated for many years)***
5. SOLID WASTE. This section clarifies solid waste disposal through 2014 for the Cities and County. ***(Note: This has been reviewed by City staff)***
6. FIRE HYDRANTS. This section clarifies fire hydrant use for the Cities and County. ***(Note: This has been reviewed by City staff)***
7. SHARING OF EQUIPMENT AND RESOURCES. This section clarifies the joint use of equipment and resources of the Cities and County. ***(Note: This has been reviewed by City staff)***
8. E 911 SYSTEM; COUNTY ADDRESSING SYSTEM. This section clarifies the standards for the County E 911 addressing system as shown in **Exhibit C**. ***(Note: City already complies with these requirements)***
9. UTILITIES ISSUES.
 - a. Extension of utilities into unincorporated areas. Cities agree that they will not extend public utilities into areas on the ISBA map that are designated as unincorporated areas without approval from County. However, a city's public utilities may be extended without County approval if such placement is necessary to serve the city's designated municipal area.
 - b. Other utility issues.
 - i. **City of Groveland and City of Leesburg:** The Cities of Groveland and Leesburg will amend their planning area, if necessary, to be consistent with the map attached as Exhibit E.

- iv. **City of Leesburg and City of Mascotte:** The City of Leesburg will decide whether or not to provide services to the City of Mascotte.
10. ECONOMIC DEVELOPMENT PLAN. Cities and County acknowledge and agree that the area stretching from Minneola to Leesburg along the US 27 and Florida Turnpike corridor provide the opportunity to plan for a commerce center/industrial center area which will have the effect, if properly developed, to bring high quality high paying jobs to Lake County. ***Cities and County agree that they will work together along with the business community to look at this entire area, with a view towards planning infrastructure such as roads, utilities including traditional (water/wastewater) and nontraditional (fiber), and land use in order to maximize the economic potential of this area*** with in eighteen (18) months.

Note:

Text highlighted in ***italic bold*** is for emphases

Text highlighted in italic red are staff notes

03/11/13



AGENDA MEMORANDUM

Item No: 5C.

Meeting Date: March 11, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance rezoning approximately 5.68 acres on the east side of Executive Boulevard, approximately 0.2 miles south of CR44, from City R-3 (High Density Residential) to City SPUD (Small Planned Unit Development (Good News Church of Leesburg))

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed rezoning for the subject property to the SPUD (Small Planned Unit Development).

Analysis:

The project site is approximately 5.68 acres. The property is generally located on the east side of Executive Boulevard approximately 0.2 miles south of CR44, as shown on the attached General Location Map. The present zoning for this property is City SPUD (Small Planned Unit Development). Currently, the property is developed as the Boys and Girls Club building. The surrounding zoning of adjacent properties is City M-1 Industrial to the north, east and west, and City R-3 (High Density Residential) to the south. The existing Land Use designation for the subject property is City Industrial.

The proposed zoning district of City SPUD (Small Planned Unit Development) is compatible with the adjacent and nearby properties in the area and with the existing future land use designations

The existing land uses surrounding the property is an Industrial Park with some undeveloped sites. Currently, the property is served by City utilities.

By a vote of 5 to 0 on February 21, 2013, the Planning Commission voted to recommend approval.

Options:

1. Approve the proposed rezoning to City SPUD (Small Planned Unit Development) thereby allowing consistent zoning and development standards for this area.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There will be a positive fiscal impact to the City through the future development of this property.

Submission Date and Time: 5/29/13 4:02 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u> BW </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE ZONING OF APPROXIMATELY 5.68 ACRES FROM CITY R-3 (HIGH DENSITY RESIDENTIAL) TO A CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW WORSHIP CENTER WITH ACCESSORY USES FOR A PROPERTY LOCATED ON THE EAST SIDE OF EXECUTIVE BOULEVARD, APPROXIMATELY 0.2 MILES SOUTH OF CR44, AS LEGALLY DESCRIBED IN SECTION 29, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (Good News Church of Leesburg)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of News Church of Central Florida, Inc., the owner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby amends the zoning for the City SPUD (Small Planned Unit Development), zoning district subject to conditions contained in Exhibit A to-wit:

