AGENDA MINUTES
CITY COMMISSION MEETING
CITY HALL, 501 W MEADOW STREET
MONDAY, OCTOBER 23, 2023 5:30 PM

1. CALL TO ORDER

The City of Leesburg Commission held a regular meeting on Monday, October 23, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Allyson Berry
Commissioner Jay Connell
Commissioner Mike Pederson
Commissioner Alan Reisman
Mayor Jimmy Burry

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, the news media, and others.

INVOCATION

Mayor Burry gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

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

2. PROCLAMATIONS:

A. National American Indian Heritage Month

Mayor Burry read a proclamation proclaiming November 2023 as National American Indian Heritage Month. He encouraged all citizens of the Leesburg community to observe this month with appropriate programs, ceremonies, and activities.

3. PRESENTATIONS:

A. Officer "Boomer" - K9 Retirement Recognition - Handler Corporal John Scheer

Police Chief (PC) Robert Hicks wanted to honor K-9 Officer Boomer on his retirement. He is nine years old. K-9 Boomer has faithfully served alongside the officers, fearlessly confronting danger to help keep our community safe. He has tracked down suspects and sniffed out illegal substances. K-9 Boomer has been an invaluable asset and a force multiplier for the department. During his tenure, K-9 Boomer has been involved with the arrest of nearly three hundred suspects, numerous illegal firearm seizures and the confiscation of pounds of illicit narcotics including fentanyl, cocaine, and other hard drugs that cause detriment to society. Canine Boomer will retire to the love and care of his handler, Corporal John Scheer and his family. Corporal Shear works in their department as the K-9 unit supervisor. He wished K-9 Boomer all the best in his retirement. He thanked him for his years of dedication and faithful service. Canine Boomer was presented with a goodie bag from Karen's Canine Kitchen.

Parks and Recreation Director (PRD) Travis Rima introduced Maggie Lynden, the city's new Special Event Manager. Ms. Lyden comes with a wealth of experience and they are excited to have her. **Special Events Manager (SEM) Lyden** stated she was excited to work in the city. She looks forward to producing some awesome events.

4. 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 three minutes.

Murray Tucker, on behalf of the Board of Trustees for the Lone Oak Cemetery, mentioned on Thursday at 6:00 p.m. in the Lone Oak Cemetery there will be a historical tour called the Moonlight Tour. He suggested coming early because there would be raffle prizes. This is their biggest fundraiser since the board was founded in the late 1800's. This is a big deal and he encouraged everyone to come out and see the cemetery since it is owned by the people of Leesburg. **Commissioner Reisman** encouraged everyone to attend this fundraiser. There is a lot you can learn about Leesburg on this tour.

Marcelino Miranda, owner of Mayan Blendz Barbershop & Salon, 2304 West Main Street, Leesburg, stated he had some concerns. Recently, the city issued him a notice about his feather flags and signs. For him it is hard to compete with the big stores. They have a hard time getting their name out there on social media and not everyone uses social media. He would like the city to consider eliminating this mandate because the current code only allows for seven days, twice a year. That makes it hard to promote his business. **CM Minner** commented, in order to change that, it would have to be done by a commission directive. Code enforcement has been proactive on this issue, but code enforcement receives complaints and they have to go out and investigate. Feather flag complaints are dealt with as they come in. Feather flag complaints only come in when they are out longer than they should be. The bottom line is our code prohibits feather flags with the exception that you can apply for a permit when you open a business or have a special event. They are only allowed for so many days. Code enforcement follows what the code says. It is based off complaints received about feather flags. If the commission wishes to lighten up that directive, they would have to change the code. This question does come up from time to time. **Mayor Burry** pointed out if a commissioner wants to change this directive, they need to get with the city manager. **CM Minner** said they could come see him and mark up the ordinance for modification. It may need to go before the planning commission, but they will go through the process if there is a desire to modify the ordinance. **Commissioner Connell** inquired about the current timeframe for feather flags. **Planning and Zoning Director (PZD) Dan Miller** responded that the current code states feather flags are allowed in front of businesses for fourteen days each year. However, it has to be in seven-day increments. They have to take them down and apply to put them up again for another week. They can choose to have the flags in the spring or fall. They do receive a lot of complaints about them. **Commissioner Connell** inquired about the costs. **PZD Miller** explained that he was unsure. He heard it was one hundred and twenty dollars. **Commissioner Connell** wanted to clarify that he said one hundred and twenty dollars for seven days? **PZD Miller** believed that was correct. Mr. Miranda mentioned it cost one hundred and twenty dollars for the permit, which is only good for seven days. They are allowed to apply for it twice per calendar year. Each time they apply, they have to pay one hundred and twenty dollars. **Mr. Miranda** said as a small business owner, they cannot promote their business. They are losing business over these types of laws. He has worked at this barber shop for four years. He had talked to people who lived in Leesburg and they had never heard of this. Not everyone is on social media and there is a lot of new construction and road traffic. He would like all small businesses to have the opportunity to take advantage of the new traffic. **Commissioner Connell** questioned the general consensus of complaints. Are they all over the board or are they generally the same? **PZD Miller** answered that they received five or six complaints last week. Those complaints were about not being able to use them. The current code prohibits them for most of the year. It was adopted several years ago by a different commission. City staff does not have a position one way or another. **Commissioner Connell** asked if the complaint was due to a violation or was it a specific issue or concern? **PZD Miller** noted the folks who complain want to have them and the ordinance does not provide much leeway. **CM Minner** stated the crux of the complaint is an aesthetic one. Some businesses like them because they are cheap and they get their name out and other folks do not like them because they are unattractive and not standard. The feather flags create signage pollution. The code was written to be anti-feather flag for aesthetic reasons. The city provides a facade sign landscape grant program to promote businesses to have conforming signage. At this time, if the commission wants to be more sympathetic to businesses and if they think feather flags are not a nuisance, they need to modify the code. They can continue with the existing code which states feather flags are a nuisance and allow for limited usage or they can choose to change it.

