



**Agenda
City Council**

Monday, December 21, 2015

7:00 PM

Council Chambers

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council.

OPENING CEREMONIES:

INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES

- a. **15-201** Regular City Council Meeting Held December 7, 2015

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

- a. **15-202** Red Bull Night Riders Presentation
b. **15-203** ISO Fire Protection Rating Presentation
c. **15-211** Request by City Attorney for Shade Meeting

CITY CLERK

CITY MANAGER

- a. **15-204** Accept the Monthly Financial Reports for the Month of November 2015.
- b. **15-205** Approve the Annual 26.2 with Donna Marathon.
- c. **15-206** Approve Funding for Temporary Part-time Special Projects Manager for Parks & Recreation.
- d. **15-207** Award Unit Price Bid Number 1415-12, "Ocean Forest Drainage Improvements Project (Parts A & B)," to G & H Underground Construction, Inc., and Authorize Construction Administration Services with the Project Design Firm Jones Edmunds & Associates, Inc.
- e. **15-210** Award Unit Price Bid Number 1516-01, "Downtown Redevelopment District Infrastructure Improvements, Phase IIIC - Project 1," to J.B. Coxwell Contracting, Inc., and Authorize Construction Administration Services with the Project Design Firm, GAI Consultants, Inc.

RESOLUTIONS

- a. **15-208** RESOLUTION NO. 1956-2015

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE PERSONNEL POLICIES RELATING TO EMPLOYEE DONATIONS OF VACATION LEAVE IN THE EVENT OF A CATASTROPHIC ILLNESS, EFFECTIVE DECEMBER 21, 2015.

ORDINANCES

- a. **15-209** ORDINANCE NO. 2015-8066 (First Reading)

AN ORDINANCE AMENDING CHAPTER 30, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH BY AMENDING SECTION 30-34(a), ADDITIONAL HOMESTEAD EXEMPTIONS AUTHORIZED, ADDING SECTION 30-34(b) TO AUTHORIZE AN ADDITIONAL EXEMPTION AND AMENDING SECTION 30-35, ANNUAL ADJUSTMENT TO HOUSEHOLD INCOME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE AND PROVIDING DIRECTIONS TO THE CITY CLERK.

ADJOURNMENT

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person 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 public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

**Minutes of Regular City Council Meeting
held Monday, December 7, 2015, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Latham called the meeting to order at 7:00 P.M.

OPENING CEREMONIES:

Mr. Vogelsang delivered a prayer for families and victims affected by recent attacks and for letting his baby girl come home; followed by the salute to the flag.

ROLL CALL:

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman
 Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, and City Clerk Laurie Scott.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Ms. Hoffman, to approve the following minutes:

- Regular Council Meeting held on November 16, 2015

Ms. Hoffman commented that she would like her name included on the last roll call vote on the last motion in the minutes from November 16, 2015.

A second motion was made by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously to amend the minutes to include Ms. Hoffman's name.

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes as presented:

- Special Council Meeting held on November 23, 2015

ANNOUNCEMENTS

Ms. Hoffman invited everyone to the Beaches Museum & History Park Open House on Thursday night; the event is free and open to the public.

Ms. Wilson commended Kurtis Loftus on his Deck the Chairs efforts and commented that Art Walk is tomorrow night.

With it being Pearl Harbor Day, Mayor Latham thanked all who currently serve and have formerly served our great nation. The Mayor noted that his father joined the Navy at age 16.

Mayor Latham congratulated 19th Street Charities and their Toys for Tots drive that was held last Saturday and received \$32,000 in donations.

Mayor Latham announced that Jacksonville Beach resident “Super Kate” Amato turns 11 this week and her family continues to need our prayers and support. People may consider donating to Kate online by visiting the link on the Mayor’s Facebook page.

COURTESY OF THE FLOOR TO VISITORS:

Speakers:

- Mr. Ken Marsh, 2027 Gail Avenue, Jacksonville Beach, spoke about an email he had recently sent to Mayor Latham. Mr. Marsh offered the following suggestions to the Council to make downtown Jacksonville Beach better: the Council should align with the Jacksonville Beach “downtown vision,” hold internal workshops to focus on that vision, and clearly articulate that overall vision.

MAYOR AND CITY COUNCIL

CITY CLERK:

CITY MANAGER:

- (a) **Appointment of Vice-Chair of the Jacksonville Beach Community Redevelopment Agency**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to Appoint Lynn Varnadoe as Vice-Chairperson for the Jacksonville Beach Community Redevelopment Agency.

Ms. Wilson commented that Ms. Varnadoe is probably the most senior person on the Community Redevelopment Agency Board and probably the best choice for this position.

Roll call vote: Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson, and Mayor Latham. The motion carried unanimously.

(b) Approval to Execute a Continuing Services Contract with Supreme Janitorial Services, Inc., as the Primary Contractor and City Wide Maintenance of Jacksonville, as the Secondary Contractor for Custodial Services in Response to RFP No. 01 1516, Janitorial Services for Municipal Buildings.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to award RFP Number 01-1516, entitled Janitorial Services for Municipal Buildings to Supreme Janitorial Services, Inc., as the Primary Contractor and City Wide Maintenance of Jacksonville, as the Secondary Contractor, for a period of three (3) years with the option to renew for three (3) additional one-year periods based on the approval of the City Manager, as explained in the memorandum from the Property and Procurement Officer, dated November 18, 2015.

Mr. Forbes noted that this is a contract for custodial services for three buildings: City Hall, the Operations and Maintenance (O&M) Building, and the Police Department. City Hall and the O&M Building are cleaned three days per week, and the Police Department is cleaned five days per week.

Ms. Wilson inquired about the cleaning companies for the other City buildings. Jason Phitides, Property and Procurement Officer, stated that another RFP will go out for those buildings. Ms. Wilson asked if the other contract will cover the Oceanfront Park restrooms and if background checks are performed on the cleaning staff; Mr. Phitides replied yes to both inquiries.

Mr. Vogelsang thanked the staff for detailed notes.

Mr. Doherty also commented that he appreciated the data and asked if cleaning standards decline, are our contracts worded in such a way that we could cancel. Mr. Forbes stated that all of our standard contracts allowed the City to cancel at any time if dissatisfied.

Roll call vote: Ayes – Doherty, Hoffman, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham. The motion carried unanimously.

(c) Award Unit Price Bid 1415 10, "Oceanfront Park Restroom & Seawalk Pavilion Modifications (Parts A & B)," to E.B. Morris General Contractors, Inc., and Authorize Construction Administration Services with the project

design firm, GAI Consultants, Inc.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to award Unit Price Bid Number 1415-10, titled Oceanfront Park Restroom & Seawalk Pavilion Modifications Project, to E.B. Morris General Contractors, Incorporated, and authorize Construction Administration Services with the project's design firm, GAI Consultants, Incorporated, as explained in the memorandum from the Public Works Director dated November 23, 2015.

