



AGENDA
CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL
MONDAY, JULY 08, 2013 5:30 PM

1. CALL TO ORDER

INVOCATION

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

2. PROCLAMATIONS:

A. Proclamation recognizing Officer Gustavo Escalante as Officer of the Year for all of Lake County

3. PRESENTATIONS:

A. Recognition of years of service: Sammie Fillmore 25 years Gas Department

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: None

B. PURCHASING ITEMS:

1. Purchase request by the Public Works Department for the purchase of Lift Station Controllers from the Sanders Company for a total amount of \$35,600.00.

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Amendment 1 to Task Order No. 3 with DNV KEMA for professional consulting services related to the Smart Grid Investment Grant (SGIG) reporting for an additional \$49,000.00; and providing an effective date.

2. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor to sign a GSA-Federal Supply Schedule Purchase Order with Verizon Wireless for cell phone service pricing plan; and providing an effective date.

3. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Police Department to accept an Edward Byrne Grant from the U.S. Department of Justice to supplement costs associated with the purchase of department equipment; and providing an effective date.
4. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Police Department to 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.
5. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to transfer the property at 2323 Montclair Road to the Leesburg Cemeteries, Inc.; and providing an effective date.
6. Resolutions authorizing execution of two agreements, primary and secondary, for debris removal services.
 - A. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a fixed unit price agreement with TAG Grinding Services, Inc. as primary contractor for debris removal services emergency response; and providing an effective date.
 - B. Resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of an fixed unit price agreement with Grubbs Emergency Services, LLC. as secondary contractor for debris removal services emergency response; and providing an effective date.
7. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement for additional funds to Florida Municipal Power Agency to represent Florida Cities in settlement discussions with Duke Energy Florida, Inc. (Progress Energy Florida, Inc.) regarding Crystal River Unit 3 Nuclear Power Plant negotiations; and providing an effective date.
8. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Jeromes Masonry for the Fire Station 2 restroom addition for a total amount of \$93,966.00; and providing an effective date.
9. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a fixed unit cost construction services agreement with C.W. Roberts Contracting, Inc. for street resurfacing; and providing an effective date.
10. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Theobold Construction, Inc. for the customer service renovations for a total amount of \$111,500.97; and providing an effective date.

11. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement with Villages Roofing and Construction, Inc. for the pond liner replacement at the turnpike WRF for a total amount of \$231,750.00; 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 extending the existing waiver of City impact fees until September 30, 2013 and permitting for the negotiation of impact fees as part of an overall economic incentive package.
- B. First reading of an ordinance Amending Certain Sub Sections of Section 22 - 196 of the Code of Ordinances of the City of Leesburg, Florida pertaining to Electric Rates
- C. First reading of an ordinance rezoning approximately 55 acres south of Dixie Avenue and east of Lake Street, for an expired City PUD to a new City PUD (REDUS Florida Land, LLC/Venetian Isle)
- D. Service Electric Cases
 1. First reading of an ordinance annexing approximately 3.1 acres generally located on the west side of Executive Boulevard, south of County Road 44. (Service Electric Company)
 2. First reading of an ordinance amending the Comprehensive Plan for the City of Leesburg, changing the Future Land Use Map designation of certain property containing approximately 3.1 acres, on the west side of Executive Boulevard, south of County Road 44, from County Urban Expansion to City Industrial (Service Electric Company).
 3. First reading of an ordinance rezoning approximately 3.1 acres on the west side of Executive Boulevard, south of County Road 44, from County LM to City M-1 . (Service Electric Company)
- E. Resolution authorizing execution an agreement with Willdan Financial Services for a fire assessment study for the total amount of \$62,500

6. INFORMATIONAL REPORTS:

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: July 8, 2013
From: Mike Thornton, Purchasing Manager, for
D.C. Maudlin, Interim Public Works Director
Subject: Purchase Request by the Public Works Department for the purchase of Lift Station Controllers.

Staff Recommendation:

Staff recommends approval of the purchase of two lift station combination control panels from the Sanders Company for a total cost of \$35,600.00.

Analysis:

The City of Leesburg utilizes a combination lift station pump control panels with Supervisory Control and Data Acquisition (SCADA) Remote Telemetry Unit (RTU) to monitor and control all City lift stations. All combination panels contain a SCADA Programmable Logic Controller (PLC) and color touch display.

Lift stations 22 and 111 will receive new combination panels in their entirety. The panels shall be complete and factory tested with the following panel accessories: floats, submersible transducer, antenna, antenna cable, and programming/startup. The panels will be installed by Public Works staff.

The benefits of this purchase will be the continuance of system integrity, avoidance of excessive maintenance costs, and reduction of the risk of a system-wide failure causing overflows and spills which would possibly result in potential health and environmental hazards.

City staff advised the primarily reason for replacing these controls is because of the age of the existing equipment.

On May 31, 2013, the Purchasing Division issued Invitation to Bid number 130321. The bid opportunity was posted on-line through the City's bid management system Public Purchase. On June 13, 2013 the City received one bid response. That response was from the Sanders Company in the amount of **\$35,600.00**. Staff believes the City only receive one bid because of the nature of the specialized equipment required. The specifications required specific programmable logic controls manufactured by either Sci-Trol (Sanders Company is the licensee for this area) or the Rockwell Company.

Public Works staff advised that based on previous purchases the bid prices provided by Sanders Company appear to be fair and reasonable.

Options:

1. Approval of the control panel purchase from the Sanders Company; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funding is budgeted and available in the account listed.

Submission Date and Time: 7/8/2013 10:13 AM

Department: Public Works _____ Prepared by: Terry Pollard _____ Attachments: Yes ___ No <u>X</u> _____ Advertised: ___ Not Required <u>X</u> _____ Dates: _____ Attorney Review : Yes ___ No <u>X</u> _____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> , _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>044-4099-535-6410</u> _____ Project No. <u>440002</u> _____ WF No. <u>0811491/001/002</u> _____ Budget <u>\$35,600</u> _____ Available <u>\$35,600</u> _____
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AGENDA MEMORANDUM

Item No: 4.C.1.
Meeting Date: July 8, 2013
From: Ray Sharp, Interim City Manager
Subject: Resolution authorizing Amendment 1 to Task Order 3 with KEMA, Inc. services related to Department of Energy (DOE) reporting

Staff Recommendation:

Staff recommends authorizing execution of Amendment 1 to Task Order 3 with KEMA, Inc. for an additional \$49,000.00 to assist the City in meeting DOE reporting requirements under the Smart Grid Investment Grant (SGIG).

Analysis:

SGIG requires the City to submit various reports and reporting metrics to the DOE. The reports range from impact metrics and benefits documenting how the City's project is impacting the utility. Financial reports such as the quarterly financial report and report and project progress are also required. The City is behind on some of the reporting.

This Amendment 1 will authorize KEMA, Inc. to reengage with the City and assist the Electric Utility to become current on the DOE reporting. KEMA will also create the necessary financial and inventory reports.

Options:

1. Approve the resolution authorizing execution of Amendment 1 to Task Order 3 with KEMA, Inc., or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The cost of these services will be funded from the SGIG with the City funding 50% from the Electric Utility budget.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Electric Utility</u>	Reviewed by: Dept. Head _____	Account No. <u>041-1070-531.34-10</u>
Prepared by: <u>Mike Thornton</u>	Finance Dept. <u>BLM</u>	Project No. <u>SMARTG</u>
Attachments: Yes <input checked="" type="checkbox"/> No _____	Deputy C.M. _____	WF No. _____
Advertised: <u>Not Required</u> <input checked="" type="checkbox"/> _____	Submitted by: _____	Budget _____
Dates: _____	City Manager _____	Available _____
Attorney Review: Yes _____ No _____		
Revised 6/10/04		

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT 1 TO TASK ORDER NO. 3 WITH DNV KEMA FOR PROFESSIONAL CONSULTING SERVICES RELATED TO THE SMART GRID INVESTMENT GRANT (SGIG) REPORTING FOR AN ADDITIONAL \$49,000.00; 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 Amendment 1 to an existing Task Order with KEMA, INC. whose address is 67 South Bedford Street, Suite 201E, Burlington, MA 01803, for professional services related to DOE reporting required under the Smart Grid Investment Grant.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.2.

Meeting Date: July 8, 2013

From: Mike Thornton, Purchasing Manager, for
Stan Carter, Director Information Technology

Subject: Resolution authorizing the Mayor to sign a GSA-Federal Supply Schedule Purchase Order with Verizon Wireless for cell phone service pricing plan

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Mayor to sign the GSA Federal Supply Schedule Purchase Order (GSA Schedule).

Analysis:

This action is a repeat of an agenda item presented August 13, 2012. Verizon Wireless (Verizon) had turnover in staff and the original GSA Purchase Order was not properly filed by the vendor. Approval of this resolution will allow the City to be placed on the proper pricing plan. Verizon will issue credits to the City retroactive to the original start date of the City's service.

This action was subsequently presented to the Commission and approved June 10, 2013. Following approval of the GSA Purchase Order provided by Verizon, staff was informed the document was older than 30 days and could not be accepted.

Staff is now seeking approval of the GSA Purchase Order for a third and final time due to deficiencies of the vendor. Staff spoke with the Verizon representative the morning of June 25th. The representative has assured the attached GSA Purchase Order is correct and acceptable following approval and signature of the Mayor July 8, 2013.

Original Memorandum Text:

Staff has performed an analysis of cell phone pricing and service and recommends changing cell phone and cell phone service providers from Sprint Nextel to Verizon Wireless Communications. In order to make a complete switch and receive the best pricing available to local governments, staff is requesting the attached GSA Schedule be signed to allow the City to take advantage of the GSA Schedule pricing.

The City's wireless communication service provider started with Nextel Communications and then changed to Sprint following their merger with Nextel. Over the past year or more, the service/reception provided by Sprint has continuously deteriorated. Sprint confirmed sometime ago they would not be upgrading their network in the Leesburg area to provide 4th Generation service (4G).

The City currently uses Verizon Wireless for data service through air cards. Air cards are a device that operate similar to a cell phone, a wireless modem, but are used for connecting a laptop or other mobile device to the cellular network to receive and transmit data. This change was made after Sprint confirmed they would not be upgrading their network in the Leesburg area. Availability of 4G service was critical to our public safety units and field crews to receive mobile data access while in the field. The police department patrol cars use 4G aircards in their laptop computers to connect to the public safety network. Reliable and fast wireless service is imperative for the patrol cars.

The reliability and quality of service provided by Sprint for regular cellular phone service has continued to decline. The IT Department is receiving more complaints and reports of dropped calls and/or no service in some areas of the City. Recently there was a gas line rupture. The gas utility director was trying to direct crews in response to the rupture and update other city departments, but could not because of cell phone service failures in the field. The poor quality of Sprint service is becoming an issue of public safety.

The City was working with Verizon wireless on pricing plan options available should the City switch all cellular phone service from our current provider. The City has received a proposal from Verizon Wireless that uses both the Federal GSA pricing and State of Florida contract pricing. Either plan will be used based on the past usage of cell phones. Cell phones having sufficient minutes requiring a plan and smart phones will use the Federal GSA pricing. Cell phones with low usage and aircards will use the State of Florida contract pricing. Cell phones with low usage will be placed on a per minute plan instead of paying a flat monthly fee for a set amount of minutes.

Over the past several years, the City has reduced the number of cellular phones. In November 2008, the City had 219 phones and 120 air cards. We now have 142 phones and 126 air cards. There has been a 20.9% reduction in wireless devices in the City.

The savings to be realized is summarized here:

Current Sprint - \$8,679.90 per month
Future Verizon - \$8,073.00 per month
Savings - \$606.9 per month x 12 months = \$7,282.80 annually

The switch to Verizon using the Federal GSA Schedule and the State of Florida contract will provide the level of service required of the City and save an estimated \$7,282.80 per year.

The City will be provided cell phones at no cost when the switch from Sprint to Verizon occurs. Free replacement equipment is a condition of the State of Florida pricing contract.

The City has engaged the Florida League of Cities to perform a review of all telecommunication services. Their representatives agree with this proposed mixed pricing plan switch from Sprint to Verizon. They provided some assistance with cell phone usage analysis and savings estimates by switching to a multiple pricing plan model.

Options:

1. Approve the resolution authorizing signing of the GSA Federal Supply Schedule Purchase Order;
or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funds for wireless communications services are already budgeted within each department. This change will result in a savings for all departments at varying degrees depending on the number of devices they have and usage.

Submission Date and Time: 7/8/2013 10:13 AM

Department: _____ Prepared by: _____ Attachments: Yes ___ No ___ Advertised: Not Required _____ Dates: _____ Attorney Review : Yes ___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. BLM _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A GSA-FEDERAL SUPPLY SCHEDULE PURCHASE ORDER WITH VERIZON WIRELESS FOR CELL PHONE SERVICE PRICING PLAN; 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 VERIZON WIRELESS whose address is 7600 Montpelier Road, Laurel, Maryland 20723 providing an estimated expenditure for wireless communications services and equipment pursuant to Federal GSA Schedule 70 – Information Technology and Wireless Communications.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.3.
Meeting Date: July 8, 2013
From: William J. Chrisman, Police Chief
Subject: Resolution authorizing the Police Department to apply for and accept an Edward Byrne Grant from the U.S. Department of Justice to supplement costs associated with the purchase of department equipment.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Police Department to apply for and accept, if awarded, a federal grant of \$12,608.00 from the 2013 Edward Byrne Grant to supplement purchase costs associated with the following department equipment:

<u>Item</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Digital in-car video recording system	3	\$4,202.66	\$12,608.00

Analysis:

This grant will pay the cost for department equipment for law enforcement purposes: in-car video recording systems for three LPD marked patrol vehicles which currently have no system. If the grants are awarded and accepted, staff further requests approval of a single source purchase (in lieu of a competitive bid process) of the in camera systems from Digital Ally. The City has purchased the same in car systems using previous grants. Purchasing the same systems will provide for standardization among the police vehicles and allow accessories to be interchanged. By agreeing, the city assumes no additional liability or additional costs.

