

**MINUTES OF THE CITY COMMISSION MEETING  
MONDAY, JULY 25, 2016**

The City of Leesburg Commission held a regular meeting Monday, July 25, 2016, in the Commission Chambers at City Hall. Mayor Pro-Tem Bone called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian  
Commissioner Elise Dennison  
Commissioner Dan Robuck  
Mayor Pro-Tem Bob Bone

Mayor Jay Hurley was absent. Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Fred Morrison, the news media, and others.

Gas Director Jack Rogers gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

PRESENTATIONS:

**KIDS KORNER PLAYGROUND CHECK PRESENTATION**

Mrs. Caroline VanDyken, with the Kids Korner Community Project, presented to the City of Leesburg a check in the amount of \$6,168.06 to go towards the playground. Mrs. VanDyken thanked the city and the City Manager for this project moving forward as quickly as it has.

Mayor Pro-Tem Bone thanked Mrs. VanDyken and the committee for all their hard work.

MAYOR'S AWARD: None

**CONSENT AGENDA:**

**Item pulled for discussion:**

**5.B.4** = professional services agreement with CPH, Inc. for design services related to the West Leesburg Neighborhood Resource Center

Commissioner Christian moved to adopt the Consent Agenda except for 5.B.4 and Commissioner Dennison seconded the motion.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Dennison	Yes
Mayor Pro-Tem Bone	Yes

Four yeas, no nays, the Commission adopted the Consent Agenda, as follows:

CITY COMMISSION MEETING MINUTES:

Regular meeting held June 13, 2016

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RESOLUTION 9828

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a construction services agreement with Estep Construction, Inc. for the Lake Griffin Stormwater Improvement project for an amount not to exceed \$440,119.55; and providing an effective date.

RESOLUTION 9829

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a construction services agreement with Lenard Bell Painting, Inc. for interior and exterior painting, stucco repairs and expansion joint rehabilitation to the Leesburg Gymnasium for an amount not to exceed \$47,545.00; and providing an effective date.

RESOLUTION 9830

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a three year services agreement with Hewlett Packard, Inc. (HP) for Managed Print Services (MPS); and providing an effective date.

RESOLUTION 9831

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a construction services agreement with Kenneth Boyer Homes, Inc. for the rehabilitation of two (2) private residences located on Woodland Boulevard damaged due to a waste water utility failure for an estimated amount not to exceed \$80,000.00; and providing an effective date.

RESOLUTION 9832

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Task Order No. 5 with Jones Edmunds for professional engineering services preparing a Waste Water Model for the City's waste water system for an amount not to exceed \$98,972.00; and providing an effective date.

RESOLUTION 9833

Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a Utility Easement from B & D Self Storage, LLC, to the City of Leesburg, Florida, for property lying in Section 6, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (CR 466A, Villages of Fruitland Park)

RESOLUTION 9834

Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a Utility Easement from Kyron T. Littles to the City of Leesburg, Florida, for property lying in the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (1408 Pembroke Dr)

RESOLUTION 9835

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Leesburg Police Department to apply for and, if awarded, accept an Edward Byrne Grant from the U.S. Department of Justice (JAG) to supplement costs associated with the purchase of department equipment; and providing an effective date.

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**RESOLUTION 9836**

Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2015-16 budget for the Wastewater Fund for the Third Quarter; and providing an effective date.

**RESOLUTION 9837**

Resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an easement agreement among the City of Leesburg, Lake County, and Tom Hofmeister and Dawn Hofmeister, for the purpose of creating a conservation easement and an ingress egress easement in connection with the proposed Elderfire Lodge project; and providing an effective date.

**RESOLUTION 9838**

Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a Public Sidewalk Easement from First Baptist Church of Leesburg Inc. to the City of Leesburg, Florida for property located in the vicinity of 13th Street and High Street, Leesburg, Florida; and providing an effective date.

**RESOLUTION 9839**

Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Manager to execute and submit the Certification of Taxable Value for Fiscal Year 2016-17 to the Lake County Property Appraiser; and providing an effective date.

**RESOLUTION 9840**

Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Manager to create a Senior Code Enforcement Officer (Police Department) position by reclassifying a current Code Enforcement Officer; and providing an effective date.

**ADOPTED RESOLUTION 9841 A PROFESSIONAL SERVICES AGREEMENT WITH CPH, INC.**

Commissioner Dennison introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CPH, INC. FOR DESIGN SERVICES RELATED TO THE WEST LEESBURG NEIGHBORHOOD RESOURCE CENTER FOR AN AMOUNT NOT TO EXCEED \$127,683.00; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Dennison moved to adopt the resolution and Commissioner Christian seconded the motion.