Mr. Ken Marsh, 2027 Gail Avenue, Jacksonville Beach, spoke about prioritization of the items on the Downtown Action Plan and his concerns about improving downtown Jacksonville Beach.

Mr. Forbes commented that as the City grows, the need for more restrooms has grown, and the location of these restrooms makes more sense for performers at the Plaza who need to change, etc. If approved tonight, construction would start sometime after January 1.

Mr. Buck stated that Oceanfront Park is over ten years old, and he considers this project a priority.

Mr. Doherty stated that he had made comments back in 2013 about the port-o-lets being an eyesore at one of the biggest parks in our City. With regard to the Seawalk Pavilion, there are numerous events and there need to be bathrooms onsite. Mr. Doherty then asked about the construction timeframe and completion dates.

Mr. Ty Edwards, Director of Public Works, stated he recalls the timeline being about eight months but will double check and get back with the City Manager.

Mr. Vogelsang stated that this project is a priority and will not take away from the City doing other things. It costs \$12,000 to rent the Seawalk Pavilion for the weekend; there should be nice restrooms for the people using it.

Ms. Wilson added that these improvements were needed and asked how many parking spaces will be eliminated at Oceanfront Park. Mr. Edwards stated that approximately three parking spots will be eliminated. Ms. Wilson also pointed out that this project is not being funded out of the general budget fund, but out of the redevelopment fund.

Ms. Hoffman noted that this project has been on the Council's radar for a long time and that she is very glad to see this moving forward.

Mayor Latham thanked the staff on their efforts to better the community.

Roll call vote: Ayes – Hoffman, Thomason, Vogelsang, Wilson, Buck, Doherty and Mayor Latham. The motion carried unanimously.

- (d) **Award Unit Price Bid Number 1415-11, "South Beach Parkway Roadway Improvements (Turn Lane) Project," to A.W.A. Contracting Company, Inc., and Authorize Construction Administration Services with the project design firm, Waitz & Moye, Inc.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to award Unit Price Bid Number 1415-11, titled South Beach Parkway Roadway Improvements (Turn Lane) Project, to A.W.A. Contracting Company, Incorporated, and authorize Construction Administration Services with the project's design firm, Waitz & Moye, Incorporated, as explained in the memorandum from the Public Works Director dated November 20, 2015.

Mr. Forbes stated that there have been several workshops regarding this project for improvements to Jacksonville Drive and South Beach Parkway, and the traffic flows out of South Beach Regional shopping center.

Mr. Doherty suggested that the first priority should be eliminating the left turn lane out of the shopping center.

Mr. Vogelsang asked if this construction would be done at night. Mr. Forbes said that most construction will occur in the daytime, but every effort will be made to avoid traffic congestion.

Mr. Buck concurred with Mr. Vogelsang's and Mr. Doherty's comments.

Mr. Thomason asked that they try to limit the amount of traffic through residential areas on Jacksonville Drive west of South Beach Parkway.

Roll call vote: Ayes – Thomason, Vogelsang, Wilson, Buck, Doherty, Hoffman and Mayor Latham. The motion carried unanimously.

RESOLUTIONS:

ORDINANCES:

(a) ORDINANCE NO. 2015-8064 (Second Reading)

AN ORDINANCE RELATING TO THE DEFINITIONS USED IN ARTICLE IV, LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; ADDING CERTAIN DEFINITIONS, AMENDING CERTAIN DEFINITIONS, AND REPEALING OTHER DEFINITIONS; PROVIDING THAT LANGUAGE STRUCK THROUGH INDICATES DELETIONS, AND LANGUAGE UNDERLINED INDICATES ADDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to adopt Ordinance No. 2015-8064, Land Development Code Definitions.

The Mayor asked those who submitted speaker cards if they wished to speak on this ordinance; all replied "no."

Mr. Forbes explained the minor change to the ordinance. An amendment was made on page 2, paragraph 1, of Ordinance No. 2015-8064 adding the word "invalid" in place of the word "valid;" it was simply a typo. (copy of change attached)

Ms. Hoffman thanked Mr. Mann for providing the red-lined copy of the ordinance.

New Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to adopt Ordinance No. 2015-8064, Land Development Code Definitions as amended by Mr. Forbes.

Roll call vote: Ayes –Vogelsang, Wilson, Buck, Doherty, Hoffman, Thomason and Mayor Latham. The motion carried unanimously.

(b) ORDINANCE NO. 2015-8065 (Second Reading) PUBLIC HEARING

AN ORDINANCE RELATING TO SIGNS; PROVIDING FOR THE REPEAL OF THE EXISTING JACKSONVILLE BEACH SIGN

ORDINANCE CODIFIED AT DIVISION IV, ARTICLE VIII, CHAPTER 34 (LAND DEVELOPMENT CODE) OF THE JACKSONVILLE BEACH CODE OF ORDINANCES; PROVIDING FOR A NEW JACKSONVILLE BEACH SIGN ORDINANCE IN PLACE OF DIVISION IV OF ARTICLE 34 (LAND DEVELOPMENT CODE) OF THE JACKSONVILLE BEACH CODE OF ORDINANCES; PROVIDING FOR A PURPOSE, INTENT AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR PROHIBITED SIGNS IN ALL ZONING DISTRICTS; PROVIDING GENERAL PROVISIONS FOR SIGNS (SUCH AS THE MEASUREMENT OF SIGN SIZE, MEASUREMENT OF SIGN HEIGHT, STREET ADDRESS SIGNS, FLAGPOLES/FLAGS, FLAG BRACKETS/STANCHIONS/FLAGS, SIGN ILLUMINATION FOR TEMPORARY AND PERMANENT SIGNS, VIEWPOINT NEUTRALITY, SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH, NONCOMMERCIAL ON SITE PARKING SPACE SIGNS, CONSENT OF LEGAL OWNER OF PROPERTY, SIGNS ON PUBLIC PROPERTY, SIGNS THAT OBSTRUCT MEANS OF EGRESS, SIGNS THAT INTERFERE WITH VENTILATION OPENINGS, SIGNS MUST MAINTAIN CLEARANCE FROM UTILITIES AND SHALL NOT INTERFERE WITH SURFACE AND UNDERGROUND WATER OR WITH DRAINAGE, SIGNS SHALL NOT BE ATTACHED TO CERTAIN PROPERTY AND SHALL NOT IMPAIR ROOF ACCESS, SIGNS DECLARED A NUISANCE AND REPAIR; SIGNS PRESENTING IMMEDIATE PERIL TO PUBLIC HEALTH OR SAFETY, SIGNS AT SERVICE STATION ISLANDS, WALL SIGNS AT RESTAURANTS, UMBRELLA SIGNS, AWNING AND CANOPY SIGNS, CHANGEABLE COPY SIGNS, MONUMENT SIGNS, WALL SIGNS, PROJECTING SIGNS, SIGNS FOR DRIVE THRU BUSINESS ESTABLISHMENTS, WINDOW SIGNS, AND DOOR SIGNS); PROVIDING FOR ALLOWED TEMPORARY SIGNS IN ZONING DISTRICTS; PROVIDING FOR ALLOWED PERMANENT SIGNS IN ZONING DISTRICTS; PROVIDING FOR BUILDING PERMITS; PROVIDING FOR SIGN PERMITS; PROVIDING FOR NONCONFORMING SIGNS; PROVIDING FOR MISCELLANEOUS SIGN PROVISIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN AMENDMENT TO SECTION 34-640; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; PROVIDING FOR AN AMENDMENT TO SECTION 34-336 THROUGH 34-348 TO IDENTIFY THE BUSINESS OF OUTDOOR ADVERTISING