Deadline for application is July 24, 2013.

Options:

1. Approve the resolution authorizing the application and acceptance of a federal grant of \$12,608.00 and authorize single source purchase; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

If awarded, a budget adjustment will be necessary to add this into the current budget. There is no local match required for this grant.

Submission Date and Time: 7/8/2013 10:13 AM

Department: Police _____ Prepared by: Lisa Carter Attachments: Yes ___ No ___ Advertised: ___ Not Required ___ Dates: _____ Attorney Review : Yes ___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-0000-331-2100</u> Project No. <u>JA0011</u> WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT THE EDWARD BYRNE GRANT FROM THE US DEPARTMENT OF JUSTICE FOR \$12,608.00 TO SUPPLEMENT COSTS ASSOCIATED WITH THE PURCHASE OF DEPARTMENT EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

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

THAT the Leesburg Police Department is hereby authorized to submit an application, and if awarded, accept an Edward Byrne Grant from the U.S. Department of Justice in the amount of \$12,608.00 to supplement costs associated with the purchase of certain department equipment.

THAT this resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.4.
Meeting Date: July 8, 2013
From: William J. Chrisman, Police Chief
Subject: Resolution authorizing the Police Department to apply for and accept an Edward Byrne Grant from the U.S. Department of Justice (JAG) to supplement costs associated with the purchase of department equipment.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Police Department to apply for and accept, if awarded, a federal grant of \$12,957.00 from the 2013 Edward Byrne JAG Grant to supplement purchase costs associated with the following department equipment:

<u>Item</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Digital in-car video recording systems	3	\$4,202.66	\$12,608.00
Microphone	1	\$ 349.00	<u>\$ 349.00</u>
			\$12,957.00

Analysis:

This grant will pay the cost for department equipment for law enforcement purposes: in-car video recording systems for three LPD marked patrol vehicles which currently have no system. If the grants are awarded and accepted, staff further requests approval of a single source purchase (in lieu of a competitive bid process) of the in camera systems from Digital Ally. The City has purchased the same in car systems using previous grants. Purchasing the same systems will provide for standardization among the police vehicles and allow accessories to be interchanged. By agreeing, the city assumes no additional liability or additional costs.

Deadline for application is July 9, 2013.

Options:

1. Approve the resolution authorizing the application and acceptance of a federal grant of \$12,957.00 and authorize single source purchase; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

If awarded, a budget adjustment will be necessary to add this into the current budget. There is no local match required for this grant.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Police</u>	Reviewed by: Dept. Head _____	Account No. <u>001-0000-331-2100</u>
Prepared by: <u>Lisa Carter</u>	Finance Dept. <u>BLM</u>	Project No. <u>JA0012</u>
Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Deputy C.M. _____	WF No. _____
Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/>	Submitted by: _____	Budget _____
Dates: _____	City Manager _____	Available _____
Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/>		
Revised 6/10/04		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT THE EDWARD BYRNE (JAG) GRANT FROM THE US DEPARTMENT OF JUSTICE FOR \$12,957.00 TO SUPPLEMENT COSTS ASSOCIATED WITH THE PURCHASE OF DEPARTMENT EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

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

THAT the Leesburg Police Department is hereby authorized to submit an application, and if awarded, accept an Edward Byrne (JAG) Grant from the U.S. Department of Justice in the amount of \$12,957.00 to supplement costs associated with the purchase of certain department technical equipment.

THAT this resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 8th day of July 2013.

Mayor

ATTEST:

City Clerk



BJA FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local 2013-H4867-FL-DJ



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APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED June 20, 2013	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier	
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	
5. APPLICANT INFORMATION			
Legal Name City of Leesburg		Organizational Unit Municipality	
Address PO Box 490630 Leesburg, Florida 34749-0630		Name and telephone number of the person to be contacted on matters involving this application Parker, Max (352) 787-2121	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 59-6000362		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Technical Equipment	
12. AREAS AFFECTED BY PROJECT Patrol Division			
13. PROPOSED PROJECT Start Date: October 01, 2013 End Date: September 30, 2016		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project FL10	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$12,957	This preapplication/application	
Applicant	\$0		
State	\$0		



AGENDA MEMORANDUM

Item No: 4.C.5.
Meeting Date: July 8, 2013
From: DC Maudlin, Interim Director of Public Works
Subject: Resolution authorizing the transfer of property located at 2323 Montclair Road to the Leesburg Cemeteries, Inc.

Staff Recommendation:

Staff recommends approval of a resolution authorizing transfer of property located at 2323 Montclair Road to the Leesburg Cemeteries, Inc.

Analysis:

The City of Leesburg purchased the property at 2323 Montclair Road from Michael and Sharon Eyes in December, 1994 for \$12,779. The purchase was authorized by Resolution No 4831 adopted at the regular meeting of the City Commission on December 27, 1994.

Section 1 of Resolution No. 4831 says, "...such land to be used for cemetery purposes, a copy of said contract being attached hereto." Based on the resolution passed by the Commission the property was intended to be used by the cemetery for cemetery purposes. The Leesburg Cemeteries, Inc. has agreed to accept and maintain the property once transferred.

Transfer of this property to Leesburg Cemeteries, Inc. is consistent with the provisions of Section 2-1, Subparagraph (f) of the Leesburg Code of Ordinances adopted by the City Commission at the regularly held meeting on May 13, 2013.

Options:

1. Approve the resolution authorizing transfer of the property to Leesburg Cemeteries, Inc. or,
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Cost to the City as a result of this Amendment is \$10.00.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Public Works</u> Prepared by: <u>DC Maudlin</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 <input checked="" type="checkbox"/> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>N/A</u> Project No. _____ WF No. _____ Budget <u>N/A</u> Available <u>N/A</u>
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RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO TRANSFER THE PROPERTY AT 2323 MONTCLAIR ROAD TO THE LEESBURG CEMETERIES, INC.; 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 property transfer with Leesburg Cemeteries, Inc., whose address is P.O. Box 490804, Leesburg, Florida 34749, for the property at 2323 Montclair Road, Leesburg, Florida 34748,

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.6.

Meeting Date: July 8, 2013

From: Mike Thornton, Purchasing Manager, for
DC Maudlin, Interim Public Works Director

Subject: Resolutions authorizing execution of a primary and secondary agreement with the named companies for debris removal emergency response.

Staff Recommendation:

Staff recommends approval of two resolutions authorizing execution of an agreement with TAG Grinding Services, Inc. as the primary contractor and Grubbs Emergency Services, LLC as the secondary contractor.

Analysis:

As a Florida municipality, the City is susceptible to emergency events such as hurricanes, tropical storms, and tornadoes. All of these events can cause significant property damage and create a significant amount of debris. The City is responsible for the removal and clean-up of debris on City property and city right of way (ROW) and city streets. The City has also executed Inter-local Agreements with the County, State and Federal Governments to act as first push responders for debris on roadways falling under the jurisdiction of the listed governments.

Provided the event is a declared event, the City is eligible to receive reimbursement for qualifying costs associated with removal, clean-up and disposal of the debris. The City must bear the costs upfront and apply for reimbursement from the Federal Emergency Management Administration (FEMA) or the U.S. Department of Transportation, Federal Highway Administration (FHWA).

One of the requirements for incurred costs to be eligible for reimbursement is the City must have competitively bid the debris removal services and have contracts in place for those services in advance of the eligible event.

Procurement Analysis:

On May 16, 2013, the Purchasing Division issued Invitation to Bid 130381 for Debris Removal Services – Emergency Response. On June, 18, 2013 the City received nine sealed bid responses. The detailed bid tabulation is attached for your review. A summary tabulation is included here and reflects the submitting contractors, their location, and their total bid amount for the base bid items.

The base bid items comprised the cost components most used for post event debris clean-up. The estimated quantities were derived by looking back to the storms of 2004 that affected the City of Leesburg.

Staff evaluated the bids and determined TAG Grinding and Grubbs Emergency Services, LLC to be responsive and responsible and submitting the lowest total bids on the base bid items. TAG Grinding submitted the lowest bid and Grubbs submitted the second low bid.

Should the debris removal services be required, TAG Grinding would be mobilized first and depending on the size and requirements Grubbs could also be mobilized as the secondary contractor.

SUMMARY BID TABULATION (Base Bid Items Only)

Contractor Name	Location (Corporate Office)	Total Base Bid Amount
TAG Grinding Services	Dadeville, Alabama	\$444,975.00
Grubbs Emergency Services, LLC	Tampa, FL	\$483,275.00
D & J Enterprises, Inc.	Auburn, AL	\$522,540.00
Phillips and Jordan, Inc.	Robbinsville, NC	\$528,540.00
Ceres Environmental	Sarasota, FL	\$533,170.00
Crowder Gulf Joint Venture, Inc.	Theodore, AL	\$533,600.00
DRC Emergency Services, LLC	Mobile, AL	\$614,550.00
Arbor Tree and Land, Inc.	Lake Worth, FL	\$614,225.00
Bergeron Emergency Service, Inc.	Fort Lauderdale, FL	\$721,700.00

Local Vendor Preference (LVP) was not applicable in this procurement as federally funded or reimbursable contracts do not allow geographic preference be applied to the evaluation. Regardless, none of the responding contractors would have qualified for either Tier I or Tier II LVP.

Options:

1. Approve the resolutions authorizing execution of each of the agreements with the respective contractors, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

No expenses are associated with this item unless the contractor(s) are mobilized in response to a declared event. All costs would be borne by the City and reimbursement requests would be submitted for qualifying expenses. Reimbursement is not guaranteed.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Public Works</u>	Reviewed by: Dept. Head _____	Account No. <u>NA</u>
Prepared by: <u>Mike Thornton</u>	Finance Dept. _____	Project No. <u>NA</u>
Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>BLM</u>	WF No. _____
Advertised: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/>	Deputy C.M. _____	Budget <u>NA</u>
Dates: <u>May 15, 2013</u>	Submitted by: _____	Available <u>NA</u>
Attorney Review: Yes <input type="checkbox"/> No <input type="checkbox"/>	City Manager _____	
Revised 6/10/04		

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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 FIXED UNIT PRICE AGREEMENT WITH TAG GRINDING SERVICES, INC. AS PRIMARY CONTRACTOR FOR DEBRIS REMOVAL SERVICES EMERGENCY RESPONSE; 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 TAG GRINDING SERVICES, INC. whose address is 113 Horseshoe Bend Road, Dadeville, AL 36853 for debris removal services pursuant to Invitation to Bid 130381.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING EXECUTION OF A FIXED UNIT PRICE AGREEMENT WITH GRUBBS EMERGENCY SERVICES, LLC. AS SECONDARY CONTRACTOR FOR DEBRIS REMOVAL SERVICES EMERGENCY RESPONSE; 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 GRUBBS EMERGENCY SERVICES, LLC. whose address is PO Box 468, Aripeka, FL 34679 for debris removal services emergency response pursuant to Invitation to Bid 130381.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.7.
Meeting Date: July 8, 2013
From: Patrick Foster, Deputy Electric Director
Subject: Resolution authorizing additional funds to Florida Municipal Power Agency to represent Florida Cities in settlement discussions with Duke Energy Florida, Inc. (Progress Energy Florida, Inc.) regarding Crystal River Unit 3 Nuclear Power Plant negotiations.

Staff Recommendation:

Staff recommends authorizing additional funds to Florida Municipal Power Agency (FMPA) to represent Florida Cities in settlement discussion with Duke Energy Florida, Inc. (Progress Energy Florida, Inc.) regarding the Crystal River Unit 3 nuclear power plant negotiations.

Analysis:

The Florida Municipal Power Agency (FMPA) is currently working on behalf of the City of Leesburg and other municipal owners (individually "Florida City" and collectively "Florida Cities") in the Crystal River Unit 3 (CR3) nuclear power plant negotiations with the operating owner Duke Energy Florida, Inc. to support our non-operating owner interests in the ultimate decision to complete the repair needed to bring the plant to full operation or decommission the facility.

Due to the numerous complicated legal and technical issues involved in this matter an additional \$250,000 is required for ongoing settlement efforts. The City of Leesburg's ownership share is 10.15% or an additional \$25,375.

Options:

1. Authorize the additional funds as presented; or,
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

With the additional \$25,375 the total cost for the City of Leesburg paid to Florida Municipal Power Agency will be \$50,750.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Electric</u> Prepared by: <u>Sabrina Hubbell</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 checked="" type="checkbox"/> No <input type="checkbox"/> Revised 6/10/04	Reviewed by: Dept. Head <u>Patrick Foster</u> Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>041-1062-531-3110</u> Project No. <u>CR3SET</u> WF No. _____ Budget _____ Available _____
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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 AN AGREEMENT FOR ADDITIONAL FUNDS TO FLORIDA MUNICIPAL POWER AGENCY TO REPRESENT FLORIDA CITIES IN SETTLEMENT DISCUSSIONS WITH DUKE ENERGY FLORIDA, INC. (PROGRESS ENERGY FLORIDA, INC.) REGARDING CRYSTAL RIVER UNIT 3 NUCLEAR POWER PLANT NEGOTIATIONS; 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 Florida Municipal Power Agency whose address is 8553 Commodity Circle, Orlando, Florida 32819-9002, for agreement of additional funding to represent Florida Cities in settlement discussions with Duke Power Florida, Inc. (Resolution 9118 gave first authority for funds).