Mayor Pro-Tem Bone requested comments from the Commission and the audience.

Commissioner Dennison asked if this was sent out for bid and CM Minner replied yes.

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Purchasing Manager (PM) Mike Thornton stated a request for qualifications was previously issued and staff actually brought that final ranking to the commission, it was approved and this was the top ranked firm that we negotiated a contract with.

Commissioner Christian asked when they finish will this give a concrete number of cost of construction.

PM Thornton stated this project is being delivered using the construction manager at risk, so we have a construction manager on board who will be working with the architect in reviewing some of the design and then the construction manager will provide the guaranteed maximum price for the actual construction part.

Commissioner Christian stated he noticed this is coming out of the CRA bond proceeds from 2009 and he knows we are getting grant money from the county, so is just trying to figure out when will we know the final price on what the city is going to be obligated to pay. If we have to go out and do another note on the extended CRA, he wants to ensure there is enough time so this project does not get stalled.

CM Minner stated this project will not get stalled and the bridge to the financing is not going to be significant to where we probably can use cash sources from other funds and then replenish after doing a note. There are about three different funding sources on how we are trying to get this constructed; 1) is our existing cash, and we will talk about that in more detail tomorrow night at the Budget Workshop. What he will be proposing to the Commission tomorrow night is all our cash in the CRA and some of our other cash from the existing note that is just retiring we will pull to go toward this; roughly in the neighborhood of about \$200,000. 2) is existing grants we have not spent on, reallocating those from projects to this project; and then 3) the grant funds, CDBG, Ken has been working on that. The grant funds could total somewhere around \$700,000; so that is about \$900,000 in funding. His guess is for this project we are looking at somewhere between 1.2 to 1.5 million; so our gap is going to be in the neighborhood of \$700,000 to half a million dollars and that is where we will get the loan. As far as getting the final number, his guess is probably four to six months. Pending this approval, staff has the kick off meeting with the architect on Friday, we will get the design started and hopefully get this moving along. He stated we are a little behind schedule, the goal was to get this center opened up by spring/summer of 2017, but thinks that is probably going to be touch and go. The Fiscal Year 17 budget assumes six months of expenses for the center, so we can talk about that in more detail tomorrow night, but sometime in 2017 he anticipates having this center opened.

Commissioner Robuck asked for an explanation of the logic of the city going out to bid on this as opposed to just having the contractor go and procure this all on their own.

PM Thornton stated this is for design services; hiring the architect. If we had a contractor do the whole thing it would have been a design build.

Commissioner Robuck asked what is reason to do one versus the other.

PM Thornton stated a design build means you are going to go out and initiate a request for proposal, hire a team, the contractor and the designer, and then they are responsible

for working with the city to come up with design and then they would also build it once the design is finalized. The method we are using construction manager at risk is where we hire the architect, and have a contract with the architectural firm and also a contract with the construction management firm. The goal behind that is to have your construction manager working with the architect during the design for constructability review, and material review so at the end you have a design you can afford because you know your budget and your construction manager and architect are working together to be sure you meet that budget. Whereas, if you did a design bid build, the architect would go through the whole design process and you run the change of putting it out to bid, all the bids come in way over budget because maybe the architect had his vision and that is what he designed which may have been way over your budget. PM Thornton stated he thinks this project method is going to get us this project at our budgeted amount and have a really nice facility because our construction manager, who is going to have to build it, is working with the architect.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Dennison	Yes
Commissioner Robuck	Yes
Mayor Pro-Tem Bone	

Four yeas, no nays, the Commission adopted the resolution.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 10.5 OF THE CODE OF ORDINANCES DEALING WITH FLOOD DAMAGE PREVENTION AND PROTECTION**

Commissioner Christian introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING CHAPTER 10.5 OF THE CODE OF ORDINANCES DEALING WITH FLOOD DAMAGE PREVENTION AND PROTECTION; UPDATING LANGUAGE TO CONFORM TO CURRENT STATE AND FEDERAL STANDARDS; ASSIGNING THE POSITION OF FLOOD PLAIN ADMINISTRATOR TO THE CITY'S DEPUTY CITY MANAGER / COMMUNITY DEVELOPMENT DIRECTOR; MODIFYING STANDARDS FOR DETERMINING LOWEST PERMITTED FLOOR ELEVATION OF STRUCTURES; REQUIRING RETENTION AREAS TO RETAIN 100 PERCENT OF A 100 YEAR FLOOD EVENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro-Tem Bone requested comments from the Commission and the audience.