AS A PROHIBITED USE IN ALL THIRTEEN OF THE CITY'S ZONING DISTRICTS; PROVIDING FOR THE ADDITION OF SECTION 34-349 TO EXPRESSLY PROVIDE THAT THE BUSINESS OF OUTDOOR ADVERTISING IS A PROHIBITED USE IN ALL ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman to adopt Ordinance No. 2015-8065 to replace the existing Division IV Sign Standards of Article VIII Site Development Standards deleting, revising, or adding new provisions relating to Site Development Standards applicable to signs.

Mayor Latham opened the public hearing at 7:45 p.m. to allow speakers to comment on the sign ordinances presented.

Mr. Mike Herzberg, 1 Sleiman Parkway, Jacksonville, asked if there were any revisions, and if so, could they be read aloud.

The Mayor asked to have the public hearing suspended so the changes to the ordinance could be read aloud. Mr. Forbes explained the change to Exhibit "A," page 33 of 35, to Section (4)(a) regarding discontinued signs, adding the phrase "for a period of one hundred eighty (180) days". Edits were also made to Section (4)(c), removing the words "Within sixty (60) days after", adding the words "After" and "deemed", and replacing the word "parch" with "patch", making that paragraph read "After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal and all damage to any other structure resulting from removal of the sign." (copy of changes attached)

Mr. Bill Brinton, Attorney at Rogers and Towers, added that the phrase "within sixty (60) days after" was stricken from the beginning of paragraph (4)(c) to ensure consistency.

Mayor Latham then re-opened the public hearing and Mr. Herzberg then asked respectfully that the Council defer action on this ordinance again and spoke in opposition of this sign ordinance due to lack of public knowledge and awareness of changes to the sign code.

Ms. Sandy Golding, 1203 18th Avenue N., Jacksonville Beach, spoke in support of this ordinance and urged the Council to pass this ordinance.

Mr. Tom Larson, 887 Marshside Court, Jacksonville Beach, spoke in support of this ordinance. He stated that the people who work and live in Jacksonville Beach are benefitting from the care that the City has taken in developing this code.

Mr. Jim Overby, 21 Burling Way, Jacksonville Beach, spoke in support of both ordinances. He urged the Council to preserve the beauty of this community by passing these ordinances.

Mr. Terry DeLoach, 405 32nd Avenue S., Jacksonville Beach, a long-time serving member of the Planning Commission, spoke in support of this ordinance and urged the Council to approve these sign ordinances with suggestions from legal counsel and Mr. Mann.

Mr. John McGowan, 5 N. 17th Avenue, Unit 401, Jacksonville Beach, spoke about his concerns regarding this ordinance and its impact on both existing and future business owners.

Mr. Rick Knight, 827 8th Avenue N., Jacksonville Beach, spoke in favor of the ordinance, stating that he thinks the voices of citizens of Jacksonville Beach should be heard.

Mayor Latham closed the public hearing at 8:00 pm.

Mr. Forbes then elaborated on the sign ordinances with a power point presentation. He explained that these changes are a result of a recent U.S. Supreme Court Opinion in the case of Reed v. Town of Gilbert, Ariz., (U.S. June 18, 2015) and impacts the traditional regulation of temporary noncommercial signs in municipal codes across the country. The City can regulate the size of signs but cannot regulate the content of the signs, as outlined in the viewpoint neutrality definition. The main changes per this ordinance involve how we treat temporary signs.

With regard to temporary signs, in Ordinance No. 2015-8065, temporary signs do not require a sign permit. This is a change from our current code in which commercial temporary signs require a sign permit.

Mr. Brinton added that this restructured code is a much better code with regard to simplicity and ease of reference. Great effort was taken to make the code as perfect as it can be.

Mayor Latham noted that these changes were necessary due to the Supreme Court decision and to comply with this decision, the City hired attorney Bill Brinton.

Mr. Brinton is a nationally-recognized expert in sign law. The Council has a responsibility to the citizens to ensure the City sign code is in compliance, and that is what the Council hopes to accomplish tonight.

Mr. Vogelsang had a question regarding the "period of sixty (60) days" in paragraph (3)(c) of Exhibit "A," page 33 of 35 regarding nonconforming signs that was clarified by Mr. Brinton. The verbiage is correct as is.

Ms. Wilson commented that she appreciates the input from the public and business owners and that these sign changes are a positive thing; she also noted that approving these ordinances tonight does not preclude the Council from holding future workshops to address issues such as electronic signs.

Mr. Buck added that the citizens and business owners continually express the fact that they support beautification of our City and that we have a good sign code.

Mr. Thomason inquired about content neutrality, and Mr. Brinton used the town of Gilbert as an example. The town had rules for political signs, temporary directional signs and free speech signs. These restrictions were originally based on size and setback, not on content. However, the court case brought up the debate of content-based versus content-neutral signage. If the sign contains obscenity, that issue can be addressed and regulated by State statutes.

Mr. Buck then commended the staff, Mr. Brinton and Ms. Erdelyi for their work on this issue.

Ms. Hoffman added that she supports this ordinance but hopes the process can be improved, allowing more time for business owners to comment. She also thanked the staff for their efforts on this matter.

Mr. Vogelsang stated that he supports the ordinance, appreciates the business owners' input and welcomes any input from business owners on future sign issues.

Ms. Wilson asked if commercial mascot signs were the same as "human sign waivers." Mr. Brinton explained that is not a land development regulation, but he does intend to come back to the Council with something regarding human sign waivers and mobile signs to add to the code.

Mayor Latham stated that he was open to public debate after the holidays to discuss any outstanding issues. These ordinances being approved are simply aligning our City codes with the Supreme Court decision. He also thanked Mr.

Brinton, Ms. Erdelyi, Mr. Mann and his staff for their outstanding efforts on this issue.

Roll call vote: Ayes – Wilson, Buck, Doherty, Hoffman, Thomason, Vogelsang, and Mayor Latham. The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:35 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

DRAFT

portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction:

WHEREAS, the City of Jacksonville Beach finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the invalid provisions are stricken [see, e.g., *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]:

WHEREAS, the City of Jacksonville Beach finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause:

WHEREAS, the City of Jacksonville Beach finds and determines that the failure of some courts to uphold severability clauses has led to an increase in litigation seeking to strike down sign ordinances in their entirety so as to argue that the developers' applications to erect prohibited sign types, such as billboards, must be granted:

WHEREAS, the City of Jacksonville Beach finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the City of Jacksonville Beach wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations:

(3) Signs for a legal nonconforming use:

a. New or additional signs for a nonconforming use shall not be permitted.

b. A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

(4) Signs discontinued:

a. Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies, ~~for a period of one hundred and eighty (180) days,~~ shall be deemed to be discontinued.

b. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

c. ~~Within sixty (60) days after~~ After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to ~~patch~~ patch and conceal any and all damage to any other structure resulting from removal of the sign.