LEGAL DESCRIPTION

See attached Legal Description Exhibit B

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG

By: _____
Mayor David Knowles

ATTEST:

Betty Richardson, City Clerk

**GOOD NEWS CHURCH OF LEESBURG
SMALL PLANNED UNIT DEVELOPMENT CONDITIONS
February 21, 2013**

This Planned Unit Development Conditions for a SPUD (Small Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to Good News Church of Central Florida, Inc., "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Unit Development " of the City of Leesburg Land Development Code, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a Small Planned Unit Development (SPUD) zoning district for a worship center development on approximately 5.68 acres generally located on the east side of Executive Boulevard, approximately 0.2 miles south of CR 44 on a site within the City of Leesburg in accordance with their SPUD application and supplemental information.

1. **PERMISSION** is hereby granted to Good News Church of Central Florida, Inc. to construct, operate, and maintain a Planned Unit Development in and on real property in the City of Leesburg. The property is generally located on the east side of Executive Boulevard, approximately 0.2 miles south of CR 44. The property is more particularly described as follows:

2. **LEGAL DESCRIPTION**

See attached legal Exhibit B

3. **LAND USES**

The above-described property, containing approximately 5.68 acres, shall be used for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards for particular uses.

A. **Permitted Uses**

Uses shall be those listed for the SPUD (Small Planned Unit Development) uses in the Land Development Code as permitted uses for a worship center including accessory uses for the approximate area as shown on the Conceptual Plan and as listed herein.

1) **Worship Center and Accessory Uses**

Uses shall be those listed for the SPUD (Small Planned Unit Development) uses in the Land Development Code as permitted uses for a worship center and uses associated therewith; private preschool/school facilities with associated uses, children's day care, classrooms, dining facilities, thrift store, recreation, festivals, and such other uses reasonably ancillary to the church use for the approximate area as shown on the Conceptual Plan.

B. **Uses Prohibited shall be as follows:**

- 1) All uses not permitted by the SPUD (Small Planned Unit Development)
- 2) Commercial uses not accessory to the primary worship center use
- 3) Public school uses

C. **Area**

The Impervious surface coverage for this site shall not exceed eighty (80) percent of the gross site area.

D. Open Space

A minimum of twenty (20) percent of the site shall be developed as open space, including retention areas, buffer, passive recreation areas and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.

4. SITE ACCESS

A. Access to the property will be from Executive Boulevard. Any additional access shall be subject to the City of Leesburg SPUD amendment and site plan application review process.

5. DEVELOPMENT STANDARDS

A. The minimum development standards shall be those required for the SPUD district except as amended by these conditions and may limit the permitted uses based on site plan requirements.

B. A wildlife/archaeological management plan for future development of the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.

6. PARKING

A. The permittee shall have off-street parking spaces within the property per the conceptual site plan pursuant to the City of Leesburg Code of Ordinances, which shall include the required number of handicapped parking spaces. The location and design of the proposed parking area will be reviewed during the site plan review process to provide for alternatives parking areas.

7. WETLANDS

A. Should wetlands exist on the site, the following requirements shall apply. Prior to disturbance or development of any wetland area, the "Permittee" shall submit and receive approval from all affected governmental agencies to include, but not limited to, St. John's River Water Management District and the State of Florida Department of Environmental Regulation. Any notice of violation from any affected agency shall be cause for a cease and desist order on permits issued by the City of Leesburg until such time as the violation has been resolved with the appropriate agency(s).

8. DRAINAGE AND UTILITIES

A. Prior to receiving Final Development Plan Approval for future development of the project site, the "Permittee" shall submit, if applicable, a Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg. Prior to removal, renovation or demolition of any existing development on the site, the permittee shall provide:

- 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties.
- 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.

9. **TRANSPORTATION**

- A. All future transportation improvements shall be based on a current traffic analysis and shall be contingent upon Site Plan approval for future development of the project site by City staff during the development review and permitting process.
- B. The Permittee shall provide all necessary improvements/signalization adjacent to the development for future development of the project site as required by Lake County, the MPO and the City of Leesburg.
- C. The Permittee shall be responsible for obtaining all necessary Lake County and City of Leesburg permits for future development of the project site and a copy of all permits shall be provided to the City of Leesburg prior to construction plan approval.
- D. A traffic/transportation study shall be submitted for future development of the project site prior to site plan approval for review and determination of any necessary access improvements, including any off site improvements required by Lake County, the MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.