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 8th day of July, 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.8

Meeting Date: July 8, 2013

From: Mike Thornton, Purchasing Manager, for
DC Maudlin, Interim Public Works Director

Subject: Resolution authorizing execution of a construction services agreement with
for Jeromes Masonry, Inc. for the restroom/shower room addition to Fire
Station 2.

Staff Recommendation:

Staff recommends approval of the resolution authorizing execution of an agreement with Jeromes Masonry, Inc. for the restroom renovation/addition project at Fire Station 2 for a total cost of \$93,966.00.

Analysis:

The purpose of this project is to create an addition to the Fire Station that will add three individual showers/restrooms. Each new unit will include a toilet, sink, and shower and be segregated from other units. This addition is necessary to accommodate both male and female firefighters in the same firehouse. The addition will also include a locker room area. The existing single combined restroom/locker room will be demolished and incorporated into the existing kitchen area.

The current restroom/locker room facilities cannot be used at the same time by different sex firefighters. When a female firefighter(s) needs to use the restroom or shower facilities, the entire facility is not available to male firefighters.

Performance consists of furnishing all labor, materials, tools, equipment, incidentals, and performing all services for renovating the Fire Station 2 restroom at 2014 Griffin Road, Leesburg, Florida.

City utilities of gas, water, and wastewater will need to be relocated. The current location of the service lines would place them under the slab of the new addition. The Gas Utility has already moved their service line at no cost. The remaining services, water and wastewater, will be relocated by the respective utility and paid for out of the projects budget.

Procurement Analysis:

On April 19, 2013, the Purchasing Division issued Invitation to Bid number 130401. Notification of this opportunity was made by legal advertisement in the Daily Commercial, Orlando Sentinel, as well as, posting online at publicpurchase.com.

On May 23, 2013, sealed bids were received from four prospective contractors. Bids were evaluated by Purchasing and Public Works staff which determined Jerome's Masonry, Inc. to be the lowest

responsive and responsible bidder. Two other bidders were disqualified for having not submitted the required Bid Bond.

A survey of references revealed the contractor has successfully performed similar contracts since 2010. A review of the Department of Professional Regulation website revealed the contractor is appropriately licensed and has not had any complaints filed with the state. Jerome's Masonry has performed other work for the City on past projects. The most recent was the relocation and renovation of the Electric Department SCADA Operations Center.

SUMMARY OF BIDS

Contractor Name	Jerome's Masonry Lady Lake, FL	Wagner 3Ventures Leesburg, FL	Glen Holt Aluminum Fruitland Park, FL
Bid Grand Total	\$93,966.00	\$113,243.00	119,900.00
LVP Adjustment	2%	5%	2%
LVP Adjusted Amount	\$92,086.68	\$107,580.85	\$117,502.00

All three responsive and responsible bidders qualified for one of the two Local Vendor Preferences. Application of the LVP to the Tier I bidder, Wagner 3Ventures, still resulted in Jerome's masonry being the low bidder.

Options:

1. Approve execution of the agreement with Jeromes Masonry, Inc; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The project budget is \$100,000. Some expenses for engineering and project management have been incurred. The additional costs due to the utility relocates will be covered with savings on other capital projects.

Submission Date and Time: 7/3/2013 2:02 PM_____

Department: <u>Public Works</u>	Reviewed by: Dept. Head _____	Account No. <u>031-2220-522.62-10</u>
Prepared by: <u>Stephanie Lay</u>	Finance Dept. <u>BLM</u>	Project No. <u>310022</u>
Attachments: Yes ___ No ___	Deputy C.M. _____	WF No. <u>WF0813830 / 001</u>
Advertised: <u>X</u> Not Required _____	Submitted by: _____	Budget <u>\$100,000.00</u>
Dates: <u>4/21/2013</u>	City Manager _____	Available <u>\$ 95,378.00</u>
Attorney Review : Yes ___ No ___		
Revised 6/10/04		

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH JEROMES MASONRY FOR THE FIRE STATION 2 RESTROOM ADDITION FOR A TOTAL AMOUNT OF \$93,966.00; 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 JEROME'S MASONRY, INC. whose address is 505 Sunbelt Road, Lady Lake, Florida 33612 for construction services related to the Fire Station 2 bathroom/shower room addition pursuant to Invitation to Bid 130401.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.9.

Meeting Date: July 8, 2013

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

Subject: Resolution authorizing execution of an agreement with C.W. Roberts Contracting, Inc. and approval of an expenditure not to exceed \$575,000.

Staff Recommendation:

Staff recommends execution of a fixed unit price agreement with C.W. Roberts Contracting, Inc. and approval of the expenditure in the 2013 Fiscal Year not to exceed \$575,000.00 for street resurfacing services under the agreement.

Analysis:

The purpose of this Invitation to Bid was to solicit interested and qualified firms to provide fixed unit cost pricing for street milling and resurfacing. Firms were requested to provide a unit price for type S-3 asphalt put in place for various project sizes. The unit price was to be inclusive of mobilization and maintenance of traffic. The basis of award is on unit prices received by sealed bid for type S-3 asphalt and milling. The City will use this fixed unit price agreement for city streets to be resurfaced in the current fiscal year as well as any other streets needing resurfacing during the term of the agreement.

The Primary Street Listing is attached to this memo. . This listing shows those streets that have been selected for resurfacing this fiscal year. Selection is based upon evaluated condition of the roadways using the PASER criteria for evaluation and rating of roads.

PASER is an acronym for Pavement Surface Evaluation and Rating system. It is a system for visually rating the surface condition of a pavement from a scale of 1 to 10, with 1 being a pavement in a failed condition and 10 being a pavement in excellent condition.

The City contracted with an engineering firm approximately five years ago to grade all the City streets using this system. The City has maintained the baseline study by updating the ratings of City streets on an annual basis.

Procurement Analysis:

The Invitation to Bid requested pricing on two base bid items, asphalt put in place and milling. These items are the primary components of street resurfacing. The bid prices for the two base bid items are here along with the unit prices quoted by the responding contractors. Pricing on additional contract items were requested and can be sued by the City if necessary.

Bids were evaluated using the two base bid items and estimated quantities. The estimated quantities are based on calculations from the primary street listing previously discussed. The final comprehensive bid tabulation listing all items is attached for your review.

On May 8, 2013, the Purchasing Division issued Invitation to Bid 130201 soliciting interested and qualified firms to submit sealed bids for the items listed. On May 30, 2013, the Purchasing Division received three responses. Staff analyzed the responses and C.W. Roberts Contracting, Inc. has been deemed the lowest responsive and responsible vendor.

The base bid submitted by C.W. Roberts was the lowest base bid. Local Vendor Preference was applied to the two qualifying bidders C.W. Roberts with a facility in Wildwood (Tier II – 2%) and Paqco, Inc. with a facility in Leesburg (Tier I – 5%). The Summary Bid Tabulation shows after application of the Local Vendor Preference C.W. Roberts remained to the lowest bidder.

SUMMARY BID TABULATION

		CW Roberts Contracting Wildwood, FL		Ranger Construction Winter Garden, FL		Paqco, Inc. Leesburg, FL	
	Qty	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
Type S-3 Asphalt greater than 300 tons	4,687 Tons	\$93.50	\$438,234.50	\$98.45	\$461,435.15	\$118.50	\$555,409.50
Asphalt Milling 0"-1-1/2"	6,000 SY	\$2.65	\$15,900.00	\$5.60	\$33,600.00	\$5.75	\$34,500.00
Total Base Bid		\$454,134.50		\$495,035.15		\$589,909.50	
Percent Higher		0%		8.26%		23%	
Local Vendor Preference		2%		0%		5%	
LVP Adjusted Bid		\$445,051.81		\$495,035.15		\$560,414.03	

Options:

1. Authorize execution of the agreement with C.W. Roberts Contracting, Inc. and approve the not to exceed expenditure of \$575,000.00, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funding of \$575,000.00 is budgeted and available for the 2013 Fiscal Year Street Resurfacing Program.

Submission Date and Time: 7/8/2013 10:13 AM

Department: _____	Reviewed by: Dept. Head _____	Account No. <u>031-5112-541.63-10</u>
Prepared by: _____	Finance Dept. _____	Project No. <u>310051</u>
Attachments: Yes ___ No ___	Deputy C.M. _____	WF No. <u>WF0813831/001</u>
Advertised: Not Required _____	Submitted by: _____	Budget <u>\$575,000</u>
Dates: _____	City Manager _____	Available <u>\$575,000</u>
Attorney Review: Yes ___ No ___		
Revised 6/10/04		

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIXED UNIT COST CONSTRUCTION SERVICES AGREEMENT WITH C.W. ROBERTS CONTRACTING, INC. FOR STREET RESURFACING; 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 C.W. ROBERTS CONTRACTING, INC. whose address is 3372 Capital Circle NE, Tallahassee, Florida 32308, for street resurfacing contractor services pursuant to Invitation to Bid 130201.

THAT the Commission also approves an expenditure for the 2013 Fiscal Year under this contract not to exceed \$575,000.00 for street resurfacing.

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 8th day of July, 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.10

Meeting Date: July 8, 2013

From: Mike Thornton, Purchasing Manager, for
DC Maudlin, Interim Public Works Director

Subject: Resolution authorizing execution of an agreement for renovation of the customer service area of City Hall.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the execution of an Agreement with Theobald Construction, Inc. for the remodel/renovation of the customer service area for a total cost of \$111,500.97.

Analysis:

The purpose of this project is to renovate the City Hall first floor customer service area to accommodate and facilitate a more efficient process in serving the City's utility customers. The work will involve demolition of the existing customer service work stations and construction of six full service stations (payments & utility accounts), one payment station, a designated waiting area and a kid's corner.

The current customer service area is divided between servicing utility customer questions and inquires and a separate area for taking payments. When a customer cannot be helped by cashiers for simple utility inquiries, or disputes, long waits occur due to the need for a customer service representative to provide resolution of the problem. The new design will allow the customer to have all such matters taken care of as well as make any payments with the same customer service representative. This will significantly decrease the customer's waiting time.

Performance consists of furnishing all labor, materials, tools, equipment, incidentals, and performing all services for the remodel of the Customer Service area.

Procurement Analysis:

On May 10, 2013, the Purchasing Division issued Invitation to Bid number 130461. Notification of this opportunity was made by legal advertisement in the Daily Commercial, Orlando Sentinel, as well as, posting online at publicpurchase.com

On June 11, 2013 sealed bids were received from two prospective contractors. Bids were evaluated by staff which determined Theobald Construction, Inc. submitted the most favorable, responsive and responsible bid response. A survey of references revealed the contractor has successfully performed similar contracts since 2012. A review of the Department of Professional Regulation website revealed the contractor is appropriately licensed and has not has any complaints filed with the state.

SUMMARY OF BIDS

BIDDER	Theobald Construction, Inc. St. Cloud, FL	Jerome's Masonry, Inc Lady Lake, FL
Bid Grand Total	\$111,500.97	\$130,000.00
LVP Adjustment	0%	2%
LVP Adjusted Amount	\$111,500.97	\$127,400.00

Application of the City's Local Vendor Preference (LVP) to Jerome's Masonry, Inc. did not result in their bid becoming the lower bid. The City's LVP had no effect on the outcome of this bid. One other contractor did come to Purchasing to submit a bid, but was late. He arrived after the 2:00 PM deadline for bid responses and after the two bid responses had already been opened.

Options:

1. Approve execution of the agreement with Theobald Construction, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funds are budgeted and available in the account listed here.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Public Works</u>	Reviewed by: Dept. Head _____	Account No. <u>001-1334-513.63-10</u>
Prepared by: <u>Mike Thornton</u>	Finance Dept. <u>BLM</u>	Project No. <u>GFAST</u>
Attachments: Yes <input checked="" type="checkbox"/> No _____	Deputy C.M. _____	WF No. <u>761800/1</u>
Advertised: <input checked="" type="checkbox"/> Not Required _____	Submitted by: _____	Budget <u>\$116,000.00</u>
Dates: <u>May 9, 2013</u>	City Manager _____	Available <u>\$116,000.00</u>
Attorney Review: Yes _____ No _____		
Revised 6/10/04		

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THEOBOLD CONSTRUCTION, INC. FOR THE CUSTOMER SERVICE RENOVATIONS FOR A TOTAL AMOUNT OF \$111,500.97; 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 THEOBALD CONSTRUCTION, LLC whose address is 131 E. 13th Street, St. Cloud, Florida 34769 for construction services related to the Customer Service renovation on the 1st floor of City Hall pursuant to Invitation to Bid 130461.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.11.

Meeting Date: July 8, 2013

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

Subject: Resolution authorizing execution of an agreement with Village Roofing and Construction, Inc. for the replacement of the pond liner at the Turnpike Water Reclamation Facility.

Staff Recommendation:

Staff recommends approval of the resolution authorizing execution of an agreement with Village Roofing and Construction, Inc. for \$231,750.00.