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d. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign, that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

(5) Unsafe signs:

a. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

b. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

Sec. 34-451. Miscellaneous Provisions.

(1) Maintenance of Sign Location. For a sign requiring a sign permit, weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.

(2) Ingress and Egress Signs. For safety purposes and for traffic circulation purposes, permanent ingress and egress signs to a parcel are permitted provided the same do not exceed



Dear Mayor Latham and City Council Members,

The purpose of this letter is to sincerely thank the City of Jacksonville Beach and its residents for hosting the 5th annual Red Bull Night Riders surf competition on Friday November 13th, 2015. More than 7,000 people lined the Jacksonville Beach Pier to witness what was truly an amazing night of pro surfing. When all was said and done, it was Jacksonville Beach local, Cody Thompson, who won his 2nd Red Bull Night Riders championship.

Red Bull Night Riders could not have been accomplished without the help and support of the City of Jacksonville Beach and it's residents. As a thank you, Red Bull would like to present the city with a custom Red Bull Night Riders surfboard that was signed by each of the six competing riders in this year's event. The signatures includes...

Cody Thompson - Jacksonville Beach, FL
Evan Thompson - Jacksonville Beach, FL
Tristan Thompson - Jacksonville Beach, FL
Oliver Kurt - Melbourne Beach, FL
Balaram Stack - New York, NY
Randy Townsend - Surf City, NJ

We thank you once again for helping bring big air surfing to the night sky of Jacksonville Beach and look forward to a continued partnership in the years to come.

Sincerely,

Alexander Berg
Field Marketing Manager
Red Bull North America

Bridget Jones
Field Marketing Specialist
Red Bull North America

Freddie T
Bob Jack
Cody
Tommy
Kenny
Ollie



WRV
WAVE RIDING VENDOR

YINGER

Friday Nov 13
8-10pm
Jax Beach Pier



City of

Jacksonville Beach

Fire Department

325 2nd Avenue South

Jacksonville Beach

FL 32250

Phone: 904.247.6201

Fax: 904.247.6155

www.jacksonvillebeach.org

Jacksonville Beach Fire Department Improves ISO classification to a Class 2 Press Release

The Jacksonville Beach Fire Department was recently notified that its fire protection rating from the Insurance Services Office (ISO), a national insurance industry risk rating and assessment service inspection company, will improve on March 1, 2016 to a Class 2.

This change not only means the department's level of fire protection service has improved, according to the ISO analysis, but it could also earn lower property insurance rates for home and business owners within Jacksonville Beach. With the update, the department's rating improves from its previous Class 3 rating.

ISO rates municipalities on a scale of 1 to 10. An ISO Class 10 rating is considered the least effective fire defense while an ISO class 1 rating is the most effective fire defense system from an insurance analysis perspective. ISO ratings play an important role in the underwriting process at insurance companies. Most U.S. insurers use these ratings as part of their decision-making when deciding what business to write, coverages to offer or prices to charge for personal and commercial property insurance.

The ISO's process for the rating is based on surveying and inspecting all aspects of what the fire department has achieved since our last review in 2006. ISO officials look at the 911 system, the water system as it relates to hydrants and many other factors involved in providing quality fire and rescue service. Countless hours of preparation went into getting ready for the inspection.

2015 statistics indicate of the 48,885 departments inspected nationwide, only 97 have achieved a Class 1 ISO rating. Jacksonville Beach joins just 917 other departments in the nation that have achieved a Class 2 rating.



City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268
Fax: 904.247.6276

www.jacksonvillebeach.org

MEMORANDUM

TO: George Forbes, City Manager

FROM: Susan Smith Erdelyi
City Attorney

DATE: December 16, 2015

RE: 286.011 Executive Session (Shade Meetings) on Pending
Litigation

ACTION REQUESTED

Schedule five shade meetings pursuant to Florida Statute 286.011(8) to discuss pending litigation.

BACKGROUND

As the City Attorney, I am requesting that the City Council agree to schedule five shade meetings because I seek the City Council's advice concerning settlement negotiations and/or litigation expenditures in the cases of:

1. *Brothers Five v. City of Jacksonville Beach* – Case No. 2014 CA 6762 Div. B Circuit Court Duval County
2. *Brothers Five v. City of Jacksonville Beach* – Case No. 2015 CA 2623 Div. G Circuit Court Duval County
3. *Brothers Five v. City of Jacksonville Beach* – Case No. 2015 CA 2716 Div. H Circuit Court Duval County
4. *Brothers Five v. City of Jacksonville Beach* – Case No. 2015 CA 3077 Div. C Circuit Court Duval County
5. *Duval Royal Investments, Inc. and Brothers Five of Jacksonville v. City of Jacksonville Beach*, Case No. 3:15-cv-1163-J-32-JRK Federal District Court

If the Council will agree to set these meetings, they will be attended by:

Mayor Charlie Latham, Councilmembers Jeanell Wilson, Christine Hoffman, Keith Doherty, Phil Vogelsang, Lee Buck and Bruce Thomason, the City's



outside attorney in these cases, William Brinton, City Manager George Forbes and City Attorney Susan Erdelyi.

The proposed date for the meetings will be Tuesday January 19, 2016 at 5:15 p.m.

RECOMMENDATION

Schedule five shade meetings pursuant to Fla. Stats. 286.011 on Tuesday, January 19, 2016 at 5:15 p.m. as described in a memo from the City Attorney dated December 16, 2015.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Karen Nelson, Chief Financial Officer
SUBJECT: Monthly Financial Reports for November 2015
DATE: December 8, 2015

Action Requested

Accept the monthly financial reports for the month of November 2015.

Background

The monthly financial reports for November 2015 are being provided for your information and review. These reports can be found in the "Reports and Information" portion of this agenda.

Recommendation

Accept the monthly financial reports for the month of November 2015, as submitted by the Chief Financial Officer.





City of

Jacksonville Beach

Police Department

101 Penman Road, South

Jacksonville Beach

FL 32250

Phone: 904.270.1666

Fax: 904.247.6251

www.jacksonvillebeach.org

TO: George D. Forbes, City Manager

FROM: Patrick K. Dooley, Chief of Police

DATE: December 9, 2015

SUBJECT: Presentation of the 26.2 with Donna Marathon Scheduled for February 14, 2016

ACTION REQUESTED

Receive information on the annual 26.2 with Donna marathon.