Commissioner Bone asked if this has any relation at all to the issue we are having with the elevations out in west Leesburg.

CM Minner stated no, this is in reference to an internal kind of housekeeping issue. Our resident surveyor, if you will, is Adrian Parker, who used to be in Public Works, but we shifted him over to the Planning and Zoning department. There is a Flood Plain Manager that FEMA requires you have and you have to adopt that Flood Plain Manager by ordinance, so this ordinance spells out who the position is and what department they are in. This is really just a procedural shift issue.

Mayor Pro-Tem Bone stated this will carry over to the next meeting.

**FIRST READING OF AN ORDINANCE CREATING SECTION 7-170 OF THE LEESBURG CODE OF ORDINANCES, REQUIRING ELECTRICAL POWER BE CONNECTED TO ANY RESIDENTIAL DWELLING UNIT / PROHIBITED USES OF GENERATORS**

Commissioner Dennison introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CREATING §7-170 OF THE LEESBURG CODE, REQUIRING THAT ELECTRICAL POWER BE CONNECTED TO ANY RESIDENTIAL DWELLING UNIT, AND ENERGIZED, AS A PREREQUISITE TO OCCUPANCY OF A DWELLING UNIT; PROHIBITING THE USE OF GENERATORS TO PROVIDE ELECTRICITY TO A DWELLING UNIT EXCEPT IN TIMES WHEN ELECTRICAL POWER FROM A UTILITY PROVIDER IS UNAVAILABLE DUE TO AN OUTAGE; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro-Tem Bone requested comments from the Commission and the audience. There were none.

Mayor Pro-Tem Bone stated this will carry over to the next meeting.

**INFORMATIONAL REPORTS: None**

**CITY ATTORNEY ITEMS: None**

**CITY MANAGER ITEMS:**

**CM Minner** reminded everyone that on August 4<sup>th</sup>, FDOT will hold its public hearing on the Dixie Avenue improvement project at the Community Building at 6:00 p.m.

**CM Minner** also stated he would like to set up a workshop to unveiling staff's proposal for next phase of Venetian Gardens as they just received the financial and schematics for potential redevelopment of the community center. They having been working with some different consultants to put together some other redesigns and steps in phasing and pricing for improvements to Venetian Gardens. At this stage, he would like to get that in a power point, with some financial plans and thinks this deserves its own workshop.

**PUBLIC COMMENTS: None**

**ROLL CALL:**

**Commissioner Dennison** stated this Wednesday at Veterans Memorial Park the Korean War Memorial is being dedicated at twelve noon. She received a call this past week from a Mr. Uptigrove, who is present, and his question was what code enforcement laws does animal control follow and is it the county or the City of Leesburg. His neighbor has dogs which are barking incessantly and the county did come out but felt there was enough room there for the dogs; however, this issue is impacting his family life because it is driving them crazy. **CM Minner** thinks it is probably going to be a mixture. There is probably going to be a decibel issue there for the police, but then that is going to be kind of a hard path because the police will have to be out there. He thinks the city has a code that says if there is a disturbance going on longer than a certain time then the police can manage that, but that is not really going to fit in with the dogs. **Commissioner Dennison** asked if there is anything with noise codes. **CM Minner** stated no, the best thing would be for that person to get in touch with the county. He will have staff look at this and maybe there is something we can do; maybe devise some type of barking dog animal noise type ordinance. At this time, he does not want to commit to anything, and asked for time to staff look at this to see if we can come up with a recommendation. **Commissioner Dennison** asked Mr. Uptigrove if he would like to comment. **Mr. Uptigrove** stated he thinks the relationship between the county and the city involves some nit picking. The city's code is more toward the individual being suffered, who is actually impacted and apparently says is if you are troubled by it, this is quite of importance. The county is more technical about how long, how often, and not about whether it affects people. You have to jump through hoops to fill out a log of how long, how often and so on about the alleged offense of the dog and a lot of people will not do that; they just are not going to put themselves in the place where there might be a little friction between them and their neighbors who get wind of this. People are either afraid to do it or they just do not want to jump through all those hoops. **Mayor Pro-Tem Bone** stated the city will look into the issue and thanked Mr. Uptigrove for bringing this to the commission's attention.