5. 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

Items pulled for discussion:

5.B.1 - Amendment Four with Sissine's Business Solutions of Orlando, LLC.
5.B.4 - Amendment One with Wharton-Smith, Inc.
5.C.4 - Amendment Four with Paymentus Corporation, Inc.
5.C.7 - Personnel Policy 800 - Non-Travel Meals and Refreshments

Commissioner Reisman moved to adopt the Consent Agenda except for 5.B.1, 5.B.4, 5.C.4, and 5.C.7, and Commissioner Berry seconded the motion.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:
(Each item has its coordinated resolution number listed below the header)

A. CITY COMMISSION MEETING MINUTES:

1. **Regular meeting held October 9, 2023**

B. PURCHASING ITEMS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment Four with Sissine's Business Solutions of Orlando, LLC., amending the contract term; and providing an effective date.**

ADOPTED RESOLUTION 11,723

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman stated he pulled this because the cost for color in the contract was much cheaper than black and white. After speaking with the city manager, this appeared to be an error. The color cost needs to be changed from $ 0.0076 to $ 0.076, they just need to take out a zero. **Commissioner Pederson** complimented his good catch.

Commissioner Reisman made a motion to amend the contract, changing the color cost of the contract from 0.0076 to 0.076, and Commissioner Pederson seconded the motion.

The roll call vote on the Amendment was:

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the amendment.

The roll call vote on the amended Resolution was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

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

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Construction Services**

Agreement with Crom, LLC., for the installation and construction of a ground storage tank in Highland Lakes; and providing an effective date.

ADOPTED RESOLUTION 11,715

3. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Agreement for natural gas distribution line installation and abandonment services with Precision Meter Repair, Inc. and Sabcon Underground; and providing an effective date.

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 for Construction Services with Precision Meter Repair, Inc.; and providing an effective date.

ADOPTED RESOLUTION 11,716

b. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Fixed Unit Price Agreement for Construction Services with SabCon Underground; and providing an effective date.

ADOPTED RESOLUTION 11,717

4. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment 1 to Construction Services Agreement with Wharton-Smith, Inc.; and providing an effective date.

ADOPTED RESOLUTION 11,724

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman asked the city manager to provide a brief explanation of why there was already a change order. **CM Minner** stated he did not anticipate there being anymore change orders, at least due to design standards. There were two situations that came up and they are not atypical. First, with electric relocations, we did not include some underground work and there are some electric improvements that need to be made while we do streetscape improvements. This is valued at one hundred and twenty thousand dollars. The electric fund typically absorbs this when we make these types of improvements. For example, the pool or teen center, the electric utility or the enterprise utility pay for the infrastructure costs. That is atypical, but we are moving to not paying for that out of a utility fund. We will use the general fund to pay for that. In essence, this project is causing the utilities to move electricity, which was missed during the budget process and that needs to be added in. The second part is the old as-built, they are not correct. They anticipated the waterline being significantly deeper than it is. When they went out to do the work, they found the waterlines were too high, so they could not move forward with the road or other improvements. The waterlines have to be set lower. Those costs would be about three eighty, less one twenty. It will be about two sixty to relocate the waterlines. They planned for most of the expenditures to come out of American Recovery Act monies. They have a little south of seven hundred thousand dollars left in that plan. He suggested using American Recovery Act expenditures to cover this change-order. **Commissioner Connell** asked why the as-built or locates did not inform them of that upfront. **CM Minner** answered this was not typical. **Commissioner Connell** inquired about the project costs. **CM Minner** replied it would be about three hundred and eighty thousand dollars. This project was approved at about three million dollars, and it is about three point three million. **Commissioner Reisman** asked if they planned to use ARP funds for anything else? **CM Minner** answered not specifically. They have the CIP chest, which has about one point seven million dollars between ARP, general fund, and interest monies. This is a hit, but this project is almost halfway done. It would be hard to back out now. The waterline issue and the as-built are not always reliable. They go out to probe and do the surveys the best they can. **Commissioner Reisman** mentioned they had the same type of issue at his company where it showed the lines were supposed to be there, but they were nowhere near. **Commissioner Connell** wanted to verify that the lines needed to be moved. **CM Minner** responded yes, the lines need to be moved.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Connell	No
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Mayor Burry	Yes

Four yeas, one nay, the Commission adopted the resolution.

C. RESOLUTIONS:

1. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Leesburg Police Department to apply for and, if awarded, accept an Edward Byrne FY 2023 Local Solicitation Grant from the U.S. Department of Justice (JAG) to pay costs associated with the purchase of department equipment; and providing an effective date.**

ADOPTED RESOLUTION 11,718

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Leesburg Police Department to apply for and, if awarded, accept an Edward Byrne FY 2022 (2023) Countywide Solicitation Grant from the U.S. Department of Justice (JAG) to pay costs associated with tuition and study material for law enforcement academy; and providing an effective date.**

ADOPTED RESOLUTION 11,719

3. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Third As-Needed Municipal Support Agreement between the City of Leesburg and Alpha International I, LLC; and providing an effective date.**

ADOPTED RESOLUTION 11,720

4. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment No. 4 of the master services agreement with Paymentus, Inc. to provide electronic utility bill payment services to process City utility customer payments by credit and debit card and ACH/eCheck; and providing an effective date.**

ADOPTED RESOLUTION 11,725

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Reisman asked the city manager to provide a brief overview so the public is aware of what is coming. **CM Minner** said this was a commission-driven project. After going through contractual language and doing some comparing and contrast, the customer accounts manager and finance director squared it away. This resolution will enforce what they believe is the city's right to add a charge. The administrative charge for the use of a credit card would be three dollars and fifty cents. That is what Paymentus charges the city. They tried to keep that fee low, but this will reduce the city's credit card expenses. They will get the administrative kinks worked out.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

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

5. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Civic Organization Funding Agreement with Leesburg Cemeteries, Inc. for Fiscal Year 2023/24; and providing an effective date.**