BACKGROUND

The 9th annual 26.2 with Donna national marathon to raise funds for breast cancer research is scheduled for February 14, 2016. The event will once again begin at the Players Championship parking lot in St. Johns County. The race starts at 7:30 a.m. The route will take runners through Ponte Vedra Beach, Jacksonville Beach, Neptune Beach, and Atlantic Beach before concluding at Mayo Clinic in Jacksonville via crossing the J. Turner Butler bridge. The route through Jacksonville Beach will begin on Ponte Vedra Boulevard.

A change has been implemented to the route this year. The runners will not run on the beach; instead, the full marathon runners will continue north on 1st Street to 16th Avenue, North. The half marathon runners will turn west on 2nd Avenue, North, then south on 2nd Street to 16th Avenue, South.

Entertainment (live bands) will occur throughout the route during the run. The entertainment will not start before 8:00 a.m. Sound and decibel levels must be in compliance with the City's noise ordinance. Entertainment locations are:

- 37th Avenue, South, and A1A (in the grassy area)
- 1st Street, South, and 25th Avenue, South
- 1st Street, North, and 5th Avenue, North



- 1st Street, North, and 1st Avenue, North
- 1st Street, North, and Beach Boulevard
- 1st Street, South, and 5th Avenue South
- 1st Street, South, and 16th Avenue, South

While the event may create some delays for residents and businesses along the route, City employees and marathon officials will work to keep problems at a minimum. As in previous marathons, intersections along the route will be controlled by a combination of barricades, police officers, police volunteers, and marathon volunteers. The route will be closed on the morning of the race and will re-open by approximately 4 p.m. The police will monitor and allow people to exit as safely as possible. The marathon volunteers and City will inform citizens who may be affected by the race by the following methods:

- ✓ Door to door street team
- ✓ Reverse 9-1-1 notification call prior to race
- ✓ Map on web site

RECOMMENDATION

Approve the 26.2 with Donna marathon as detailed in a memo from Police Chief Patrick K. Dooley dated December 9, 2015.