Analysis:

The project involves replacement of the pond liner at the Turnpike Water Reclamation Facility (WRF) at 1600 County Road 470. The pond liner was originally installed in the 1970's and has exceeded its service life.

Procurement Analysis:

On May 13, 2013, the Purchasing Division issued Invitation to Bid number 130471 inviting sealed bids from qualified and licensed contractors in accordance with specifications for the Pond Liner Replacement Project. On June 13, 2013, the City received sealed bids from two prospective contractors.

At the public bid opening, Village Roofing and Construction, Inc. was determined to be the apparent low bidder. All attendees were advised a responsibly and responsiveness review would be conducted by the Purchasing Department with an anticipated award recommendation to Village Roofing and Construction, Inc. to follow soon afterward.

Summary of Bids Received

Contractor Name	Location	Total Bid Price
Village Roofing and Construction, Inc	Leesburg, FL	\$231,750.00
Comanco Environmental Corporation	Plant City, FL	\$279,000.00

The Local Vendor Preference (LVP) was not a factor in this bid evaluation as the most favorably priced and responsible/response bidder qualified for the Tier II LVP of 5%.

Options:

1. Approve execution of the agreement with Village Roofing and Construction, Inc., or;
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funding is budgeted and available in the current fiscal year for this project.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Public Works</u> Prepared by: <u>Terry Pollard</u> Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Advertised: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Dates: <u>May 12, 2013</u> Attorney Review: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>044-4099-535-6310</u> Project No. <u>440006</u> WF No. <u>0793796/002</u> Budget <u>\$250,000.00</u> Available <u>\$250,000.00</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 AN AGREEMENT WITH VILLAGES ROOFING AND CONSTRUCTION, INC. FOR THE POND LINER REPLACEMENT AT THE TURNPIKE WRF FOR A TOTAL AMOUNT OF \$231,750.00; 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 VILLAGE ROOFING AND CONSTRUCTION, INC. whose address is 1410 Emerson Street, Leesburg, Florida 34748 for Pond Liner Replacement Services pursuant to Invitation to Bid 130471.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5A.
Meeting Date: July 8, 2013
From: Raymond S. Sharp, Interim City Manager
Subject: Ordinance extending the City Impact Fee Waiver to September 30, 2013

Staff Recommendation:

Staff recommends approval of the ordinance, which will extend the current impact fee waiver through the end of the fiscal year, and allow for negotiation of impact fees as part of an overall economic incentive package.

Analysis:

During the Commission meeting of May 13, 2013, the Commission gave direction to staff to bring forward an ordinance that would extend the impact fee waiver through September 30, 2013 and concurrently establish a procedure for negotiation of impact fees for significant economic development.

The City Attorney has prepared the attached ordinance. In general, it contains the following provisions:

- Extends the impact fee waiver for projects within the City Limits through September 30, 2013.
- Establishes a new Section 2-246 of the code of ordinances, which allows for the use of impact fees as an economic development incentive.
- Requires that any such use of impact fees may only be part of a more comprehensive economic development incentive package, not as a stand-alone incentive.

Options:

1. Adopt the ordinance as submitted: or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

Although the specific fiscal impact cannot be determined, this ordinance will allow the city to continue to collect impact fees, beginning October 1, 2013 for the funding of necessary capital improvements related to growth. The ordinance also allows impact fees to be a part of an overall incentive package for economic development, which will have the effect of enhancing our ability to compete effectively for significant development.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>Executive</u> Prepared by: <u>R. Sharp</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input checked="" type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ 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. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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AGENDA MEMORANDUM

Item No: 5B.
Meeting Date: July 8, 2013
From: Raymond S. Sharp, Interim City Manager
Subject: First reading of an ordinance implementing a five percent increase in electric utility rates

Staff Recommendation:

Staff recommends adoption of the ordinance implementing a five percent rate increase for each of the next three years.

Analysis:

As part of the process for refinancing the FY 2004 bonds, the city's financial consultants conducted a financial feasibility analysis for the Electric Utility. The analysis is attached for reference.

This analysis was similar to those performed for the same purpose earlier in the year for refinancing the General Fund and Combined Utility bond issues. The purpose of the financial feasibility analysis is to demonstrate to investors and rating agencies that the utility is financially sound and secure.

In the case of the Electric Utility analysis, it became apparent that the utility would require rate increases in order to meet its minimum fund balance requirements and to establish a stable fund balance in future years.

Electric and Finance staff spent considerable time analyzing the financial history and projected revenues and expenses to determine the cause(s) that necessitated rate increases. Primarily, the need for rate increases is determined by two root causes:

- In preparation for the Electric Utility 2007 Bond Issue, the Engineer's Report identified a need for future rate increases of 11% in 2008, and 3% in each successive year. In 2008, the city implemented an 8% rate increase, but no others. The apparent intent was that the annual index adjustments would take care of the remaining 3% annual increases. However, the subsequent index rate adjustments were all less than 3%. This resulted in unrealized revenue totaling approximately \$2.2 million between 2008 and 2012. The unrealized revenue results in a fund balance some \$2.2 million lower than it would have been otherwise. This causes the unrestricted cash balance to fall below the minimum fund balance requirements established by policy at least one year earlier than it might otherwise have done so.

- The operating costs of Smart Grid are first reflected in FY 2014. In prior years, the costs associated with Smart Grid have been largely capital costs. These costs have been largely recovered by the utility from two sources: The DOE grant, which provides 50% reimbursement, and a bank loan. During FY 2014, as Smart Grid becomes operational, the utility begins to incur the operating costs for Smart Grid. The bulk of these costs are debt service of approximately \$600,000 and the data hosting services contract to GE for slightly less than \$900,000.

A rate increase must accomplish two things: First, it must stabilize the fund balance, so that year-by-year the fund balance remains relatively stable and specifically does not reflect a declining trend, which would be indicative of the utility's inability to recover its costs through its rates. Second, it must ensure the utility fund balance requirements, set by policy, are met in each year. Should the utility fail to meet its fund balance requirements, then its transfers to the General Fund are eliminated or reduced, which would be catastrophic to the General Fund.

The financial feasibility analysis indicates that 5% rate increases, applied annually will achieve these two objectives. The 5% increase is inclusive of anticipated GDP index adjustments, which means that in each year in which the rate increase is applied, the utility will forego the annual index adjustment.

The attached rate ordinance establishes rates to become effective with all electric bills rendered on or after 1 November 2013, which represents a 5% increase over the current rates. It also provides for a 5% rate increase on 1 November 2014, and on 1 November 2015.

Options:

1. Adopt the electric utility rate ordinance as presented; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

The financial feasibility analysis indicates the proposed rate ordinance, if adopted, will ensure the utility meets its fund balance requirements for each of the three years and the utility fund balance will be stable throughout this time period. This will allow the utility to meet its obligations to the General Fund.

Submission Date and Time: 7/8/2013 10:13 AM

Department: <u>City Manager</u> Prepared by: <u>R. Sharp</u> 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	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING CERTAIN SUBSECTIONS OF §22 – 196 OF THE CODE OF ORDINANCES, PERTAINING TO ELECTRIC RATES, INCREASING THE RATES IN SCHEDULES RS (RESIDENTIAL SERVICE), GS (GENERAL SERVICE NON _ DEMAND), GSD (GENERAL SERVICE DEMAND), AND TOU (TIME OF USE); PROVIDING FOR AUTOMATIC ANNUAL INCREASES OF 5% PER YEAR FOR 2014 AND 2015; SPECIFYING HOW THE ANNUAL 5% RATE INCREASES IN 2013, 2014 AND 2015 ARE TO BE APPLIED IN CONJUNCTION WITH THE AUTOMATIC INCREASES SPECIFIED IN §22 – 166 OF THE CODE OF ORDINANCES; PRESERVING §22 – 196 EXCEPT AS AMENDED HEREBY; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

§22 – 196 of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended so that the subsections thereof listed below shall, following the effective date of this Ordinance, read as follows (NOTE: provisions in ~~strikeout~~ are being deleted from the existing ordinance, provisions in double underline are being added or amended by this Ordinance, and text not marked remains the same as in the existing ordinance):

(1) *Rate schedule RS, residential service.*

- a. Availability: This rate is available to all applicable customers in the service area.
- 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 tariff and general rules and regulations of the utility. Standby or resale service is not permitted.
- e. Rate per month.

Customer charge~~\$10.62~~ 11.77
All kwh, per kwh~~0.08129~~ 0.090108

The rates per month shall become effective with all bills rendered on or after the first day of the month subsequent to adoption November 1, 2013. Such rates per month are subject to the

annual inflation adjustment component pursuant to [section 22-166](#), beginning as of October 1, 2016.

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. Terms of payment: All bills and charges for electric current are due and payable twenty (20) days following date of billing. If not paid within twenty (20) days a carrying charge equal to five (5) percent of the total bill is added. Service is discontinued if bill and carrying charge are not paid on or before thirty (30) days succeeding that in which electricity shall have been furnished by the city as stated in all bills rendered.

h. Billing adjustments: See "Bulk Power Cost Adjustment," "Energy Conservation Cost Recovery," and "Tax Adjustment Clause".

i. Deposits. Deposits for each account shall be required as set forth more particularly in [section 22-181](#) of this Code.

j. Reconnection charge: When service is cut off for nonpayment of bill, and when connection service is requested to be performed after normal business hours, the reconnection fee shall be as prescribed by the utility service fee schedule pursuant to [section 22-6](#) of this Code. When service is cut off for meter-tampering, the charge to reconnect shall be as prescribed by the utility service fee schedule pursuant to [section 22-6](#) of this Code plus damages and penalties allowed by state statutes.

(2) Rate schedule GS, general service, nondemand.

a. Availability. This rate is available to all applicable customers in the service area.

b. Applicability. This rate shall be applicable to all electrical services not covered by any of the other rate categories, residential electrical rate, general service demand rate and flat service rate.

c. Limitation. Service is subject to all of the rules and regulations of this tariff and general rules and regulations of the utility. Standby or resale is not permitted.

d. Rate per month.

Customer charge~~\$10.62~~ 11.77
All kwh~~0.08847~~ 0.098067

The rates per month shall become effective with all bills rendered on or after the first day of ~~the month subsequent to adoption~~ November 1, 2013. Such rates per month are subject to the annual inflation adjustment component pursuant to [section 22-166](#), beginning as of October 2, 2016.

e. Minimum charge: The minimum monthly bill shall be the customer charge plus other applicable charges, covered by ordinance, state statutes or federal law.

f. Terms of payment: All bills and charges for electric current are due and payable twenty (20) days following date of billing. If not paid within twenty (20) days a carrying charge equal to five (5) percent of the total bill is added. Service is discontinued if bill and carrying charge are not paid on or before thirty (30) days succeeding that in which electricity shall have been furnished by the city as stated in all bills rendered.

g. Billing adjustments: See "Bulk Power Cost Adjustment," "Energy Conservation Cost Recovery," and "Tax Adjustment Clause".

h. Deposits. Deposits for each account shall be required as set forth more particularly in [section 22-181](#) of this Code.

i. Reconnection charge: When service is cut off for nonpayment of bill, and when connection service is requested to be performed after normal business hours, the reconnection fee shall be as prescribed by the utility service fee schedule pursuant to [section 22-6](#) of this Code. When service is cut off for meter tampering, such reconnection charge shall be as prescribed by the utility service fee schedule pursuant to [section 22-6](#) of this Code plus damages and penalties allowed by state statutes.

(3) Rate schedule GSD, general service, demand.

a. Availability. This rate is available to all applicable customers in the service area.

b. Application.

1. GSD-1: For electric service for commercial or industrial lighting, power and any other purpose to any customer with a measured demand in excess of 20 kW and less than 500 kW. Customers with a demand of 20 kW or less may enter into an agreement for service under this schedule based on a demand charge for a minimum of 21 kW.
2. GSD-2: For electric service for commercial or industrial lighting, power and any other purpose to any customer with a measured demand of 500 kW and less than 2,000 kW. Customers with a demand of less than 500 kW may enter into an agreement for service under this schedule based on a demand charge for a minimum of 500 kW.
3. GSD-3: For electric service for commercial or industrial lighting, power and any other purpose to any customer with a measured demand of 2,000 kW or more. Customers with a demand of less than 2,000 kW may enter into an agreement for service under this schedule based on a demand charge for a minimum of 2,000 kW.

c. Special provisions. Any customer whose demand is greater than twenty (20) kw, but less than fifty (50) kw, may at the option of the customer elect to be billed at the general service rate schedule, GS Code 444.2. If the customer modifies electrical usage to the extent the general service demand rate, GSD Code 444.3, produces lower billing, customer may at its option rescind the election to be billed at the general service rate schedule, GS Code 444.2, provided however, that the option of being billed at the general service rate schedule, GS Code 444.2 shall then no longer be available to such customer.

d. Character of service. The service shall be three-phase, sixty (60) cycles and approximately one hundred twenty (120) volts or higher, at utility option.

e. Limitations. Standby or resale is not permitted.

f. Rate per month.