10. **LANDSCAPING AND BUFFER REQUIREMENTS**

- A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances.
- B. Variations to the landscape requirements of the code may be approved by the Community Development Director as long as the intent of the SPUD and the Landscaping Code are maintained.

11. **MAINTENANCE**

- A. With the exception of public utilities, maintenance of all site improvements, including but not limited to drives, internal sidewalks, landscaping and drainage shall be the responsibility of the owner.

12. **MISCELLANEOUS CONDITIONS**

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.

- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this SPUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made aware of the conditions pertaining to the Small Planned Unit Development established, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These SPUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

13. **CONCURRENCY**

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (site plan and building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

The North 6 acres of the following described property: From the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of Section 29, Township 19 South, Range 24 East, Lake County, Florida, run South 00°20'10" West along the East line of said Southeast 1/4 of Northwest 1/4 386 feet to the Point of Beginning; thence continue South 00°20'10" West, 1134.28 feet; thence North 89°39'50" West, 461.65 feet; thence North 00°25'04" East, 1134.28 feet; thence South 89°39'50" East, 460.03 feet to the Point of Beginning.

SUBJECT TO easements and restrictions of record, if any.

Alternate Key # 2908874





AGENDA MEMORANDUM

Item No: 5D.

Meeting Date: March 11, 2013

From: Mike Thornton, Purchasing Manager

Subject: Purchase request by the Fire Department for eleven (11) cargo containers for the Joint Public Safety Training Facility.

Staff Recommendation:

Staff recommends approving the purchase of eleven (11) forty (40) foot cargo containers from A-American Container and Trailer Leasing, Inc. for a total amount of \$33,506.00.

Analysis:

These cargo containers will be used by the Fire and Police Departments for the construction of the Joint Public Safety Training Facility. The intention is to use the containers to create mock structures for fire and police training. The containers will be setup to simulate houses and other types of structures.

The process of purchasing used cargo containers does not lend itself to a formal bid process. There are many resellers of the containers and the available stock as well as the prices change day-to-day. The most difficult part is to be sure you are getting containers in the desired condition. The cargo containers are available in varying conditions from new to very used. The key to the purchase is to find a reseller that 'grades' their containers. Another complicating factor is most resellers will not guarantee pricing and availability for the time period we require for commission approval of the purchase.

Staff has located A AAmerican Container and Trailer Leasing, Inc. in Tampa, FL that grades their containers. The City will be purchasing Grade B containers. This Grade of containers promises to be, "wind and water tight; dents and scratches with some interior and exterior rust; solid floors and roof; and good solid working container."

Purchasing has solicited quotes from several resellers. The price quote from A AAmerican Container is \$29,150.00 for the containers, \$4,356.00 for delivery for a total of \$33,506.00. This has guaranteed the pricing through March 12, 2013 and guarantees availability of eleven (11) Grade B containers.

The other quotes received for total delivered cost of eleven (11) containers were AWOL, Inc. - \$31,432.50; TSI Containers - \$31,625.00; and East Coast Modular Building - \$36,025.00.

Options:

1. Approve the purchase to A American Container for an amount not to exceed \$33,506.00; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funding for this project was included in the Rollovers from Fiscal Year 2011-12 which was approved by City Commission on January 28, 2013.

Submission Date and Time: 5/29/2013 4:02 PM

Department: <u>Fire Department</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>031-2220-522-6210</u> Project No. <u>310022</u> WF No. <u>781699/1</u> Budget <u>\$64,572.00</u> Available <u>\$64,572.00</u>
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03/11/13



AGENDA MEMORANDUM

Item No: 5E.

Meeting Date: March 11, 2013

From: Mike Thornton, Purchasing Manager for
Ray Sharp, Interim City Manager

Subject: Approval of staff selection of Colin Baenziger & Associates to provide executive recruiting services to fill the City Manager position and authorization to issue a purchase order.