ADOPTED RESOLUTION 11,721

6. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Recreation Department to implement a waitlist deposit policy at the Venetian Cove Marina; and providing an effective date.**

ADOPTED RESOLUTION 11,722

7. **Resolution of the City Commission of the City of Leesburg, Florida authorizing amendments to Personnel Policy 800 - Non-Travel Meals and Refreshments; and providing an effective date.**

ADOPTED RESOLUTION 11,726

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell said he pulled this because the information he found regarding the average per diem was fifty-nine dollars per day and this was being proposed at fifty dollars. He would like to meet the average per diem for the employees. They should not have anything less than what the national average is. It is only another nine dollars more a day. However, the administration wants to split it between breakfast, lunch, and dinner is fine. We just need to meet the national average. **Human Resource Director (HRD) Melissa Arriaga** responded that the city is currently at fifty-three dollars a day and, yes, the average is fifty-nine dollars. The staff is in the process of updating all policies, because the travel reimbursement policy is per diem as well for meals. They will bring those recommendations to the commission. If the commission wants to change that now, it would affect this policy and the travel policy. They can distribute the costs between breakfast, lunch, and dinner. It also includes incidentals. If they want to adjust it for the additional six dollars, they will do that. **CM Minner** informed them that this was an employee-driven request. The employees do not like this process of meal reimbursement. They have to provide receipts and then wait a couple of weeks to receive their check. This policy basically makes the per diem automatic. If they want to change it to fifty-nine dollars and allow staff to administratively add the six dollars based on a proration of breakfast, lunch, and dinner, they can do that. He was not sure how that would impact the budget, but it would not be a big deal. If this is approved, it will help the employees by having an automatic per diem that they will receive in their paycheck. If they want to increase the per diem, they will need to amend the resolution. They can take the increase per diem and average it between breakfast, lunch, and dinner. As the human resource director mentioned, they plan to go through all the policies and update them. It will be a comprehensive review and there may be a number of modifications brought to their attention. **Mayor Burry** asked if the per diem was a line item in the budget and if it was a three percent increase? **CM Minner** replied he was not sure about the percentage, but it is in the travel training expense line. They can go back and look at it, but the travel reimbursement line item is in every division of the budget. They would go back and add all those up. **Commissioner Berry** suggested discussing that later when they come back with the rest of the changes. **CM Minner** mentioned that the policy only contemplated automatic payment and not an increase.

Commissioner Connell asked when they would bring that back. **HRD Arriaga** stated it would be this fiscal year. They want to review the personnel policy manual in its entirety. They can bring it back all at one time, or bring this item back on the next agenda. They could include the adjustment of the per diem rate. With the personnel policy manual, they should see that in the next couple of months. **Commissioner Connell** said they could bring it all back with modifications. **Commissioner Pederson** stated he did not have any strong opinions, he just wanted to be fair to the employees. If they wanted to bring it back with the revisions, he was fine with that. **HRD Arriaga** stated it would be within this fiscal year between now and the next budget. If they want it back on the next agenda, she could do that and add the changes to this policy and the travel policy. **Commissioner Reisman** agreed that the travel stipend should be up to par. At his company, the policy is fifty-nine dollars. That is the standard rate, and we should be on par. He would be okay with tabling this until the next meeting in order to get updated numbers so they can make an informed decision. **Mayor Burry** thought it was a good idea that they should have factual information in terms of dollars. **Commissioner Connell** said they were talking about six dollars. That is not a lot. **Mayor Burry** inquired if this should be tabled. **CA Watson** responded that he did not think so. This resolution was to approve the automatic deduction. They can direct staff to bring something back at the next meeting. They just need to vote on this item as presented. **CM Minner** said they can approve this tonight so employees can start receiving their per diem on their pay checks. However, it will not be at the market rate. At the next meeting, they can bring the numbers back for the increase. **Commissioner Berry** asked about the change being requested. Is there an additional burden to why they are changing it to go directly to payroll without receipts? **CM Minner** answered they are trying to make it easier for the employees at their request. **Commissioner Berry** questioned about accounting and documentation. **HRD Arriaga** informed them that the administrative burden falls on each department when they submit payroll. They have information that will be distributed to all payroll administrators throughout the organization. It will inform them about what needs to be provided with time sheets to cover the checks and balances. However, in the end, it falls on the administrative staff within each department and not finance.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

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

Commissioner Reisman mentioned that he agreed to this with the exception that in two weeks they will have the updated numbers along with the updated travel policy. Commissioner Pedeson agreed. There should be more information provided in two weeks to this this done, even if it takes four weeks.

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS: COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW) AVAILABLE

A. SECOND READING OF ORDINANCES

1. An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 17-07 pertaining to a change in the Future Land Use Element of

City of Leesburg Comprehensive Plan to establish the Orange Bend Future Land Use designation and creating applicable Goals, Objectives and Policies, and ratifying and readopting Ordinance 17-08 pertaining to a change in Future Land Use on approximately 640 acres from Lake County Agriculture to City of Leesburg Orange Bend, for property generally situated in Section 33, Township 18 South, Range 25 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting large scale comprehensive plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. **(Ord 17-07, 17-08 Orange Bend)**

ADOPTED ORDINANCE 23-60

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Connell seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Mayor Burry asked the city manager to provide a brief summary of why we are doing this. **CM Minner** stated all the ordinances under public hearings are cleanup ordinances. This was procedural from when they changed from doing things in the paper world to the electronic paper world. When these annexation, land use, and rezoning issues are done, staff is required to notify the state that it was completed. The state then gives the official ribbon. The state alleged that we did not do that and the planning and zoning director alleged that we did. After discussions with the state, they said to solve it, we needed to approve these ordinances. That would cure the dispute with the state. **Mayor Burry** added that there would be no changes to the previously approved developments.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the ordinance.