1. GSD-1. Billing demand of 21kW—499kW:

Customer charge~~\$22.66~~ 25.02
Demand charge~~10.55~~ 11.38
Energy rate~~0.04165~~ 0.045991

2. GDS-2. Billing demand of 500—1,999 kW:

Customer charge~~\$40.16~~ 44.34
Demand charge~~12.05~~ 12.99
Energy rate~~0.03806~~ 0.042024

3. GSD-3. Billing demand of 2,000 kW or more:

Customer charge~~\$80.32~~ 88.68
Demand charge~~14.96~~ 16.13
Energy rate~~0.03304~~ 0.036481

The rates per month shall become effective with all bills rendered on or after the first day of ~~the month subsequent to adoption~~ November, 2013. Such rates per month are subject to the annual inflation adjustment component pursuant to [section 22-166](#), beginning as of October 2, 2016.

g. Minimum charge. The minimum monthly charge shall be not less than the sum of customer charge and the demand charge for the currently effective billing demand, plus other applicable charges covered by ordinances, state statutes or federal law.

h. Billing demand. The maximum fifteen-minute integrated demand established during the current billing period.

i. Power factor. When the power factor is less than ninety (90) percent, the billing demand may be determined upon the basis of ninety (90) percent of the calculated kVa, demand.

j. Deposits. Deposits for each account shall be required as set forth more particularly in [section 22-181](#) of this Code.

k. Reconnection charge. When service is cut off for nonpayment of bill, and when connection service is requested to be performed after normal business hours, the reconnection charge shall be as prescribed by the utility service fee schedule pursuant to [section 22-6](#) of this Code. When service is cut off for meter tampering, there shall be a reconnection charge as prescribed by the utility service fee schedule pursuant to [section 22-6](#) of this Code, plus damages and penalties allowed by state statute.

l. Terms of payment. All bills and charges for electric current are due and payable twenty (20) days following date of billing. If not paid within twenty (20) days a carrying charge equal to five (5) percent of the total bill is added. Service is discontinued if bill and carrying charge are not paid on or before thirty (30) days succeeding that in which electricity shall have been furnished by the city as stated in all bills rendered.

m. Term of service. Service under this rate 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 ordinance, or until the customer's demand is below twenty (20) kw for a consecutive twelve-month period. 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. Where special equipment to serve the customer is required, the city may require a specified term of service contract.

n. Special provisions.

1. Any customer other than residential whose monthly demand is greater than twenty (20) kw but does not exceed forty-nine (49) kw for more than two (2) months out of the preceding twelve (12) consecutive months ending with the current billing period may, at the option of the customer, elect to be billed at the General Service Rate Schedule, GS Code 4442. Provided, that once a customer has exceeded forty-nine (49) for more than two (2) months out of the preceding twelve (12) consecutive months, no rate change option is available. If the customer modifies electrical usage to the extent the General Service Demand Rate (GSD Code 4443) produces lower billing, customer may, at its option, rescind the election to be billed at the General Service Rate Schedule, GS Code 4442; provided, that the option of being billed at the General Service Rate Schedule, GS Code 4442, shall then no longer be available to such customer.
2. The city may, under the provisions of this rate, require a contract with the customer. Whenever the customer increases his electrical load, which increase requires the city to increase facilities installed for the specific use of the customer, a new term of service may be required.
3. Any church or religious institution may, at their option, regardless of their demand, elect to be billed at the General Service Non Demand Rate and may not rescind such election thereafter for a period of twelve (12) months. This election may be for the sanctuary and related Sunday School or religious educational buildings.

o. Billing adjustments. See "Bulk Power Cost Adjustment," "Energy Conservation Cost Recovery," and "Tax Adjustment Clause".

(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.

- 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.

The rates set by this Ordinance shall take effect November 1, 2013, and remain in effect until October 31, 2014. On November 1, 2014, those rates each shall increase by 5%, and the increased rate shall remain in effect until October 31, 2015. Beginning November 1, 2015, the rates in effect from November 1, 2014 through October 31, 2015, each shall increase by 5%, and those increased rates shall remain in effect until September 30, 2016. On October 1, 2016, and each year thereafter, the automatic increases specified by §22 – 166 of the Code of Ordinances shall be applied to each rate schedule listed above. Between the effective date of this Ordinance and October 1, 2016, the annual increases specified in this Ordinance shall take the place of the automatic increases provided by §22 – 166.

SECTION III.

Except as specifically amended by this Ordinance, the provisions of §22 – 196 of the Code of Ordinances shall continue in full force and effect in the form existing prior to this Ordinance, and the rate increases specified in §22 – 166 shall continue to apply annually to any rates not specifically increased by this Ordinance.

SECTION IV.

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 V.

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 VI.

This Ordinance shall become effective upon its passage and adoption according to law, provided that the rate increases hereby imposed shall not take effect until November 1, 2013.

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: _____
MAYOR

Attest: _____
CITY CLERK



AGENDA MEMORANDUM

Item No: 5C.
Meeting Date: July 8, 2013
From: Bill Wiley, AICP, Community Development Director
Subject: Ordinance rezoning approximately 55 acres south of Dixie Avenue and east of Lake Street., for an expired City PUD to a new City PUD. (REDUS Florida Land, LLC/Venetian Isle)

Staff Recommendation:

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

Analysis:

The project site is approximately 55 acres. The property is generally located south of Dixie Avenue and east of Lake Street, as shown on the attached General Location Map. The present zoning for this property is an expired City PUD (Planned Unit Development). Currently, the property is undeveloped. The surrounding zoning of adjacent properties is P (Public), and C-2 (Community Commercial) to the north, City PUD (Planned Unit Development) to the east, City R1-A Single Family Residential) to the south, with C-2 (Community Commercial, R-2 (Medium Density Residential), and R-3 (High Density Residential) to the west. The existing Land Use designation for the subject property is City Neighborhood Mixed Use, and Medium Density.

The proposed zoning district of City PUD (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 are offices, public, residential and undeveloped. Currently, the property has utilities available. On June 3, 2013, as part of the review process, the developer met with Planning & Zoning Staff and eleven residents of the Mellathon Circle residential area to the south. This discussion concluded with a general consensus of approval for the proposed development.

By a vote of 6 to 0 on June 21, 2013, the Planning Commission voted to recommend approval.

Options:

1. Approve the proposed rezoning to a new City PUD (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 proposed 30 million dollar development planned for this property.

Submission Date and Time: 7/8/13 10:13 AM

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	Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE ZONING OF APPROXIMATELY 55 ACRES OF AN EXPIRED CITY PUD (PLANNED UNIT DEVELOPMENT) TO A NEW CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW A MIXED USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR A PROPERTY LOCATED SOUTH OF DIXIE AVENUE AND EAST OF LAKE STREET, AS LEGALLY DESCRIBED IN SECTION 25, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (REDUS Florida Land, LLC/Venetian Isle)

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

Section 1.

Based upon the petition of REDUS Florida Land, LLC or assigns, 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 rezoned from an expired City PUD (Planned Unit Development) to a new City PUD (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

CASE #: PUD-13-63

EXHIBIT A

(Previous #:001-1-080405)

**VENETIAN ISLE
PUD (PLANNED UNIT DEVELOPMENT)
PLANNED DEVELOPMENT CONDITIONS
June 20, 2013**

These Planned Development Conditions for a PUD (Planned Unit Development) District are granted by the City of Leesburg Planning Commission, Lake County, Florida to REDUS Florida Land, LLC or assigns, "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Development Process" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" has submitted an application requesting a PUD (Planned Unit Development) zoning district to permit a mixed use development consisting of single family residential, assisted living, memory care and ancillary housing uses including a hotel, retail uses, plus commercial facilities and offices to support the local medical community on an approximately 55 acres site within the City of Leesburg in accordance with their Planned Development application and supplemental information.

1. **PERMISSION**

Permission is hereby granted to REDUS Florida Land, LLC to operate, and maintain a PUD (Planned Unit Development) development in and on real property in the City of Leesburg. The property is generally located south of Dixie Avenue and east of Lake Street.. The property is more particularly described as shown in the attached legal description below.

2. **LEGAL DESCRIPTION:**

See Exhibit B.

3. **LAND USE**

The above-described property, containing approximately 55 acres, shall be used for single family residential, assisted living, memory care and ancillary housing uses including a hotel, retail uses, plus commercial uses pursuant to City of Leesburg development codes and standards.

A. **Uses**

- 1) Uses shall be those listed as permitted uses in the PUD district as amended in this document and shall occupy the approximate area as shown on the Conceptual Plan Exhibit C.
- 2) Accessory uses shall be as follows:
 - a. outdoor commercial recreation
 - b. bars and lounges within a hotel
 - c. clubs and lodges within an assisted living facility
 - d. educational facilities within an assisted living facility or hotel

- e. Any other similar uses which are considered accessory to permitted uses which does not adversely impact the adjoining properties do to traffic, noise, dust, etc.
- 3) Uses prohibited shall be as follows:
- a. outdoor commercial recreation
 - b. commercial bars and lounges except as an accessory use to a hotel
 - c. clubs and lodges except as an accessory use to an assisted living facility
 - d. crematoriums
 - e. package stores
 - f. industrial uses
 - g. educational facilities
 - h. vehicle sales service and repair
 - k. kennels
 - l. truck stops
 - m. Any other similar uses which are not considered residential, office or commercial in character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

B. Residential Development

- 1) The project shall contain a maximum of 200 (residents) assisted living memory care residential units, 100 independent senior adult living units and 25 detached single family units on approximately 55 acres at a gross density of 12 units per acre for the senior adult site and a gross density of 4 units per acre for the single family site.
- 2) The minimum lot size shall be 6,000 square feet for the detached single family homes.
- 3) Minimum lot widths shall be 60 feet. Minimum lot depth shall be 100 feet.
- 4) The following minimum yard setbacks shall be maintained for single-family detached:

Front setback –20 feet;
Rear setback – 18 feet; and
Side setbacks - minimum of 5 feet.
- 5) Minimum distance between single-family detached structures shall be 10 feet with 20 feet for assisted living unit building groups; measured from building wall to building wall and the roof overhang shall not exceed 40 percent of the distance between the building wall and the property line.
- 6) Corner lots shall have a minimum side yard setback of 20 feet from the public right-of-way.
- 7) Accessory structures shall have a minimum rear and side setback of 5 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.

- 8) An attached screened enclosure with screen roof must maintain a minimum setback of five (5) feet from the rear property line.
- 9) City staff as part of the preliminary site plan approval process shall approve final lot sizes and setbacks based on the general intent of the PUD as per conceptual plans.
- 10) Impervious surface coverage for single-family detached shall not exceed 70 percent.
- 11) A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.
- 12) Maximum building height for single family detached units shall not exceed two stories or 30 feet except for the assisted living/memory care residential units which shall not exceed five stories or 55 feet.

C. Recreational Development

- 1) Recreational development shall include active and passive uses and consist of a minimum of 1.5 +/- acres of the project. Recreational development shall meet the requirements of the City of Leesburg Land Development Code (as amended) and adopted Growth Management Plan (as amended).
- 2) Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the joint use of the residents. Such recreation space shall consist of not less than two hundred (200) square feet of space per dwelling unit. In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
 - a. Recreational activities such as tennis and hand ball courts, etc.
 - b. Developed recreational trails which provide access to the public trail system.
 - c. Swimming pool, including the deck area which normally surrounds such pools.
 - d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.
- 3) Required stormwater areas and buffer areas shall not be considered as recreational space except for areas developed as recreational trails which provide access to the public trail system.
- 4) The Planned Unit Development shall provide planned accessibility from all areas of the development to any proposed recreational facilities including pedestrian access where possible.
- 5) Recreational uses may include, but not be limited to the following uses:
 - a. Satellite recreational centers, clubhouses within the residential areas

- b. Tennis courts
- c. Swimming pools
- d. Shuffle board
- e. Jogging Path / Pedestrian Path
- f. Horse shoes
- g. Croquet
- h. Softball fields
- i. Exercise rooms
- j. Wood shop
- k. Craft room
- l. Media room
- m. Card room
- n. Billiards room
- o. Library
- p. Dressing room
- q. Computer room

- 6) Developer shall provide a covered over look dock on Lake Harris for development residents. In addition, a nature trail/board walk shall be constructed from the overlook dock area to the west to tie into the proposed nature trail/board walk planned through the Royal Palms project, subject to approval by state and local permitting agencies.

D. Limited commercial uses shall be allowed within buildings designated for recreational use and shall be intended for the primary use of project residents. The location and intensity of such uses shall be approved by the City staff as part of the preliminary site plan review process. Examples of such uses are sales office, post office, ATM or bank services, coffee shop etc.

E. The commercial use of a sales office and/or model center shall be a permitted use as long as it is specifically related to the PUD residential development of the site.

4. **SITE ACCESS**

- A. Access to the site shall be provided by a minimum of two access points which may be gated as shown on the conceptual plans, one on E. Dixie Ave. and one on Lake Ave. The accesses shall be through divided boulevard type roads. The Lake Ave access shall line up with the Royal Palms project access point, where feasible. Any additional access, shall be reviewed through the Traffic Study required and the City's site plan review process. Final determination of the direction of traffic movement into and out of all permitted access points shall be determined through the Traffic Study as required by the City's site plan review process.

5. **DESIGN/ARCHITECTURAL REQUIREMENTS**

- A. All buildings shall have a common architectural theme for each phase and the side of buildings which face residential areas or streets (public or private) shall be finished in the same materials as used in the front of buildings.
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project including sides and rear of buildings which shall be integrated with the front elevation materials and design.
- C. Mechanical units and roof equipment should be screened from view with parapet or other screening method so that mechanical equipment is not seen from public right-of-way and the adjacent residential property.
- D. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
 - 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 - 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).
 - 3) All textured stucco, provided there are unique design features such as recessed areas, tile roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.
- E. Design of the commercial phase of the project shall comply with the intent of the Design Guideline Requirements (See Exhibit D).
- F. Single family detached and assisted living units shall be designed with elevations that are the same or similar to the attached elevations (See Exhibit F).
- G. Other similar design variations meeting the intent of this section may be approved at the discretion of the Community Development Director.