Seagate

16th Ave N

1st Ave N

Beach Blvd

16th Ave S

25th Ave S

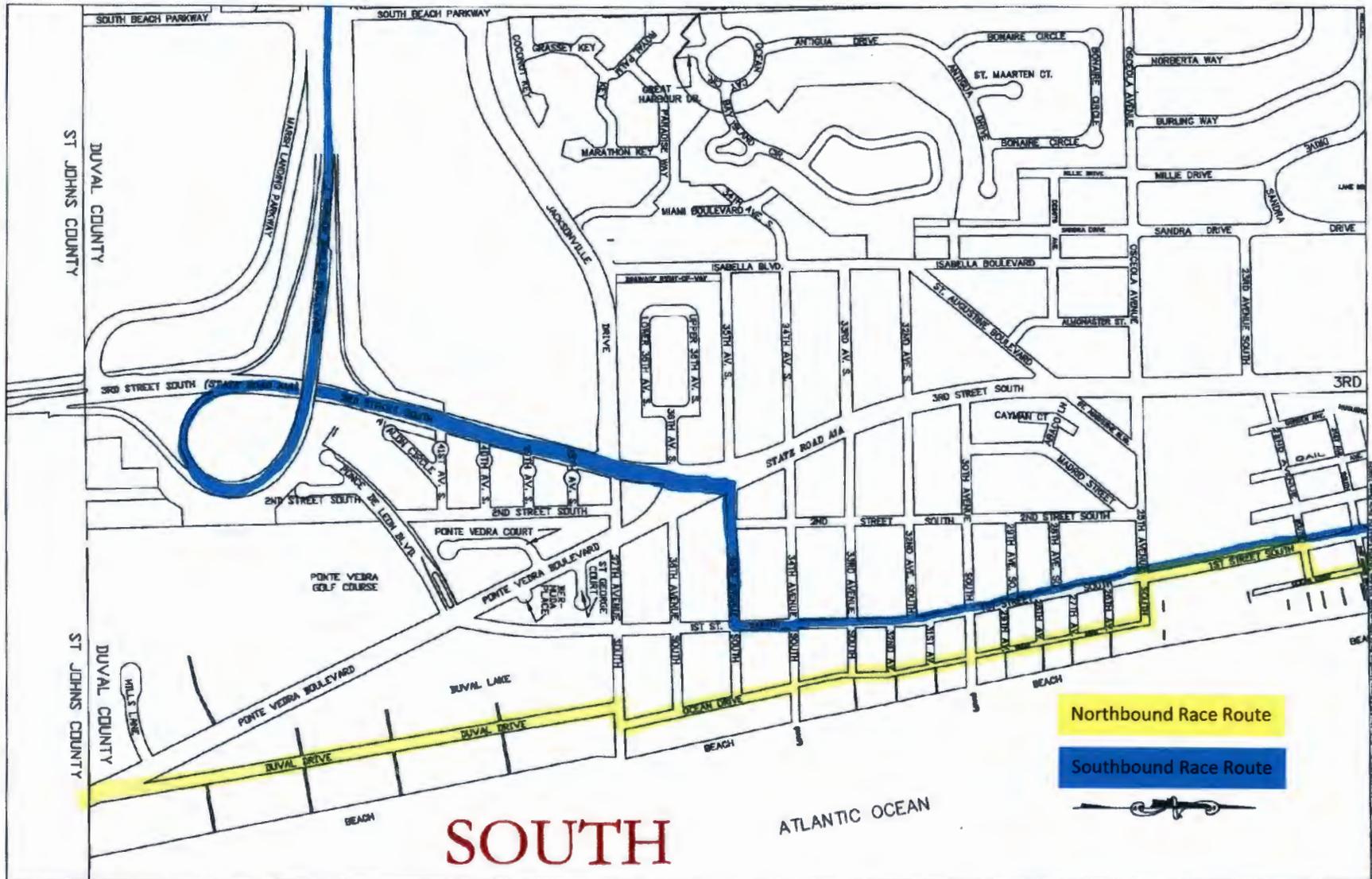
Ocean Dr

35th Ave S

A1A

JTB

2016 26.2 WITH DONNA RACE ROUTE



2016 26.2 WITH DONNA RACE ROUTE

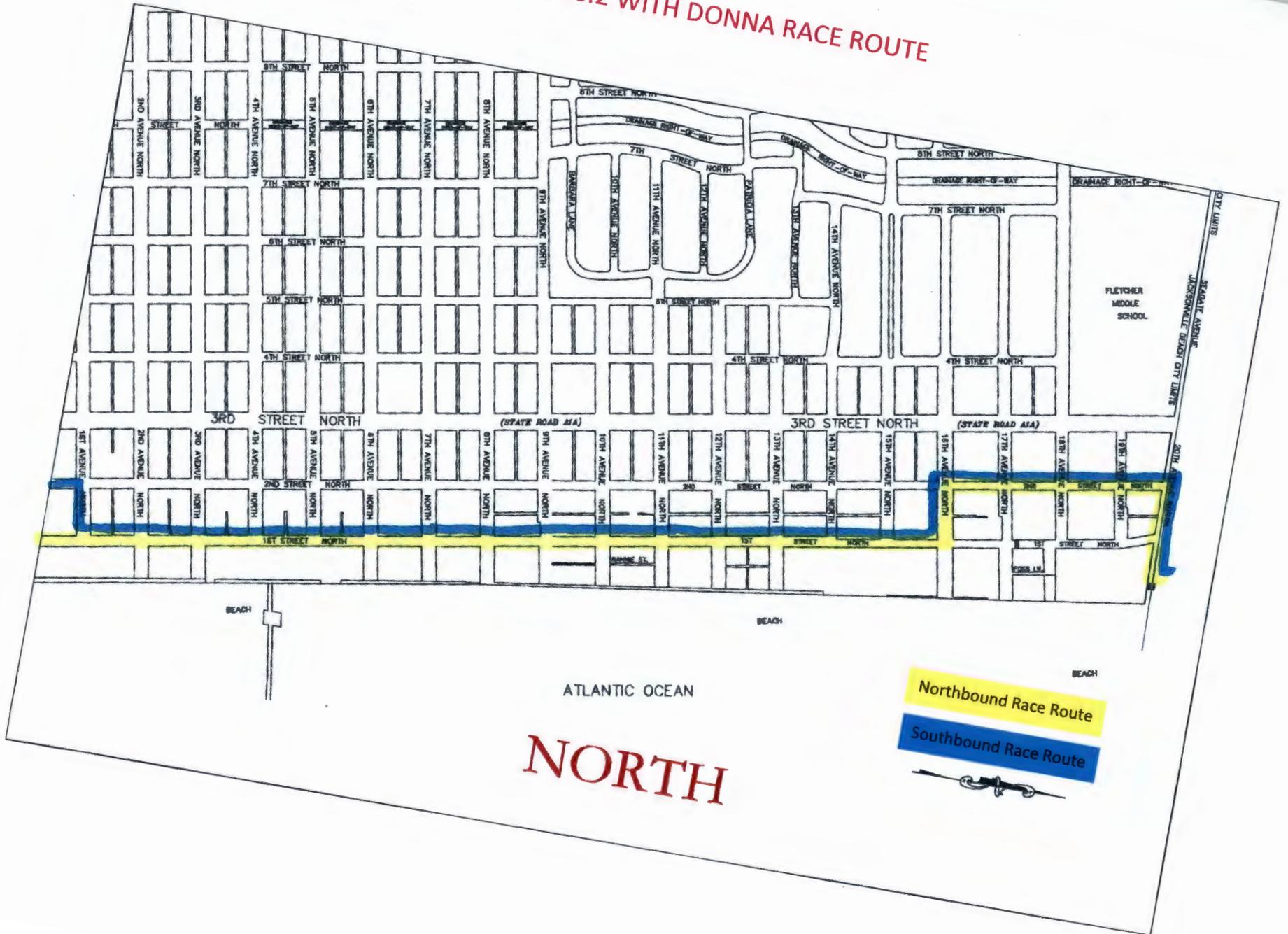


CENTRAL

Northbound Race Route
Southbound Race Route



2016 26.2 WITH DONNA RACE ROUTE



City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6268

Fax: 904.247.6276

www.jacksonvillebeach.org

MEMORANDUM

TO: Mayor Latham
City Council Members

FROM: George D. Forbes
City Manager

DATE: December 10, 2015

SUBJECT: Approve funding for temporary part-time special projects manager for Parks & Recreation

ACTION REQUESTED

Approve funding for a temporary part-time special projects manager for Parks & Recreation.

BACKGROUND

For over 30 years, Gary Meadors has served the City well, first as a Golf Course Maintenance Supervisor, and later as a Landscape/Parks Maintenance Director and finally as the Parks & Recreation Director. His knowledge of the history and requirements of the City's parks, recreation facilities and landscaped areas is unsurpassed. Mr. Meadors will be retiring on January 2, 2016. A search for a new Parks & Recreation Director is currently underway.

To help manage the transition to a new Parks & Recreation Director, Gary has indicated his willingness to work part-time on special projects such as the conversion of the paper cemetery records and maps to a digital format, and to manage some of our larger parks improvement projects (Oceanfront Park and Cradle Creek) among other projects.

This temporary, part-time position would be budgeted for 15-20 hours per week for the next 12 to 18 months. If approved, funding will be from the General Fund unallocated account and the 2016 budget will be adjusted by \$31,589 in the mid-year budget adjustment. Funding for FY2017 will be included in the FY2017 budget.



RECOMMENDATION:

Approve the addition of a temporary, part-time position in the Parks & Recreation Department as described in a memo from the City Manager dated December 10, 2015.



December 10, 2015

TO: George Forbes, City Manager

FROM: Ty Edwards, Public Works

SUBJECT: Award Bid 1415-12, Ocean Forest Drainage improvements Project (Parts A & B)

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
[P] 904.247.6268
[P] 904.247.6276

www.jacksonvillebeach.org

ACTION REQUESTED:

Award Unit Price Bid Number 1415-12, "Ocean Forest Drainage Improvements Project (Parts A & B)," to *G & H Underground Construction, Inc.*, and authorize Construction Administration Services with the project design firm, *Jones Edmunds & Associates, Inc.*

BACKGROUND:

This project is part of the stormwater improvements program, in the City's Capital Improvement Plan, where existing deteriorated stormwater pipes are being replaced / enhanced over time. The Ocean Forest Subdivision, one of the City's older neighborhoods, is the focus of this project.

<u>Project Limits</u>	
North	Tallwood Road / Oakwood Road / Arden Way
South	12 th Avenue North
East	Sunset Drive
West	Tallwood Road

The project was divided into two parts based on accessibility of the work locations.

<u>Project Work Summary</u>	
<u>Part A</u> <i>(in unconfined locations)</i>	<u>Part B</u> <i>(in confined locations)</i>
<ul style="list-style-type: none"> • Replace 2600 LF (+/-) of old, galvanized metal storm pipe with new ranging in size: <ul style="list-style-type: none"> ○ from 15" diameter PVC pipe ○ to 36" diameter RCP pipe • Install 4 new concrete headwalls • Install 2 new & replace 4 old storm manholes • Install 1 new concrete gravity wall • Install concrete rip-rap & geotextile fabric for erosion mitigation • Remove & replace 1 concrete flume • Remove & replace curb/gutter & sidewalk • Install 3 new & replace 36 old storm inlets • Water & gravity sewer adjustments in conflict with the gravity stormwater work 	<ul style="list-style-type: none"> • Install Cured in Place Pipe (CIPP) as liner inside 1715 LF (+/-) of old storm pipe ranging in size: <ul style="list-style-type: none"> ○ from 15" galvanized metal pipe ○ to 24" galvanized metal pipe



The Invitation to Bid was advertised, eleven (11) bid packages were requested and three (3) bids were received. The City's design engineer firm, *Jones Edmunds & Associates, Inc.*, evaluated the bids and **recommends award to *G & H Underground Construction, Inc.*, the lowest, qualified bidder.** The bid tabulation sheet is attached. The construction cost and staff recommendation are summarized as follows:

Unit Price Bid No: 1415-12, Ocean Forest Drainage Improvements Project (Parts A & B)				
<u>DESCRIPTION</u>	<u>Stormwater Costs</u>	<u>Water/Sewer Costs</u>	<u>Total</u>	<u>RECOMMENDATION</u>
Unit Price Bid <i>(estimated quantities)</i>	\$1,045,173.40	\$257,958.00	\$1,303,131.40	• Award bid to <i>G&H Underground Construction, Inc.</i> , <i>(lowest qualified bidder)</i>
10% Contingency	\$104,517.60	\$25,795.00	\$130,312.60	
Construction Total:	\$1,149,691.00	\$283,753.00	\$1,433,444.00	
Engineer Construction Admin. (C&A) Services	\$17,027.63	\$4,202.57	\$21,230.20	• Authorize C&A with <i>Jones Edmunds & Associates, Inc.</i> <i>(project's design firm)</i>
10% Contingency	\$1,702.37	\$420.43	\$2,122.80	
C&A Services Total:	\$18,730.00	\$4,623.00	\$23,353.00	
GRAND TOTAL:	\$1,168,421.00	\$288,376.00	\$1,456,797.00	
* Originally, this project was budgeted in FY2014 and FY2015 for construction as 2 projects. Subsequently, it was decided to bid and construct as one project.				
** Project funding is to be added to the FY2016 Public Works budget from fund balances in two Enterprise Funds - Water & Sewer (\$288,376) and Stormwater (\$1,168,421).				

It is recommended that Unit Price Bid 1415-12, "Ocean Forest Drainage Improvements Project (Parts A & B)," be awarded to the lowest, qualified bidder, ***G & H Underground Utility Construction, Inc.*** at a cost, based on estimated quantities, of **\$1,303,131.40**, plus a 10% contingency, for a total cost not to exceed **\$1,433,444.00**.

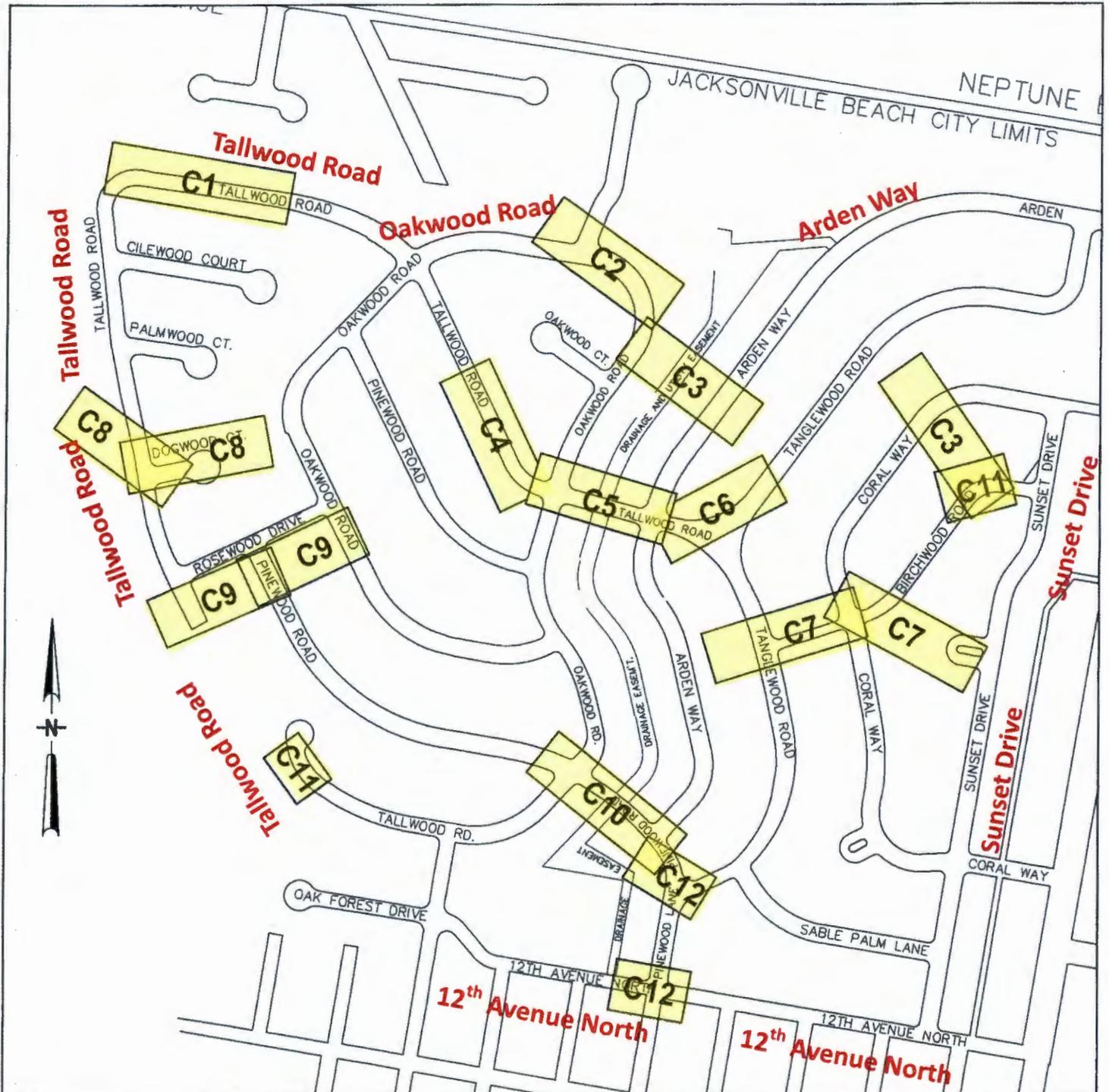
It is recommended that Construction Administration Services be authorized with the project's design firm, ***Jones Edmunds & Associates, Inc.***, at a total cost, based on hourly rates, of **\$21,230.20**, plus a 10% contingency, for a total cost not to exceed **\$23,353.00**.

RECOMMENDATION:

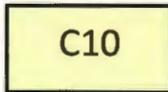
Award Unit Price Bid Number 1415-12, titled "Ocean Forest Drainage Improvements Project (Parts A and B)" to the lowest, qualified bidder, ***G & H Underground Construction, Incorporated***, and authorize Construction Administration Services with the project's design firm, ***Jones Edmunds and Associates, Incorporated***, as explained in the memorandum from the Public Works Director dated December 10, 2015.