2. An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-46 pertaining to a change in Future Land Use on approximately 73 acres from Lake County Urban High Density to City of Leesburg Medium Density Residential for property generally situated in Section 16, Township 19 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting large scale comprehensive plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Ord 15-46 Leesburg Fruit Co.)

ADOPTED ORDINANCE 23-61

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Berry seconded the motion.

Mayor Burry requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the ordinance.

3. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-51 pertaining to a change in Future Land Use on approximately 104 acres from Lake County Urban Low Density to City of Leesburg Estate Residential for property generally situated in Section 1, Township 19 South, Range 25 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting large scale comprehensive plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (15-51 Silver Lake Estates)**

ADOPTED ORDINANCE 23-62

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Berry seconded the motion.

Mayor Burry requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Connell	Yes
Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the ordinance.

4. **An Ordinance of the City of Leesburg, Florida, ratifying and readopting Ordinance 15-43 pertaining to a change in Future Land Use on approximately 216 acres from Lake County Rural to City of Leesburg Estate Residential for property generally situated in Sections 27 and 28, Township 20 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida statutes for adopting large scale comprehensive plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Ord 15-43 Ranches of Orlando)**

ADOPTED ORDINANCE 23-63

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Connell seconded the motion.

Mayor Burry requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Reisman	Yes
Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the ordinance.

5. **An Ordinance of the city of Leesburg, Florida, ratifying and readopting Ordinance 17-16 pertaining to a change in Future Land Use on approximately 62.8 acres from Lake County Rural Transition to City of Leesburg Estate Residential for property generally situated in Section 25, Township 20 South, Range 24 East, Lake County, Florida, to ensure compliance with the procedures of Chapter 163, Florida Statutes for adopting large scale comprehensive plan amendments relating to said property; directing transmittal to the reviewing agencies; providing for severability; and providing an effective date. (Ord 17-16 Floribra)**

ADOPTED ORDINANCE 23-64

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Commissioner Reisman made a motion to adopt the ordinance and Commissioner Berry seconded the motion.

Mayor Burry requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Pederson	Yes
Commissioner Berry	Yes
Commissioner Connell	Yes
Commissioner Reisman	Yes
Mayor Burry	Yes

Five yeas, no nays, the Commission adopted the ordinance.

B. FIRST READING OF ORDINANCES

1. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 4.9 +/- acres; and being generally located southwest of Professional Drive and south of U.S. Highway 441, lying in Section 21, Township 19 South, Range 25 East, Lake County, 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 5; and providing an effective date. (Electrical Works)

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. This item will hold over until November 27, 2023.

2. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 4.9 +/- acres from Lake County Urban Low Density to City of Leesburg General Commercial, for a property generally located southwest of Professional Drive and south of U.S. Highway 441, lying in Section 21, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Electrical Works)

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. This item will hold over until November 27, 2023.

3. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 4.9 +/- acres from Lake County LM (Light Industrial) to City of Leesburg SPUD (Small Planned Unit Development) to allow for

commercial and light industrial uses for a property generally located southwest of Professional Drive and south of U.S. Highway 441, lying in Section 21, Township 19 South, Range 25 East, Lake County, Florida; and providing an effective date. (Electrical Works)

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. This item will hold over until November 27, 2023

4. **An Ordinance of the City of Leesburg, Florida, amending the boundaries of the Tara Oaks Community Development District established pursuant to Ordinance 21-17; providing a severability clause; addressing conflicts; and providing an effective date. (CDD rev Tara Oaks)**

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. This item will hold over until November 27, 2023.

C. NON-ROUTINE ITEMS:

1. **City Manager Evaluation**

Mayor Burry stated he reviewed the city manager's contract and in that contract it says there should be an annual review held in August. The process form criteria and format of the evaluation shall be mutually agreed upon by the employer and the employee. Criteria may be added or deleted as the employer may, from time to time, determine. The process, at a minimum, shall include the opportunity for both parties to prepare a written evaluation, meet and discuss the evaluation. There will be a written summary of the evaluation results. Despite the foregoing, if the employee is requested to engage in a formulation of the process criterion format for his evaluation and refuses to engage meaningfully in good faith in those negotiations, the employer may proceed with the evaluation using its own criteria. According to this statement, in the last three years, since he has been on the commission, we have not done this. **Commissioner Pederson** pointed out it has not been done in the last five years. **Mayor Burry** stated ok, Commissioner Pederson has also been here where this has not been done, and that is within the purvey of the commission. They can choose not to have an open format. He stated that Commissioner Connell requested the commission do an evaluation form and that each commissioner fill it out. He knows he said that he was going to do his evaluation, but he personally has no problems whatsoever with anything that has happened nor does he have any problems with the city manager's handling of matters. The city is in good shape. He approached four different CPA's in Leesburg that deal with businesses and he asked them if they had complaints from their customers regarding how the city does business. He thought that would be an easy way to conduct interviews and he received nothing but gleaming reports. That made him feel good. He personally attended meetings with the city manager that included the County Commissioners, and the city manager did a fabulous job representing the city. He is well thought of at the FMPA, where he is the liaison. Another extremely important part of the city is the ability to have our own utility company. His evaluation of the city manager is that he is doing an excellent job.

Commissioner Connell stated he met with the city manager and they went through his evaluation of him. He wanted to leave it at that since his review was included in the agenda packet so anyone could read it. He is open to questions if anyone has any, but he personally spoke with the city manager last Wednesday when they went through his evaluation. There were several items in the evaluation that he was not sure how to answer because he is not involved with the day-to-day business of the city and he did not have employee input. He was unable to accurately answer those questions. Before the next evaluation, he would like the commission to consider looking at employing an agency who professionally handles evaluations so they can get input from the employees. It would be an evaluation where employees can log in to a system and do an evaluation that is prepared by the human resources department. That evaluation would be completely anonymous. That way, the employees have no concerns about doing it. They could have the agency put together a summary of findings which could be provided to the commission prior to them doing their review. They could take the summary report into consideration for some of the questions, since they are not involved in the day-to-day operations. He would like the commission to consider appropriating some money to have that done before the next evaluation. It is important to establish criteria for how the city manager is evaluated in the future. He is fine with how it is laid out in the city manager's contract under section eleven where it says "a written evaluation, a meeting with the city manager, and a summary report of their evaluation are prepared". He believes the appropriate person to prepare the summary of their evaluations would be the city attorney. They should not ask staff to do the summary because that would put them in a compromising position. He had nothing further to say about his evaluation because it spoke for itself and he had already spoken with the city manager about it. However, he would like the commission to consider appropriating money to employ an agency to allow employees to participate in the evaluation process where they feel completely safe doing so. They also need to agree on an evaluation process for the future to have the city attorney prepare the summary report.