6. **DEVELOPMENT STANDARDS**

- A. The minimum development standards shall be those required for the C-3 Highway Commercial district for commercial uses except as amended by these conditions and may limit the permitted uses based on site plan requirements.

- B. Minimum building setbacks shall be fifty-five (55) feet except for single family residential uses from any abutting residential district property boundaries and thirty (30) feet from the western boundary.
- C. Structures other than single family detached units shall not exceed forty (40) feet in height (three stories) as measured from the first floor, finished floor level on the site except for hotel uses which shall not exceed fifty-five (55) feet and five (5) stories.
- D. A wildlife/archaeological management plan for the project site shall be prepared, if applicable, 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 site plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.
- E. The permittee shall construct off-street parking spaces within the development pursuant to the City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

7. **WETLANDS**

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, 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 shall be required.
 - 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 IMPROVEMENTS**

All transportation improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. Said approval shall also be contingent upon review and approval by the MPO, Lake County and the Florida Department of Transportation where required.

A. Traffic/Transportation Study

A traffic/transportation study shall be submitted prior to final zoning approval for review and determination of any necessary access improvements, including any off-site improvements required by FDOT, Lake County, the MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.

B. Roadway Improvements

The applicant shall provide all necessary roadway and intersection improvements within the development and its connection to Dixie Avenue and east of Lake Street, included but not limited to the paving of Lake Street, Clark St., Mellathon Cr., and Monterey Dr. south to Lake Harris. Any offsite improvements required by FDOT, Lake County, MPO and City of Leesburg based on a current traffic analysis shall be the developers responsibility and shall be reviewed by City staff during the site plan review process. Approval of all necessary permits and improvements as required by the City of Leesburg, the MPO, Lake County and FDOT shall include any needed right of way, signalization and improvements required to support the development.

C. Internal Circulation

Drives and accesses shall be constructed within the interior of the development such that continuous vehicular access is available among and between all structures within the development.

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 including;

- 1) For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
 - a. Two (2) canopy trees
 - b. Two (2) ornamental trees
 - c. Thirty (30) shrubs
 - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - e. Existing vegetation in the required buffer shall be protected during construction.

B. A vegetative landscape buffer area of a minimum of twenty-five (25) feet shall also be constructed and/or maintained in all areas adjacent to residential zoning classifications. Said vegetative buffer shall consist of existing trees and the required fence. A plan for the buffer shall be submitted to, and approved by, the Planning & Zoning Division during the site plan review process prior to issuance of a building permit.

C. A buffer along adjacent parcels to the east and south consisting of a six (6) foot solid PVC fence shall be used as a visual and security buffer for adjacent residential areas. The fence shall include a continuous decorative cap and end column features where applicable. (See Exhibit E)

D. Variations to the landscape requirements of the code may be approved by the Community Development Director, as long as the intent of the PUD and the

Landscaping Code are maintained including consideration of existing natural vegetative buffers.

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. **DEVELOPMENT PHASING**

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process.
- B. Implementation of the project shall substantially commence within 36 months of approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification.

13. **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 PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the 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 PUD 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 or assigns and shall be subject to each and every condition herein set out.

14. **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.

A. Utilities

1) Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. If the development requires construction of new distribution mains, since existing facilities in the service area are not adequate, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

C. Ability to Provide Services

The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.

LEGAL DESCRIPTION

EXHIBIT B

LEGAL DESCRIPTION

PARCEL 1:

That part of Government Lot 4, Section 25, Township 19 South, Range 24 East, Lake County, Florida, described as follows:

From the Northwest corner of the Southwest 1/4 of Section 25, run East along the North line of Southwest 1/4 a distance of 1345.48 feet to the Point of Beginning; thence run South 1925.00 feet along the East line of Lake Street; thence run S 89°38'13" E 1291.98 feet to the East line of the Southwest 1/4 of said Section 25; thence run North along said East line to Northeast corner of Southwest 1/4 of Section 25; thence run West along the North line of Southwest 1/4 to the Point of Beginning.

LESS the Right-of-Way of Dixie Avenue and LESS the West 600.00 feet of the North 600.00 feet of that part of Government Lot 4 in Section 25, Township 19 South, Range 24 East, in the City of Leesburg, Florida, lying South of the South line of the Right-of-Way of Dixie Avenue and East of the East line of the Right-of-Way of Lake Street as said streets existed on January 2, 1974; and LESS the South 600.00 feet of the North 1250.00 feet of the West 435.60 feet of that part of Government Lot 4 in Section 25, Township 19 South, Range 24 East, in the City of Leesburg, Florida, lying South of the South line of Right-of-Way of Dixie Avenue and East of the East line of the Right-of-Way of Lake Street as said streets existed on January 2, 1974.

PARCEL 2:

From the Northwest corner of the Southwest 1/4 of above said Section 25; run East along the North line of Southwest 1/4 a distance of 1085.48 feet; thence South 510.00 feet; thence East 200.00 feet to the Right-of-Way line of Lake Street; thence run South along said West line of Lake Street 1475.00 feet to the Point of Beginning; thence run East 293.00 feet; thence South

to Lake Harris; thence Westerly and Northwesterly along said lake to a point South of Point of Beginning; thence run North along the Southerly extension of the above mentioned West Right-of-Way line of Lake Street to the Point of Beginning.

Lots 11, 12, 13, 14, 15, 16, 17 and the North 156.70 feet of Lot 18, Block 108 less the South 82.50 feet of the said North 156.70 of Lot 18; All of Block 125; All of Block 126; and Lots 1, 4, 5 and 8, Block 127, less the 67.00 feet thereof; and a part of Lot 7, Block 139, of EAST LEESBURG as recorded in Plat Book 1, Page 69, of the Public Records of Lake County, Florida, described as follows:

From the Northwest corner of Lot 18, Block 108, of said EAST LEESBURG, run S 00°17'00" E along the West line of Lot 18 a distance of 185.00 feet to the Point of Beginning of this description; thence run N 89°54'30" W 678.91 feet, more or less, to a point that is 177.00 feet East of the West line of Block 139, said point being in a canal; thence Northerly parallel with the said West line of Block 139 to the North line of aforesaid Lot 7, Block 139; thence Easterly along the North line of Lot 7, Block 139 a distance of 679.39 feet to the East line of Block 139; thence run S 00°17'00" E along the East line of Block 139 to the Point of Beginning.

Alternate Key Numbers 2518596, 1347751, 1347742, 2892056, 1206430, 1205808 and 3792476.

DESIGN GUIDELINE REQUIREMENTS

EXHIBIT D

- A. The following design standards are intended to be used as a guide for design of large commerce or industrial developments and as an evaluation tool by city staff in the review process.

1) **Design standards--Aesthetic character.**

a. Facades and exterior walls.

Intent: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that citizens of the City of Leesburg will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

Standard : Developments with facades facing public roads or adjacent residential districts over one hundred (100) feet in linear length shall incorporate wall projections or recesses a minimum of three (3) foot depth and a minimum of thirty-five (35) contiguous feet within each one hundred (100) feet of facade length which shall extend over twenty (20) percent of the facade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least sixty (60) percent of the facade.

b. Detail features.

Intent: Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

Standard: Building facades shall include a repeating pattern that shall include no less than three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty-five (35) feet, either horizontally or vertically.

1. Color change.
2. Texture change.
3. Material module change (brick, stone etc.).
4. Expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.

c. Roofs.

Intent: Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhoods.

Standard: Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Where predominantly visible roof sections of buildings are exposed to view, the use of tile, metal or designer roof materials is encouraged. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan process.

d. Materials and colors.

Intent: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

Standard:

1. Predominant exterior building materials shall be high quality materials including brick or stone and at least one of the following, without limitation:
 - I. Stucco
 - ii. Wood
 - iii. Metal
 - iv. Decorative concrete masonry units
2. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
4. Predominant exterior building materials as well as accents should not include the following unless covered with at least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of approved material and/or textured stucco finish:
 - I. Decorative concrete masonry units
 - ii. Tilt-up concrete panels
 - iii. Pre-fabricated steel panels

e. Entryways.

Intent: Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

Standard: Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1. Canopies or porticos
2. Architectural towers
3. Recesses/projections
4. Arcades
5. Varied height raised corniced parapets
6. Peaked roof forms
7. Arches
8. Outdoor patios
9. Display windows
10. Architectural details such as tile work and moldings which are integrated into the building structure and design
11. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

2) **Site Design and Relationship to the Surrounding Community**

a. Entrances.

Intent: Large buildings should feature multiple entrances with smaller entrances along the abutting public or private right-of-way and shall feature gateways or

pedestrian mall at the intersection corner. Multiple building entrances reduce walking distances from cars, facilitate pedestrian access from parking lots, and provide convenience where certain entrances offer access to individual uses, or identified departments in a large building. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

Standard: All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one (1) pedestrian entrance per side. Where a principal building directly faces a row of smaller retail stores along the border of more than two (2) abutting public or private rights-of-way, there shall be only two (2) entrances required. The corner entrance shall be designed to provide a gateway or pedestrian mall that provides pedestrian access to the larger uses in the interior of the site. The number of entrances for the buildings shall be addressed at the preliminary development plan stage. Where additional uses will be located in the principal building each such use shall have at least one (1) exterior pedestrian entrance which shall conform to the above requirements.

b. Parking lot orientation.

Intent: Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance. Parking lots should be oriented between the larger principle buildings and the smaller buildings required along the perimeters of the site adjacent to public streets and off site uses.

Standard: No more than thirty (30) percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by perimeter smaller buildings development.

c. Back and sides.

Intent: The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way or a residential area shall be built in accordance with 1. Design guidelines-- Aesthetic character. The Community Development Director may waive this requirement as part of the development plan review process if there are special or unique circumstances.

Standard: The minimum setback for any building facade shall be in accordance with the Land Development Code. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ten (10) feet on center. Additional landscaping may be required by the Community Development Director to effectively buffer adjacent land use as deemed appropriate. All additional landscape requirements of the landscape and tree protection code or of other sections of these guide lines shall apply.

d. Outdoor storage, trash collection, and loading areas.

Intent: Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties, residential areas and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one (1) building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have pedestrian entrances. Joint use of loading and screening areas by multiple users will be encouraged where ever possible.

Standard:

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
2. Outdoor storage areas and heavy equipment or aerial equipment parking areas should be located away from C.R. 470. Aerial equipment (bucket trucks, cherry pickers, etc.) must be parked/stored with the aerial device in the down position.
3. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within fifty (50) feet of any public or street, public sidewalk, or internal pedestrian way.
4. No delivery, loading, trash removal or compaction, exterior activities and large vehicle movement or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property.
5. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, bay doors and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. Backflow preventors, fire department connections, and mechanical equipment (including wall-mounted electrical panels) within 100 feet of Dixie Avenue must be screened from view with landscaping or other screening approved by the Community Development Director.
6. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with decorative walls and/or solid fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

e. Pedestrian flows.

Intent: Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide

user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

Standard:

1. Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding major highways. The Community Development Director may waive this requirement as part of the development plan review process if there are special or unique circumstances.
 2. Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of their length.
 3. Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least three (3) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 4. Internal pedestrian walkways provided in conformance with subsection e. above, shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
 5. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.
- f. Signage.
1. A master signage plan will be required at the time of site plan approval.
 2. Entry monument signs identifying the center shall be permitted for any approved entrance. At proposed street intersections, monument signs identifying the internal business shall be permitted. Monument signs identifying multiple businesses within the center shall be preferred.
 3. Electronic message signage shall be permitted.
 4. Signage shall comply with the City of Leesburg sign code for Commercial Uses.

3) **Central Features and Community Spaces.**

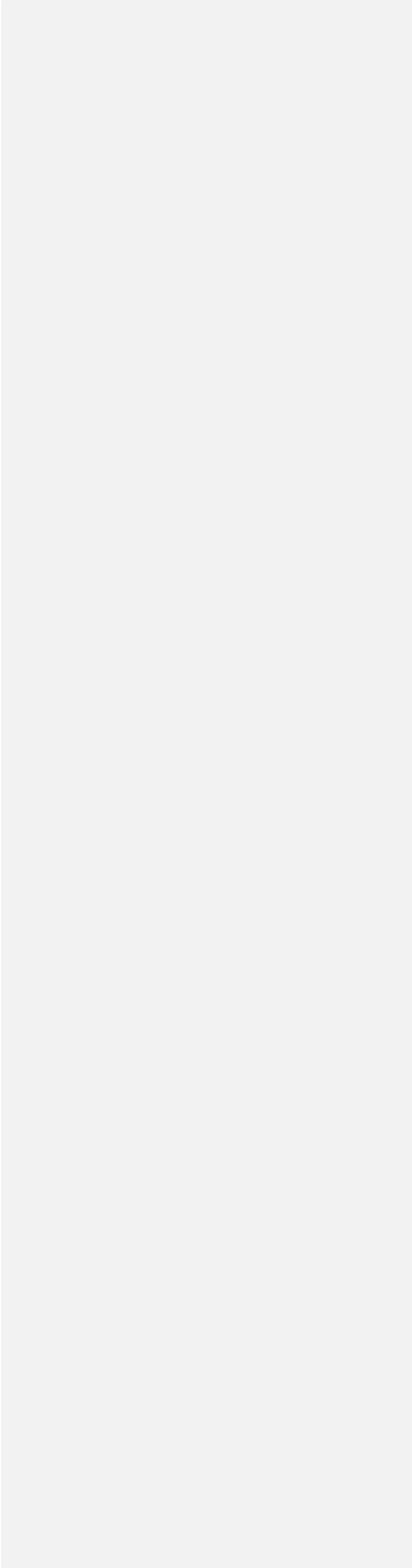
Intent: Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other

architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building and the center as integral parts of the community fabric.