Staff Recommendation:

Staff recommends approval of the evaluation committees' selection of Colin Baenziger & Associates (CBA) as the top ranked firm to provide executive recruiting services for the vacant City Manager position; and further approves staff to issue a purchase order for a total amount of \$21,500.00.

Analysis:

The purpose of this solicitation is to contract with a qualified and interested firm to provide executive recruiting services to the City to fill the vacant City Manager position. A qualified recruiting firm will provide all the required services to assist the City in finding candidates for the City Manager position.

The Request for Proposal (RFP) document provided background information for the City. It also stressed the importance of the recruiting firm having experience with Florida municipalities, specifically those that operate a full range of utilities. The City looked for firms with experience in filling positions at the City Manager level.

On February 11, 2013 the Purchasing Division issued Request for Proposal 130263 inviting interested and qualified firms to submit proposals to provide the requested services to the City. The opportunity was advertised in the Orlando Sentinel as well as on-line through Public Purchase. The Purchasing Division also notified directly all firms that had expressed interest prior to releasing the RFP. On February 28, 2013 seven responses were received.

The evaluation committee reviewed and scored each proposal. A summary of the results is included here. Detailed evaluation scores for each evaluator are attached.

List of Firms and Scoring Summary

Firm Name	Rank	Score (400 Possible)
Colin Baenzinger & Associates	1	375
The Mercer Group, Inc.	2	300
The Waters Consulting Group	3	270
Strategic Government Resources	4	269
McGrath Human Resources Group	5	154
Priority Search International	6	41
Fast Track Staffing, Inc.	6	36

The committee ranked Colin Baenzinger & Associates (CBA) the top firm. CBA provides the most experience with Florida municipal governments. Additionally, they have experience filling City Manager positions with municipalities that operate utilities and specifically an electric utility. Those municipalities are:

City of Bartow	City of Lake Worth
City of Homestead	City of Ocala
City of New Smyrna Beach	City of Mount Dora
City of Fort Pierce	City of Vero Beach

The cost of the services is middle of the road when compared to all proposals received. CBA also offers a 'warranty' on their recruiting services. CBA will repeat a search at no cost if 1) a selected individual leaves for any reason within 12 months, and 2) the City is not satisfied with any of the final candidates presented.

A copy of the full proposal from CBA is lengthy and available in the City Clerk's office, should you desire to review the entire proposal. Proposals from all other respondents are available as well.

A summary of the recruiting phases and tasks proposed by CBA are included here for your review. Following each phase are the dates the tasks within each phase will be accomplished.

Phase I: Information Gathering and Needs Assessment (March 26 – April 17)

Task one: Needs Assessment – This includes interviews with each commissioner to create a candidate profile.

Phase II: Recruitment (April 18 – May 28)

Task Two: Develop Recruitment Materials

Task Three: Recruit Candidates

Phase III: Screening and Finalist Selection (May 18 – June 24)

Task Four: Evaluate the Candidates

Task Five: Finalist Selection and Presentation

Task Six: Finalist Selection

Task Seven: Notify All Candidates of Their Status

Phase IV: Coordinate the Interview Process and City manager Selection (July 12 – July 15)

Task Eight: Coordinate the Candidate Assessment Process

Task Nine: Debriefing and Selection

Phase V: Negotiation and Continuing Assistance (July 16 - October 1)

Task Ten: Notification, Contract Negotiations and Warranty

Task Eleven: Continuing Assistance

CBA has agreed to meet the City's desired timetable for the recruiting process. CBA has October 1st as the first day of work for the new City Manager.

The cost of these professional services does not include costs the City may approve for candidate travel expenses.

Options:

1. Approve the selection of Colin Baenzinger & Associates; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funds will be transferred from the City Manager contingency to the Human Resources Professional Services account listed.

Submission Date and Time: 5/29/2013 4:02 PM

Department: <u>Human Resources</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Dates: <u>February 10, 2013</u> Attorney Review: Yes <input type="checkbox"/> No <input type="checkbox"/> <u>Revised 6/10/04</u>	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-1437-513.34-10</u> Project No. <u>NA</u> WF No. <u>NA</u> Budget <u>\$21,500.00</u> Available <u>\$21,500.00</u>
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