Commissioner Berry remarked that being a new commissioner, the process was somewhat frustrating because she did not have all the pieces. She expressed concern to the city manager when she shared her evaluation with him. However, he is doing an outstanding job. The knowledge he has and how he keeps them informed is impeccable. She does not know anyone who can do that. Her learning curve was reduced tremendously by him. He allowed her time to come in, ask questions, and share concerns. She has no problems or issues. We are at the point where we can either agree or disagree. She liked the suggestion from Commissioner Connell because the grading scale they used did not even depict everything in his job description. It did not touch on everything he actually did and it was hard for her because she looked at it like she was grading/rating him as a department head. The evaluation does not cover all the avenues he has. With him representing the city at other meetings or whatever it may be, she was unsure how to rate that because she is still learning. He attends way more meetings than she is aware of. However, she agrees it would be an excellent idea moving forward. The commission should be allowed to add their feedback before it goes to a consultant. However, they need to have a scale to grade on.

Commissioner Reisman agreed with both commissioners. These are valid points. His review was included in the agenda packet. He has been around and he has attended meetings. He agreed that the city manager represents the city well.

Commissioner Pederson pointed out that he chose not to participate in the evaluation process. He felt that this was an effort by one commissioner to aggravate the city manager. He has been on the commission for five years and there has never been a discussion like this. If he did a review, it would mirror the mayor's almost verbatim. He is very happy with the city manager's performance. He served as mayor last year and he had to attend meetings with the city manager. At one meeting, they sat down with eighteen mayors and the County Commissioners and he did a great job representing the city. He has lived here twenty-five years and he knows all the city managers. He deemed him to be the best one thus far. We need to keep this city manager happy and not aggravate him. We do not need to do this process with the city manager because it will run him off and make it more difficult to hire a new city manager. They will look at how we manage the city manager and that will not help recruit anyone. In summary, the city manager has done a great job for the city. If commissioners have concerns, he encourages them to sit down and talk with him directly. As far as employees, he works in the corporate world and when he was the manager he remembers going through a process where a consultant came in and he was reviewed by the department heads. He had to let that roll off because he had his feelings hurt because he thought he was a great manager. He did not walk right for two weeks. If they want an outside evaluation system to receive feedback, it may help the city manager be a better manager. We all have room for improvement. We all have areas of improvement and he is all for giving the city manager feedback. In summary, he fully supports the city manager. He saw former Commissioner Dennison in the audience and hoped she could speak about her time on the commission. He also asked former Commissioner, John Christian to speak, but he snuck out. The city manager is doing a fantastic job and we need to keep him happy. **Commissioner Reisman** mentioned as commissioners their accountability is the constituents who vote for them. From the top down, everyone should be held accountable and everyone should have a review whether it be good or bad. That is how we learn and grow. He would like to see this process continue. **Commissioner Pederson** commented that he takes pride in keeping things simple. Take care of business and keep it simple. The city manager is doing a great job and we need to keep him happy. He needs to be recognized for the good work he does. When he was mayor last year, he asked the city manager to do a survey because he saw openings in Clermont and Ocala. He was concerned that the city might lose him to another city. He asked him and the human resources department to survey the market. After looking at other cities our size, and competing cities that run their own utilities, it was determined that the salary range was about two twenty five to two fifty. Our city manager at the time was one ninety and the board voted to take him to two ten about a year ago. They then gave everyone a 5% raise last year.

Commissioner Pederson made a motion to increase the city manager's salary by ten thousand dollars to make it two thirty. Without a second, the motion died.