Standard: Each business establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the city staff, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Although the City of Leesburg does not currently maintain a public bus system, Lake County does offer limited service to commercial areas; therefore, areas should be provided or designed to accommodate bus service and the growing number of private bus services (i.e., senior citizen, nursing home/assisted living facilities, etc.).

CONCEPTUAL FENCE

EXHIBIT E





Ivy Springs Manor

Assisted Living & Memory Care

MSA: Atlanta, GA	Units: 77
Construction: 5/11 - 6/12	Occupancy: 60%
Opened: 7/2012	Sq. Ft.: 53,000
Pre-leased: 26%	Est. Stab.: 2/2013

Ivy Springs Manor is located in an affluent high-growth suburb of Atlanta, within a mile of the largest shopping mall and retail trade area in the southeast.

www.ivyspringsmanor.com





Grace Manor

Memory Care

MSA: Daytona Beach, FL	Units: 53
Construction: 6/10 - 5/11	Occupancy: 91%
Opened: 6/2011	Sq. Ft.: 35,000
Pre-leased: 15%	Est. Stab.: Complete

Grace Manor began as a drastic expansion and re-construction of a small, existing skilled nursing facility on its original location. The community enjoys a beautiful setting with multiple courtyards and gardens separating its three distinct care neighborhoods.

www.gracemanorportorange.com



The Legacy at Georgetown

Assisted Living & Memory Care

MSA: Austin, TX	Units: 80
Construction: 11/11 - 11/12	Occupancy: N/A
Opening: 2/13	Sq. Ft.: 62,000
Pre-leased: 6%	Est. Stab.: 11/2013

The Legacy at Georgetown is located at the entrance to Sun City Georgetown, one of the largest senior living communities in the US. Set among mesquite trees and designed in Texas hill-country style, it is a unique and strategically located community.

www.legacyatgeorgetown.com

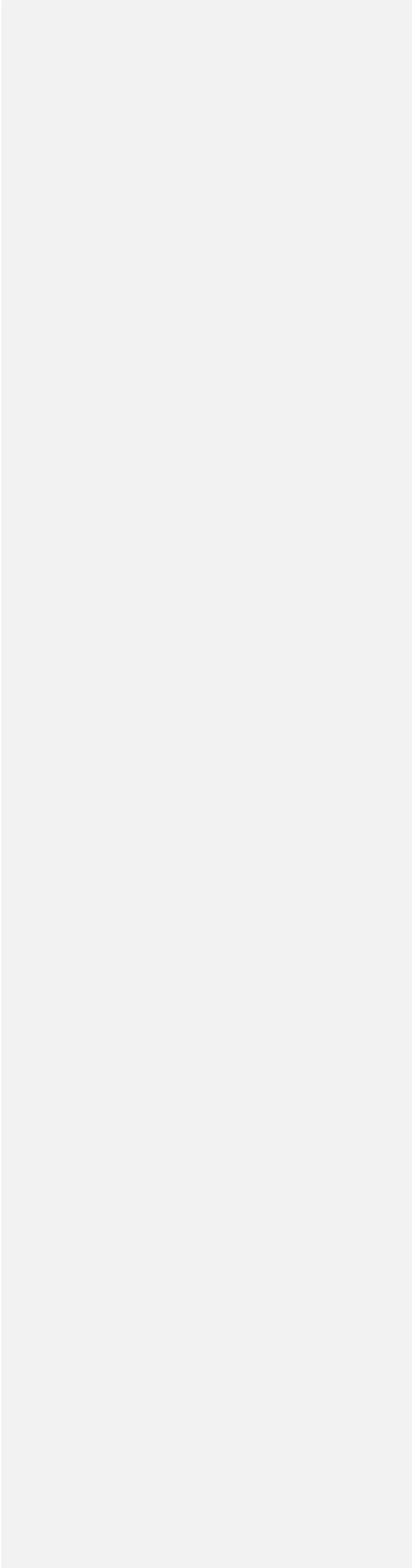




Stone/Brick

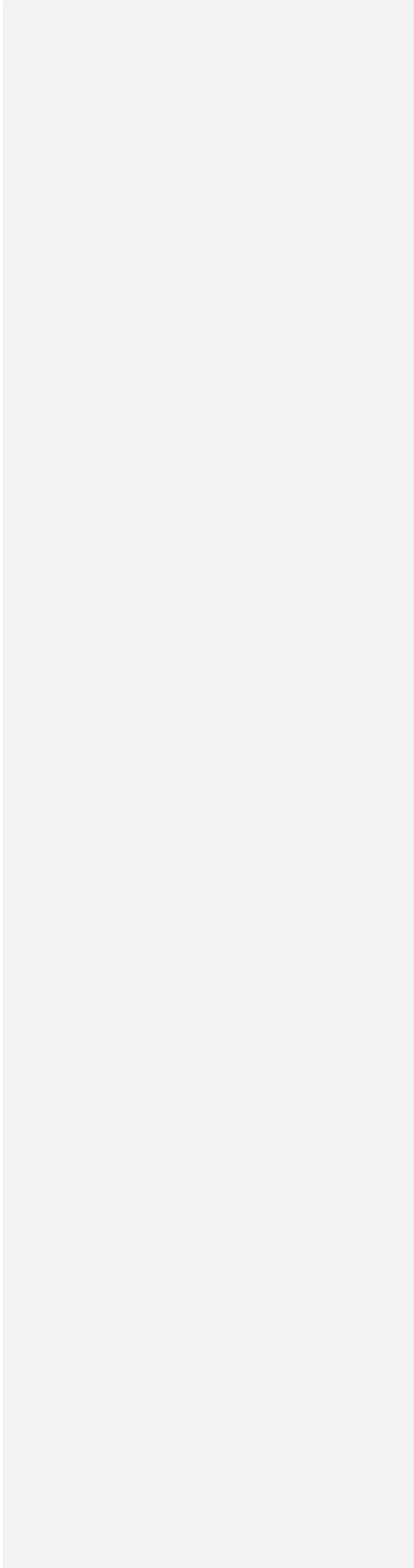


Stucco





Stucco/Pavers





AGENDA MEMORANDUM

Item No: 5.D.1.
Meeting Date: July 8, 2013
From: Bill Wiley, AICP, Community Development Director
Subject: Ordinance for annexation of 3.1 acres of property for Service Electric Company

Staff Recommendation

The Planning staff recommends approval of the proposed annexation for Service Electric Company property.

Analysis

The property owner submitted an application for annexation of approximately 3.1 acres of land generally located on the west side of Executive Boulevard, south of County Road 44, as shown on the attached General Location Map. The present zoning for this property is County R-6 (Urban Residential). Currently, the property is a commercial warehouse for Service Electric Company and the proposed use is to remain a commercial warehouse for this company.

The surrounding zoning of adjacent properties is County R-6 (Urban Residential) to the north, City M-1 (Industrial) to south, and County A (Agriculture) to the west. The proposed Land Use designation for the subject property is City Industrial. The annexation of the property would allow for more compact urban form.

Also, on the agenda for this meeting are a Small Scale Comprehensive Plan Amendment and a rezoning application for this property, which is recommended for approval by the staff and Planning Commission.

City water and wastewater utilities are available. The developer is responsible for all cost and construction to make the necessary extension and hook-ups to City utilities in accordance with City requirements. Police and fire services are presently provided in this area and impacts on the provision of these services are estimated to be minimal.

Options:

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for application of City standards to this property.
2. Disapprove the proposed annexation and allow the development to remain in the County.

Fiscal Impact:

There is minimal fiscal impact for this property, except for the increases in property valuations and utility revenues as a result of adding this property to the city.

Submission Date and Time:

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	Reviewed by: Dept. Head <u> BW </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 3.1 ACRES AND BEING GENERALLY LOCATED ON THE WEST SIDE OF EXECUTIVE BOULEVARD, SOUTH OF COUNTY ROAD 44, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, WHICH IS CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF LEESBURG, FLORIDA, PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 3; AND PROVIDING AN EFFECTIVE DATE (Service Electric Company).

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

Section 1.

Based upon the petition of Service Electric Company for the property hereinafter described, which is contiguous to the existing city limits of the City of Leesburg, Florida, that the property hereinafter described be annexed to the city limits of the City of Leesburg, Florida, 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 hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situate in Lake County, Florida, is more particularly described as:

Legal Description
(See EXHIBIT A)

Section 2.

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property annexed hereby is assigned to City Commission District 3.

Section 3.

This ordinance shall become effective immediately upon approval at second reading.

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

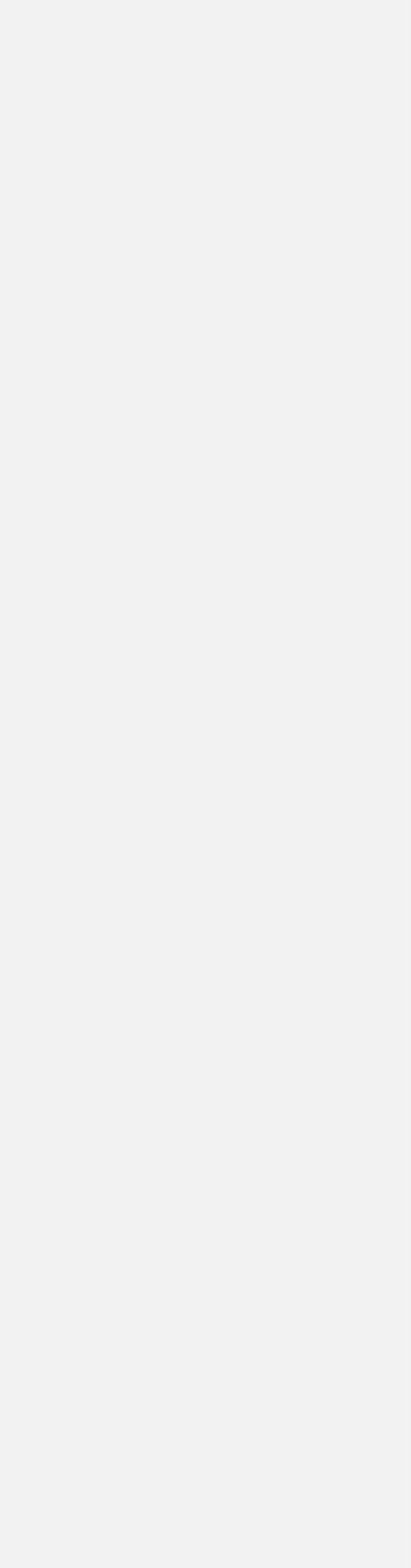


EXHIBIT A

From the Southwest corner of the Southeast quarter of the Northwest quarter of Section 29 Township 19 South, Range 24 East, Lake County, Florida, run North 00 degrees 20 minutes 35 seconds East along the West line of said Southeast quarter of Northwest quarter 1037.11 feet to the Point of Beginning of this description; from said Point of Beginning, continue North 00 degrees 20 minutes 35 seconds East 286.00 feet; thence South 89 degrees 34 minutes 35 seconds East 462.22 feet; thence South 00 degrees 13 minutes 33 seconds West, 274.18 feet; thence South 89 degrees 37 minutes 43 seconds East 339.82 feet to the West right of way of a 66.0 foot wide road; thence South 00 degrees 20 minutes 33 seconds West along West right of way 12.13 feet; thence North 89 degrees 34 minutes 35 seconds West 802.60 feet to the Point of Beginning.

Alternate Key(s): 2922206



AGENDA MEMORANDUM

Item No: 5.D.2
Meeting Date: July 8, 2013
From: Bill Wiley, AICP, Community Development Director
Subject: Ordinance for Small Scale Comprehensive Plan Amendment for Service Electric Company

Staff Recommendation

The Planning staff and Planning Commission recommend approval of the proposed small-scale comprehensive plan amendment to the City's adopted Growth Management Plan.

Analysis

The project site is approximately 3.1 acres. The property is generally located on west side of Executive Boulevard, south of County Road 44. The project site is ten or less acres and is, therefore, considered a small-scale comprehensive land use plan amendment. The City will notify the Florida Department of Economic Opportunity (FDEO) of the plan amendment and the Department will review the project site area to confirm that it is ten acres or less. At that time, the Department will determine that it is a local issue and not subject to Department review.

Currently, the property is developed as an industrial warehouse (Service Electric). The current use will not change. The surrounding Future Land Use Map designations around the subject property are all compatible with the proposed future land use designation. The proposed land use designation change from County Urban Expansion to City Industrial is also consistent with the City's adopted Growth Management Plan, and does allow the continuation of the existing use of the property.

The Planning Commission held a public hearing on the application on June 20, 2013 and by a vote of 6 to 0, recommended approval.