**Commissioner Robuck** stated he thinks maybe Commissioner Bone should be Mayor for the rest of his term if he can promise this short of a meeting every time. On the marketing of the Marina property and other redevelopment opportunities at Venetian Gardens, he stated he was reading the Orlando Business Journal and there was a really nice article about Eustis and some downtown property that they seem to be getting some really good press. He asked since we now have a PIO, if there is something we could do to get our development opportunities out there so people know about it, be interested, and maybe would come forward. **Commissioner Robuck** stated he attended the FMEA meeting last week and there is some interesting stuff going on where basically all utilities are struggling because costs continue to go down, which is good for the consumer, but tough on utilities because of all the infrastructure that needs built. It keeps getting cheaper and people use less electricity, but it still costs just as much for us to distribute it, so that is kind of a long term issue that we face along with other cities and other industrial utilities. The big thing he took away is the solar issue going on and there is something on the ballot this year called Amendment One which allows utilities to charge a fixed price, they would have to go before the Public Service Commission with data to back it up, for

people who are getting all their power from solar. These net zero houses do not pay any utility bill and that is kind of important because again, all those costs are incurred by people who do not have solar to get their power there because they are using it in the middle of the night. If they want to get off the grid and have a battery bank that is fine, then no charge, but this would allow them to come up with a monthly fee and say you are using us for backup generation, we will keep buying power from you, but you need to contribute to the whole load for everyone if you are going to still want that back up generation from everyone else. Commissioner Robuck encouraged everyone to look at this and think about supporting Amendment One; it is a good thing for utilities.

**Commissioner Christian** asked if the sewage back up with the house on Washington Street has that been taken care of. **CM Minner** stated yes, and we have actually had several sewer backups in the city recently. Washington Street is an odd situation in that the way the service lateral runs, we have a main that is on an adjacent street, not immediately out in front of the house, so the service lateral comes off the main and hooks into the service lateral coming off the house. This is kind of an older set up, do not know why it was done that way, but it was and the reason for the backup was a break in our service lateral and those improvements should be pretty close to being fixed now. We will go back to the insurance company to try to reclaim some of that loss, and we have had some issue in the past with our insurance company fixing these and expediting the sewer backups. In this case, the tenant did ask for some improvements, which he did not feel were warranted such as replacing the tile in the bathroom, some of the vanities that showed, in his opinion, more age than what was damaged, but he did authorize those replacements. In addition to that, staff will also be going through and changing out that service lateral and making a standard operating procedure now that when we do have residential backups we will be installing sewer backflow valve devices on those service laterals to prevent this in the future. In the Washington street case, he is not going to say any sewer backup is a significant one, obviously as a utility we do not want and strive not to have that, and in this case would say it is a minor one in that the backup was not a neighborhood backing up. The amount of wastewater that got in there was probably from one or maybe two houses, so that minimized the damage at least from the provider side. Another area where we have had sewer backups, is the Woodland area, with some communication issues of our older systems not speaking from the lift station back to the sewer treatment plant to notify sending out the crew. We have changed some of that process around so instead of the communication going through radio contact, we are going to change that to phone communication. It will increase our cost a little bit more, not substantially, but is well worth the investment. In this particular case on Woodland, that lift station seems to have a grease build up issue and then that build up blocks the floats, the floats do not alarm, and then you get that overflow. The typography of this area is such that before the wastewater will actually flow out of the lift station there are two houses, kind of in a bottom of a basin, in that area where the elevation is obviously lower than the top of the lift station. So, with the radio communication not alerting the station that there is an alarm situation, crews are not dispatched to address it. So again, we are changing the mechanism on that alarm and then also putting sewer backflow valves on these two houses also. **Commissioner Christian** asked if someone could call Mrs. Johnson as she just texted him saying she got kicked out of the hotel and they did not sanitize her tub and shower, so she cannot take a shower. **CM Minner** stated he personally spoke with Mrs. Johnson about this about two weeks ago and Mrs. Johnson was not put back in her house, so he is not sure what she is talking about there. He asked

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Commissioner Christian, before he leaves to please give him Mrs. Johnson's telephone number, and he will call her after this meeting. He stated we had Mrs. Johnson's place pretty much fixed up, deemed it livable, and she moved back in then she contacted the city, went through channels and ultimately her issue came to him for the additional improvements. CM Minner stated he authorized those additional improvements, but also told her he did not think they needed to be done, but because she has had this incident on several occasions, he felt like it was the right thing to do. He said we would organize construction to do one bathroom at a time, and again the additional stuff she asked for was a new tub, new floors and vanities which are being put in.

**Mayor Pro-Tem Bone** had nothing this evening.

**ADJOURN:**

Commissioner Christian moved to adjourn the meeting. The meeting adjourned at 6:00 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

  
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J. Andi Purvis  
City Clerk & Recorder