Mayor Burry asked the city manager if he had any comments. **CM Minner** wanted to clarify his salary numbers. He was about one ninety and the commission raised him a couple of pennies, under two twenty and with the five percent increase, that put him at two thirty. They do not need to revisit that. He appreciated Commissioner Pederson's remarks and everyone else's. The most important thing about the evaluation process for the chief executive officer is that everyone feels it was a success. The city manager or the CEO of any company is not like an ordinary employee because they have different responsibilities. Sometimes, goals and accomplishments are very tangible and that is measurable. An example is how much money is left in the bank after a project, and how that project was accomplished. There are some non-tangibles in government, with feelings of accomplishment and things are going right. The non-tangibles are important too. The commission depends on the city manager for two things; to make good judgments and they have to trust that person. Those are very important. As commissioners, if they can agree to that, then the evaluation process is clear. There were comments in some of the evaluations he thought were a bit negative. However, at the end of the day, they are coming off a year where they gave all employees a big raise. They produced a number of things and several projects are all over the place. Yet, there are questions about how he manages department heads and whether they are evaluated or not. He treats the department heads the same way the commission treats him. He does not think one department head would say they do not stand with the city manager. They would not question it for one second. The things they want from a city manager are good judgment, trust, and communication. Whether they believe it or not, he has communicated more with this commission than any other commission over his thirty years of being a city manager. The current commission did not hire him, so if that is not motivation, he does not know what it is. He appreciated the way they had handled it over the last five years, it was the old school method, either you like the city manager or you get rid of the city manager. They should not have to go through a process where, at the end of the day, people are frustrated. Throughout the process, he had three of the five commissioners express frustration, which is an indication that this process did not work. Commissioner Connell asked for a review to be done and he appreciated that. He disseminated to the commission what was done in the past. It was not trickery, that was how it was done. There have been three meetings where they could have squared away how to do the evaluations in the future and they did not change the process. He likes the old way of doing things. They can either keep him or get rid of him. No one offered to change the process. Tonight was the first time he heard something about changing the process. He heard they may want a consultant to get employee input. Moving forward, they need to solidify that process and he did provide input pursuant to paragraph eleven. That comes freely and he works in good faith, because at the end of the day, he works for the commission's collective decision. If they want to change the process to bring in a consultant to ask employees what they think, he is open to it; but the commission needs to clarify that. They could appoint one commissioner to work with human resources to figure out the process. The commission will need to collectively say that is how they want to review the city manager. He tried not to ramble and he appreciated both positive and negative input. For the most part, some items in the evaluations were factual, but some were not. He appreciated some of the negative comments in the reports. The reviews are public record if anyone is interested in looking at them. There was a negative comment made about it being the city manager's fault that the mall rang up a huge utility bill. He accepted that responsibility, but the buck stops here. The conclusions were not accurate because it was not in the audit and nor was there a special deal made by the city manager without the commission's approval. The commission knows everything he does. He does not want to have any problems with one of the city's biggest employers. Even though that was an issue, he felt he digressed. Everyone has room to grow and even though his self-evaluation was glowing, it did point out one area that he did not do well on, which was public dissemination on electric rates. As of last month, the rate is down. We are almost back to having one of the most competitive electric rates in the state. Right now, we are beating every investor on utilities. Even though we may have fumbled the football, we picked it up, and he appreciated the input. For the future, he advised that they come up with a process so no one feels frustrated. He thanked the commissioners for their input. He took it to heart. On November 13, 2013, the city commission hired him. At that time, he was extremely grateful, excited, and proud to be a part of Leesburg. Almost ten years to the date, he still feels lucky to be the city manager. He is proud to be here and he looks forward to continuing their relationship.

Commissioner Pederson added that the mall issue started with covid. That was before the newer commissioners came in. However, it started with covid and they were under pressure from the federal government to help and assist. **CM Minner** commented that in January of this year Commissioner Connell asked that he send an email with the minutes and correspondence. That was self-explanatory. It is clear on the record. There was some grumbling from staff about how they handled some of the sewer billings, but those errors have been corrected. They will continue to work with the mall. The crux of that issue is that they have started paying back the rears. They are working to give them a better way to bill their sewer usage. Those issues will come before the commission and there will be a formal payback through an agreement. However, barring an agreement, if they start writing checks to the city, he will take those even though there is no formal agreement. No one would give them their check back because they do not have a formal agreement. He is proud of their accomplishments and their relationship. He is honored to be the city manager.

Commissioner Pederson added that during the first four years he was on the commission they did not get bogged down in this stuff. They focused on the big picture. The city manager has taken the city in a great direction over the last ten years. That is how he grades the city manager along with community input. He feels some commissioners are micromanaging the city manager and that needs to stop. He does not support this evaluation process whatsoever. He would like it to go back to the way it was. He does not have time for it and neither does the city manager. He is a take-care of business kind of guy and if someone is frustrated with the city manager, they can do the evaluation.

Commissioner Connell mentioned it is extremely important that every employee, regardless of where they are in the food chain, is evaluated. That is an extremely important process. As far as the mall goes, he believes that not requiring the mall to pay for a year should have been passed through a resolution and not through emails or telephone conversations. It should have been done by resolution, approved by the commission. The same with the reimbursement or repayment that should be done by resolution. The process for evaluations should be agreed upon tonight because they are extremely important for every employee. He would make a motion to approve a process tonight for a written evaluation where they sit down with the city manager. The city attorney can take their evaluations and do a summary report to bring to the next commission meeting. He would like to see the city hire an agency to get feedback from the employees through an anonymous program. That way, the employees do not have any issues with concern. The agency can put together a summary report for the commission to use in their evaluations because some questions they cannot answer without employee input. **Mayor Burry** added that as a commission they have two responsibilities; they hire the city manager and the city attorney. Are we going to review the city attorney too? If every employee is treated the same, how come we are not doing that? **Commissioner Reisman** inquired what his contract called for. **Mayor Burry** replied that if every employee is required to have a review. Does the city attorney need to be reviewed as well? **Commissioner Connell** stated the city managers contract calls for an annual evaluation to be done in August. **CA Watson** pointed out that he was unsure if his contract called for one. **Commissioner Connell** wanted to know why anyone would be against an evaluation? He does not understand, it is fundamental, no matter where you work, you are evaluated. No one is above an evaluation. **Commissioner Pederson** said the difference here is that some commissioners are happy with him and some are not. **Commissioner Connell** remarked that he could do an evaluation saying the city manager was doing a great job. That was all he had to say, instead of not filling the review out at all. **Commissioner Pederson** replied that he went on the record saying he would fill one out and it would mirror the mayors with all fives and glowing comments. **Commissioner Connell** answered next time he should fill the review out, saying that. It would be helpful. **Mayor Burry** pointed out that the evaluation process needs to be agreed upon by the commission and the city manager per the contract. **Commissioner Connell** stated he thought that was what they were working out tonight. **Mayor Burry** said they have to have a process that both sides agree on. **Commissioner Connell** explained that the process would be to add a consultant company. When they read the questions in the evaluation, there are several questions that cannot be answered accurately without employee input. That is what he is asking for. **Commissioner Berry** wanted to know why they do not just consider questions that relate to the city manager's job. Questions that are more in line with what he does versus generic questions that do not cover half of his responsibilities. Maybe they do not need an outside person if they come up with a better evaluation form. That would be her suggestion. If they need a commissioner to work on this, she would be happy to work with the human resources department. The questions for her were vague and they did not touch on everything the city manager does. **Commissioner Pederson** pointed out that over the first four years of being on the commission, if he had any questions or concerns, he would go to the city manager and talk to him. He went to lunch with him on occasions just to meet with him. They have not always seen eye to eye, but they talk and work it out. He is completely happy with the city manager. He does not support changes. If anyone is unhappy with the city manager, sit down with him. If they want to fire him, come to the commission and make a recommendation. He does not want to go through this process because there are much better ways to spend his time, especially when the city manager is doing a great job. **Commissioner Berry** said she understands, but this was an evaluation they were asked to do. The evaluation asked them to grade him. **Mayor Burry** responded that the city manager's contract says they could make a motion to terminate the city manager. If that motion received a second, they could talk and vote on it. They would have to pay a severance package. **Commissioner Berry** mentioned that was not the discussion. They are questioning the evaluation and we need to determine a process. **CM Minner** commented that Commissioner Connell wants to leave here this evening having a formal process in place. Someone needs to make a motion and someone needs to second the motion. They can talk about it and vote on it. He would not bring in a consultant to poll the employees. He was not opposed to it, if that is what they wanted to do, but if employees are unhappy with the city manager, they will hear more than scuttlebutt and they will hear more than hearsay. There would be concerns that rise up through the ranks, through department heads, and ultimately that would make it to the commission. Thus far, that has not happened. There is a community in Lake County going through that now and everyone talks about that community. He does not believe we want to be like that community. The city manager is evaluated by the commission twice a month and no other employee goes through that. At any given time, a commissioner on this body could make a motion to fire him. There is no other employee that deals with that twice a month, so that does make his position different. If the commission does not like the form, he and the human resources director could look around and get with the International City Managers Association (ICMA) to gather some forms. The human resource director can provide the commission with those forms. He advised them to not include the city attorney in this process, because if they were to terminate him there could be issues. They do not want to compromise the city attorney's position since he does not represent the city manager, he represents the commission. If there were legal disputes, they would need the city attorney to defend them. They should not put the city attorney in the crosshairs. He suggested keeping the process as written. Moving forward, the human resource director would dig up different evaluation forms and get them out. They can mark the questions they like and he will mark the ones he likes. Ninety days from now, they could come back to approve a new form. They will then send the updated forms out in July and at the first meeting of August they can do the evaluation.