Options

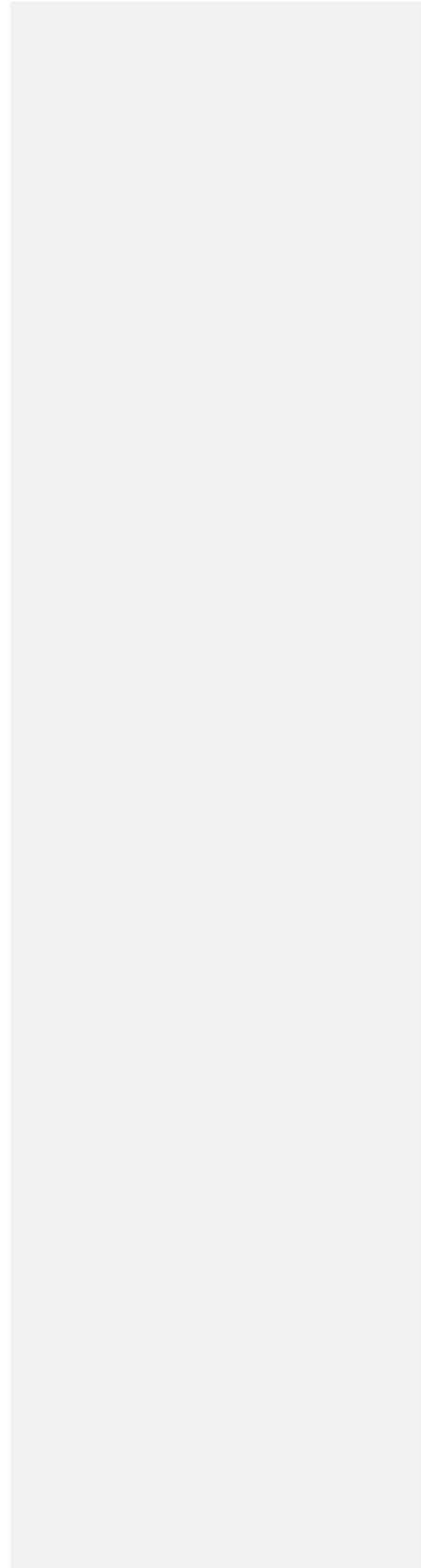
1. Approve the requested small scale comprehensive plan amendment to City Industrial.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact

There is no fiscal impact to the City for this action.

Submission Date and Time: 7/8/13 10:13 AM

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	Reviewed by: Dept. Head <input type="checkbox"/> BW <input type="checkbox"/> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 3.1 ACRES, BEING GENERALLY LOCATED ON THE WEST SIDE OF EXECUTIVE BOULEVARD, SOUTH OF COUNTY ROAD 44, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN EXPANSION TO CITY INDUSTRIAL; AND PROVIDING AN EFFECTIVE DATE. (Service Electric Company)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission acting as the Local Planning Agency, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

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

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on September 22, 2003, pursuant to the Local Government Planning and Land Development Regulations Act of 1985, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the designation of an approximate 3.1 acre parcel of land generally located on the west side of Executive Boulevard, south of County Road 44 from County Urban Expansion to City Industrial as shown on Attachment 1, the revised map of said area., lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida, legally described as:

Legal Description
(See Exhibit A)

Section 2.

All ordinances or part of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3.

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

EXHIBIT A

From the Southwest corner of the Southeast quarter of the Northwest quarter of Section 29 Township 19 South, Range 24 East, Lake County, Florida, run North 00 degrees 20 minutes 35 seconds East along the West line of said Southeast quarter of Northwest quarter 1037.11 feet to the Point of Beginning of this description; from said Point of Beginning, continue North 00 degrees 20 minutes 35 seconds East 286.00 feet; thence South 89 degrees 34 minutes 35 seconds East 462.22 feet; thence South 00 degrees 13 minutes 33 seconds West, 274.18 feet; thence South 89 degrees 37 minutes 43 seconds East 339.82 feet to the West right of way of a 66.0 foot wide road; thence South 00 degrees 20 minutes 33 seconds West along West right of way 12.13 feet; thence North 89 degrees 34 minutes 35 seconds West 802.60 feet to the Point of Beginning.

Alternate Key Number: 2922206



AGENDA MEMORANDUM

Item No: 5.D.3.
Meeting Date: July 8, 2013
From: Bill Wiley, AICP, Community Development Director
Subject: Ordinance rezoning Service Electric Company from County LM (Light Industrial) to City M-1 (Industrial) - 31729 Executive Blvd

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed rezoning for the subject property from County LM (Light Industrial) to City M-1 (Industrial).

Analysis:

The project site is approximately 3.1 acres. The property is generally located on the west side of Executive Boulevard, south of County Road 44 as shown on the attached General Location Map. The present zoning for this property is County LM (Light Industrial). The current use of the property is an industrial warehouse and the proposed use is to continue the current use as the office and warehouse for Service Electric Company, which is the existing business at this location. The surrounding zoning designations are County R-6 (Urban Residential) to the north; City M-1 (Industrial) to the south; County LM (Light Industrial) to the east and County A (Agriculture) to the west. The surrounding Future Land Use Map designations are County Urban Expansion to the north, east and west, with City Industrial to the south. The existing Land Use designation for the subject property is County Urban Expansion.

The proposed zoning district of City M-1 (Industrial) is compatible with the adjacent and nearby properties in the area and with the proposed future land use designation of City Industrial. This request does not appear to create a detriment to the surrounding properties.

The existing land uses surrounding the property are undeveloped, single family residential and industrial/warehouse uses.

The property currently has City utilities available.

By a vote of 6 to 0 on June 21, 2013, the Planning Commission voted to recommend approval.

Options:

1. Approve the proposed rezoning to City M-1 (Industrial) thereby allowing consistent zoning and development standards for this area.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is a positive fiscal impact to the City through annexing of this property.

Submission Date and Time: 7/8/13 10:13 AM

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	Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 3.1 ACRES GENERALLY LOCATED ON THE WEST SIDE OF EXECUTIVE BOULEVARD, SOUTH OF COUNTY ROAD 44, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY LM (LIGHT INDUSTRIAL) TO CITY M-1 (INDUSTRIAL); AND PROVIDING AN EFFECTIVE DATE. (Service Electric Company)

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

Section 1.

Based upon the petition of Service Electric Company, the petitioner 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 rezoned from County LM (Light Industrial) to City M-1 (Industrial), to-wit:

Legal Description
(See EXHIBIT A)

Alternate Key # 2922206

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

EXHIBIT A

From the Southwest corner of the Southeast quarter of the Northwest quarter of Section 29 Township 19 South, Range 24 East, Lake County, Florida, run North 00 degrees 20 minutes 35 seconds East along the West line of said Southeast quarter of Northwest quarter 1037.11 feet to the Point of Beginning of this description; from said Point of Beginning, continue North 00 degrees 20 minutes 35 seconds East 286.00 feet; thence South 89 degrees 34 minutes 35 seconds East 462.22 feet; thence South 00 degrees 13 minutes 33 seconds West, 274. 18 feet; thence South 89 degrees 37 minutes 43 seconds East 339.82 feet to the West right of way of a 66.0 foot wide road; thence South 00 degrees 20 minutes 33 seconds West along West right of way 12.13 feet; thence North 89 degrees 34 minutes 35 seconds West 802.60 feet to the Point of Beginning.

Alternate Key # 2922206



AGENDA MEMORANDUM

Item No: 5E.
Meeting Date: July 8, 2013
From: William Spinelli, Finance Director, CPA
Subject: Resolution authorizing approval of a contract with Willdan Financial Services for specialized services in evaluating and implementing a non-advalorem assessment program to fund fire rescue services within the City of Leesburg (Fire Assessment Project).

Staff Recommendation:

Staff recommends approval of a professional services agreement with Willdan Financial Services (WFS) to provide specialized services in evaluating and implementing a non-advalorem assessment program to fund fire rescue services within the City of Leesburg (Fire Assessment Project) for \$62,500.00.

Overview:

Since the General Fund is currently providing the Fire Department with approximately 65% of the general government funding supplied by the utility funds, it is prudent to analyze and contemplate an alternative funding mechanism for fire services. As the City contemplates keeping the utility rates as low as possible and maintaining the current utility transfer rates to the General Fund, this alternative funding mechanism for providing general government services without sacrificing service provision is a viable option. This will help to ensure the City will be able to maintain the current levels of fire services given the uncertainty concerning the General Fund yearly deficits. This will also allow the City to reduce its reliance on future utility transfers to the General Fund. If implemented, a comparable reduction in utility rates is intended to offset the fee for fire services.



Special Assessments for Fire Services are authorized by the Florida Constitution, are Florida court tested, and are currently being utilized by many local governments throughout Florida to fund fire services. Special Assessments for Fire Services may be used by local governments because fire services provide a special benefit by protecting property. Special Assessments for Fire Services are valid in Florida as long as they confer a special benefit to the property being assessed and the cost assessed is fairly and reasonably apportioned among the properties that receive the special benefit. The adoption of a Special Assessment for Fire Services will enable the City to gradually reduce transfer payments from the City's Utility Funds and to pay for general government services with property tax as the City increases its taxable values. Revenue collected through the fire assessment may only be used to fund fire services and not EMS services.

Analysis:

The City would like to retain WFS to develop an annual recurring special assessment program so that it is capable of funding all of the assessable costs associated with providing fire services. If the program is adopted by the Commission, the annual assessment will be collected commencing Fiscal Year 2014-15 by using the property tax bill collection process provided in section 197.3632, Florida Statutes. Because the fire assessment will be collected using the Uniform Method, the data on the ad valorem tax roll will be used to develop the Fiscal Year 2014-15 assessment program, as well as the subsequent years' programs.

The fire non-ad valorem assessments must meet the Florida case law requirements for a valid special assessment. These requirements are:

- 1) The service provided must confer a special benefit to the property being assessed; and
- 2) The cost assessed must be fairly and reasonably apportioned among the properties that receive the special benefit.

The objective of the WFS study is to evaluate the data that will be obtained from the City and from the State Fire Marshal's database to develop a fire assessment program that focuses upon the proposed Fiscal Year 2013-14 assessable cost calculations. The WFS study objectives will include:

- Ø Ensure that the recommended assessment rates and parcel classifications conform to the statutory requirements of the Uniform Method.
- Ø Determine the relative benefit anticipated to be derived, by categories of property use within the City, from the delivery of fire services.
- Ø Determine the full costs of providing fire services within the City of Leesburg.
- Ø Review such final cost determination with the City to determine which elements provide the requisite special benefit to the assessed property values.
- Ø Recommend the fair and reasonable apportionment of assessable costs among benefited parcels within each category of property use.
- Ø Calculate assessment rates and parcel classifications for Fiscal Year 2014-15 based on the proposed Fiscal Year 2013-14 assessable cost calculations.

City staff believes the fire assessment is a good thing for our city because:

- 1) We have a critical need to build our tax base. The City cannot sustain the level of services that have been provided in the past without a significant improvement to the tax base. This will allow the City to keep the millage rate at 4.3179.
- 2) We have an opportunity to secure funding source for one of the City's fundamental services, the fire protection service. There have been two waves of tax reform, and there is talk of more tax reductions. The second wave, when coupled with the poor condition of the economy, has shrunk our tax base. In the face of rising prices for goods and services that the fire department needs to operate, a secure revenue stream is needed.
- 3) Many people feel that assessments are preferable to taxes. An assessment is directly related to the cost of providing the specific service to the benefited property. The income from assessment must be used only to pay that cost. Tax receipts are not specifically designated. Tax receipts can be used for a wide variety of expenditures, and they are levied with no relation to the cost of providing specific services. The proposed fire assessment rates are based on the actual cost to provide fire protection services to the specific types of property being assessed.

Purchasing and Accounting:

On January 31, 2013, the City entered into a professional services agreement with WFS for the analysis of the City's General Fund in support of the 2013 Capital Improvement Bonds. WFS provided the City an Excel-based financial model for use by City staff in the evaluation of the General Fund in the future. During the course of the General Fund evaluation WFS worked with the City to identify alternatives for incremental General Fund revenue sources. WFS will use the knowledge and experience gained during the General Fund evaluation to develop proposed fire assessment. WFS will also work with the City to revise the General Fund evaluation by incorporating the projected revenues from the fire assessment. WFS specializes in government finance and taxation issues by working with cities, counties, special districts and state agencies to develop funding and service delivery solutions for critical infrastructure and service needs. WFS has developed significant experience in structuring and implementing alternative revenue solutions.

Staff has negotiated a contract with WFS for special assessment development services in the amount of \$62,500.

Options:

1. Approve the contract with WFS as presented; or,
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Since this is not a budgeted expense in the current year a budget adjustment of \$62,500 will be necessary in the General Fund to appropriate fund balance.

Submission Date and Time: 7/8/2013 10:13 AM

Department: _____ Prepared by: _____ Attachments: Yes ___ No ___ Advertised: ___ Not Required ___ Dates: _____ Attorney Review : Yes ___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>001-1295-589-3410</u> Project No. _____ WF No. _____ Budget _____ Available _____
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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 AN AGREEMENT WITH WILLDAN FINANCIAL SERVICES FOR A FIRE ASSESSMENT STUDY FOR THE TOTAL AMOUNT OF \$62,500; 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 Willdan Financial Services, whose address is 200 South Orange Avenue, Suite 1550, Orlando Florida 32801.

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 8th day of July 2013.

Mayor

ATTEST:

City Clerk