Former Commissioner, **Elsie Dennison** said she was chomping at the bit because they finally got to the point that she wanted to bring up. When she was on the commission, they evaluated the city manager several times and they did not have these kinds of problems. The city manager was evaluated annually. If it was not a good evaluation, they used it as a learning tool. They sat down and discussed why he received that evaluation. It was a learning experience for both of them. As far as bringing in consultants, they always tried to save the city money and they put that money where it would be best used. Bringing in a consulting firm would be a waste of money. They would not get what they want out of it. The city manager works for the commission, and they should evaluate him. If an individual employee has a problem, they need to go through their own department head and that information will feed up. Having a consultant would be a waste of money and time. The problem right now is that they do not have the right questions on the form. They do not understand the questions in the form and that is why there are so many questions. They need to take the concerns about the form to the manager. If the form does not fit, they need to adjust it. The city manager suggested going out to get three or four different evaluation forms from the ICMA and Commissioner Berry hit on that too. That was a great idea.
They are getting too dragged down by this. They are in a minutia. They need to correct the form because it does not make sense. They need to come up with a new scale and form that is more in line with the city manager's contract. Right now they are only providing philosophical answers which could be scored at any rate. They need to go step by step and the first thing they need to do is change the evaluation form. She would not advise having a consulting firm. That cost is about one hundred thousand dollars and it would not accomplish what they want to accomplish. **Commissioner Connell** said he is the most conservative commissioner on the commission right now when it comes to spending money. He understands what they are saying, but without the employees having one hundred percent confidence so they can speak truthfully, they would not have accurate feedback. That is why he suggested the possibility of a third-party firm coming in so the commission can get feedback from the employees. They cannot just hand out a random evaluation to the employees with their paychecks because the employees would be candid about the evaluation and the feedback. There would be concerns about someone finding out who said what. That is why he referenced that even though he does not want to spend the extra money.

Jessie Flinn, said she was thankful to the city manager because he helped her out last year. She was also thankful to the commission. She wanted to know if the city did exit evaluations as a way to offset some of this. She does interviews and evaluates employees. She is pro-evaluation because it helps to be a better leader and boss. However, as employees leave the city, would it be possible to do that and at that time they could say what they did not like? **Commissioner Connell** responded that the city already does exit evaluations.

Mayor Burry stated what he has received from tonight's discussion is that they will have an evaluation in August. They will receive updated forms that will be sent out in July for them to fill out. In the interim, the human resource director and the city manager will get together and provide those forms for their review. Hopefully, after going over the sample evaluations, they can have an effective tool for going through the evaluation process. They all need to agree to that tool, per the contract. They will move forward from there. At this point, without a motion, they will not hire a consulting firm. **Commissioner Connell** wanted to know when this would come back so they can put a policy in place. **Mayor Burry** answered they would have it before August. **CM Minner** pointed out that there is a policy in place and there was no motion made to change the process. That process is listed in paragraph eleven of his contract. During the current review, some commissioners stated they had concerns with the form and Commissioner Connell brought up the concept of hiring a consultant. However, no motion has been made or voted on. At this time, there are no directions to change the process. The consensus is to continue the process as is and to have the human resources department find some other evaluation forms that they will bring back to the commission for approval. They will revisit this in January, where they can put together a form that everyone likes. They can check the questions they like and put together a draft to be presented. He would also provide his input to the human resource director on the forms. **Mayor Burry** asked if everyone was comfortable with that. He asked if anyone had any motions or changes to add. There were none.

7. INFORMATIONAL REPORTS:
The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

A. None

8. CITY ATTORNEY ITEMS:

CA Watson had no comments to discuss.

9. CITY MANAGER ITEMS:

CM Minner had no further comments.

10. ROLL CALL:

Commissioner Pederson thanked former Commissioner Elise Dennison for speaking. She did a wonderful job being a commissioner. When he saw her, he informed her that there would be a discussion about the city manager's evaluation. He appreciated her providing some of her wisdom.

Commissioner Berry had nothing.

Commissioner Connell had nothing.

Commissioner Reisman asked for an update on the electric notifications. **CM Minner** stated the staff was getting close. They are about a month out. They hoped to have the electronic notifications setup for when the lights go out, residents would receive an email informing them that the city knows the lights are out and it would include an anticipated time for when the lights will come back on. The goal was to have it done by October 1st, but electric is performing some testing to ensure the system works. **Commissioner Reisman** thanked the public works director and his team, the housing and redevelopment manager, along with Keep Lake Beautiful. They held a cleanup over the weekend and they removed three thousand nine hundred pounds of debris from four different locations. There were fifty-five volunteers. He gave kudos to everyone involved. He questioned why the Lakefront TV item was pulled from this agenda. **CM Minner** informed them that the Lakefront TV RFP had three respondents: Akers Media, Facci Bella, and Red Apples Media. He wanted to make sure the committee reviewed the price parameters on all three contracts correctly. The price was about a third of the overall weight, so it had a big weigh in. He was not convinced that the committee reviewed them apples to apples on the comparisons. He wanted to verify the different responses, where if we paid one hundred dollars we would get "x" minutes of production. That was an important comparative, and he wanted to make sure the committee did that. He had a conversation with one committee member who thought they did. He was not sure where this would end up, but before it came before the commission, he wanted to make sure everything was reviewed correctly. He had a conversation with Commissioner Reisman and he did not believe that was covered. He wanted to go over them to make sure he was prepped for their questions. The most important thing about the process is that we compare apples to apples. They will get the committee back together and it will be advertised. They will have a discussion on price comparison to make sure they are comparing apples to apples. They will rerank the respondents on price only and do a full report. At that time, whoever has the highest points will receive the award. After that, he will sit down with the purchasing director and the respondent to bang out a contract. There are a couple other line items in the contract that need to be gone through. For example, the commercial aspect of that needs to go away because the framework goes back to the early 2000's when the city first went into the television business. At that time, we got rid of our own and brought in new. We did not fund Lakefront TV to that level. Lakefront TV is owned by the city, it is not Facci Bella. Lakefront TV is the city's product and channel. Anyone who sees the Lakefront TV logo knows that it is the City of Leesburg. The city contracts the management for the station, which is currently Facci Bella, and their contract is up. The city entered into a second contract to extend their contract. However, their contract is up and a bid is required. This is a difficult bid because it is an RFP and we are not building a house or a pipeline. They have to look at more than just the details. He digressed with the commercial aspect of the contract, because ten years ago they did not fund it at the same level they do now. There was a concept of looking at Lake County and other regions to see if we could find other municipal corporations to jump on the bandwagon to help fund this. However, that did not happen and the number one reason was because everyone is connected to TV land through jpeg. That is a statutory order for communication companies. When the state changed the way communication service tax was done, we lost franchise privileges and the communication tax. The communication tax now goes to state shared revenues and we have a piece of fiber that gives access to the web. We can not market that, so the concept is wrong. It took until 2015 for everyone to realize that. They significantly increased the Facci Bella contract because that part of the contract was not needed and it was bumped up to a significant level. They needed to try and market that in order to bring in other dollars and the big change in the contract was about what dollars came in. They created two divisions; one went to the general fund and the other went for equipment needed at Lakefront TV. If they received a contract they would divide it. Since making that modification about five years ago, only one or two folks have come on board.

Dr. Anna Marie Chwastiak, owner and president of Facci Bella Productions, stated the name of her company stands for pretty face. She named it after her black lab. She said they made that decision because it was taking too much time away from focusing on what the city needed with regards to meeting coverage, parades, and content. That was why she agreed to the whole adshare thing even though it went against FCC regulations. They need to focus on what is being produced content wise for the city. She liked what they did with grants coming in from the county, Beacon College or St John's Water Management, where part of it goes to the general fund and the other part goes for Lakefront TV equipment. The equipment is not owned by Facci Bella, it is owned by the city. It helped to build the station out and she was proud of the IT department who works with them. Her production manager handled the installation at no charge to the city. He put the camera system in and the studio inside the closet. It was a good thing but she wanted to emphasize the dollars coming in. The only nightmare situation is if money comes in from St John's Water Management or Beacon College, it requires more production responsibilities and that hurts the current situation. For example, with Beacon College they produce shows for them and that comes from their budget. Whether the city moves forward with Facci Bella or another company, she recommended that when grant dollars come, some be set aside so they can produce content for Beacon College or St John's Water Management. It needs to be a pure grant and not an adshare. Those dollars would be set aside and they could invoice against it. **CM Minner** said he did not mean to cut her off, but they are in the middle of a recruitment process. She would be provided an opportunity to speak with the commission when the contract comes forward. There needs to be equal time for all respondents. However, Ms. Chwastiak started to explain the parameters of the contract. This item was pulled from the agenda to ensure they were comparing price to price and that the contract was up-to-date. They are working within a compressed timeframe because the Facci Bella contract expires mid-December. They wanted to give everyone proper notice. In their attempt to please everyone and make a quick decision, on Friday afternoon he felt, at the staff level, they were skipping things, so he pulled this item. They do not need to do things quickly just to please everyone. That is when mistakes are made. So, for that reason, he pulled it and put it on hold. This will allow more time to review the RFPs and there is an extra week to do so before the next meeting on November 13th. At that time, the commission will have an opportunity to hear from all respondents and the public. Everyone will have equal time to lobby.

Mayor Burry gave kudos on the power cost adjustments. They did not talk about it, but they were looking at a ten-dollar reduction on electric bills. The city is able to do that because we own our own utilities. We have the driving force to make those decisions and it does not have to go up a long chain of command. We are able to adjust to market forces. It is really important for everyone to support the city's ability to have utilities.

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.

Commissioner Reisman made a motion to adjourn and Commissioner Connell seconded the motion. The meeting adjourned at 7:06 p.m.