OVERVIEW LOCATION MAP

Bid 1415-12, Ocean Forest Drainage Improvements Project



LEGEND



C10

Project Work Area;
C10 = Sheet Number from Construction Plans



November 13, 2015

Dennis Dupries
Construction Project Manager
City of Jacksonville Beach
Department of Public Works
1460-A Shetter Avenue
Jacksonville Beach, Florida 32250

RE:

Recommendation of Award
Ocean Forest Drainage Improvements
City Bid No. 1415-12
Jacksonville Beach, Florida
Jones Edmunds Project No.: 09803-030-02

Dear Mr. Dupries:

Jones Edmunds is pleased to enclose a copy of the certified Bid Tabulation for the bids received by the City of Jacksonville Beach (City) on Wednesday, November 4, 2015, at 2:00 PM (local time), for the referenced project. The bids have been verified and evaluated for conformance with the criteria set forth in the Bidding Documents.

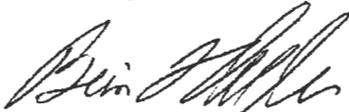
G&H Underground Construction, Inc. (G&H) is the lowest responsive bidder for the project with a bid amount for Part A of \$1,006,551.80 and a bid amount for Part B of \$296,579.60. Based on our understanding of available City funds, we recommend that G&H is awarded Parts A and B for the total amount of \$1,303,131.40. We also recommend that the City set aside a contingency fund in an amount no less than 10% of the bid amount to allow for any unknown conditions that may be encountered during construction.

The City's experience with G&H, as well as a review of their Bid Bonds and Dun and Bradstreet credit rating, indicates that they meet the requirements of the City for award of the project. They are a very reputable Contractor and have performed excellent work for the City over a number of years.

Dennis Dupries, Construction Project Manager
November 13, 2015
Page 3

We appreciate this opportunity to be of service to the City of Jacksonville Beach and look forward to the successful construction of this project. If you have any questions, please feel free to contact me at (904) 744-5401 or bhepburn@jonesedmunds.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian F. Hepburn". The signature is fluid and cursive, with the first name "Brian" being the most prominent part.

Brian F. Hepburn, MPA
Project Manager

K:\09803 Jacksonville Beach\030-02 OCEAN FOREST PSDC3 - Construction\Notice of Award\RECAWARD LTR.doc

Enclosure



December 10, 2015

TO: George Forbes, City Manager

FROM: Ty Edwards, Public Works

SUBJECT: Award Unit Price Bid No. 1516-01, Downtown Redevelopment District Infrastructure Improvements, Phase IIIC – Project 1

City of Jacksonville Beach City Hall 11 North Third Street Jacksonville Beach FL 32250 [P] 904.247.6268 [P] 904.247.6276

www.jacksonvillebeach.org

ACTION REQUESTED:

Award Unit Price Bid Number 1516-01, "Downtown Redevelopment District Infrastructure Improvements, Phase IIIC – Project 1," to J.B. Coxwell Contracting, Inc., and authorize Construction Administration Services with the project design firm, GAI Consultants, Inc.

BACKGROUND:

The City of Jacksonville Beach is continuing the implementation of the Downtown Redevelopment District Vision Plan to enhance the overall community quality of life. Phase IIIC – Project 1 begins the improvements to the south of Beach Boulevard, east of 3rd Street (A1A).

Table with 2 columns: North, South, East, West. North - Beach Boulevard, South - 4th Avenue South, East - Avenue end zones, West - 3rd Street South

Table with 2 columns under the heading PROJECT WORK SUMMARY. Left column lists: Rebuild roads and curb & gutter, Install new and rebuild existing stormwater drainage systems, Install new & rebuild old on-street parking, Rebuild sidewalks & driveway aprons, Rebuild water and sanitary sewer systems including fire hydrants, Install new & relocate existing street light poles. Right column lists: Install wider bike lanes on 1st Street South, Relocate utilities corridors next to outside edge of road rights-of-way, Concrete pave all alleyways for better drainage and vehicle access, Demo roads, curbs, sidewalks, trees, etc., Relocate/replace dumpster enclosures in alleys, Paver enhancements to avenue bulb-outs & eastside 1st St. sidewalk to Oceanfront Park

A public hearing for the pre-qualification procedure for this project was held on October 23, 2015. The project was advertised and seven (7) contractors submitted pre-qualification applications on November 6, 2015. All seven (7) of these contractors were determined to be pre-qualified by the engineer to bid on this project. On November 19, 2015, a non-mandatory pre-bid meeting was held and six (6) pre-qualified bidders attended. Five (5) pre-qualified contractors



submitted bids on December 9, 2015. The engineer recommends award to *J.B. Coxwell Contracting, Inc.*, the lowest, qualified bidder. The bid tabulation sheet is attached. Project cost summary and staff recommendation are summarized in the following chart.

Unit Price Bid 1516-01, Downtown Redevelopment District Infrastructure Improvements, Phase IIIC – Project 1		
DESCRIPTION	COST	RECOMMENDATION
Total Unit Price Bid <i>(estimated quantities)</i>	\$5,495,646.80	Award Bid to <i>J.B. Coxwell Contracting Inc.</i> (the lowest, qualified bidder)
10% Contingency	\$549,565.20	
Construction Total:	\$6,045,212.00	
Engr. Construction Admin. (C&A) Services	\$125,334.00	Authorize C&A Services with the project's design firm, <i>GAI Consultants, Inc.</i>
10% Contingency	\$12,534.00	
C&A Services Total:	\$137,868.00	
Construction Inspection (C&I) Services	\$156,167.00	Authorize C&I Services through the <i>City's Public Works Department</i>
10% Contingency	\$15,617.00	
C&I Services Total:	\$171,784.00	
GRAND TOTAL:	\$6,354,864	
The contract completion time is 550 days (18.33 months) after Notice to Proceed is issued.		

The Community Redevelopment Agency is scheduled to consider appropriating funds for this project from the Downtown Redevelopment Tax Increment Trust Fund on December 16, 2015. The following recommendations to the City Council are contingent on the Agency's funding decision:

1. Award Unit Price Bid 1516-01, "Downtown Redevelopment District Improvements, Phase IIIC – Project 1," to the lowest, qualified bidder, *J.B. Coxwell Contracting, Inc.*, at a cost, based on estimated quantities, of \$5,495,646.80 plus a 10% contingency, for a total cost not to exceed \$6,045,212.00.
2. Authorize Construction Administration Services with the project's design firm, *GAI Consultants, Inc.*, at a cost of \$125,134.00, plus a 10% contingency, for a total cost not to exceed \$137,868.00.
3. Authorize Construction Inspection Services through the *City's Department of Public Works*, at an estimated cost of \$156,167.00, plus a 10% contingency, for a total cost not to exceed \$171,784.00.

RECOMMENDATION:

Award Unit Price Bid Number 1516-01, titled "Downtown Redevelopment District Infrastructure Improvements, Phase IIIC – Project 1" to *J.B. Coxwell Contracting, Incorporated*, authorize Construction Administration Services with the project's design firm, *GAI Consultants, Incorporated*, and authorize Construction Inspection Services through the *City's Public Works Department*, as described in the memorandum from the Public Works Director dated December 10, 2015.

**OVERVIEW MAP, Bid 1516-01
Downtown Redevelopment District
Infrastructure Improvements,
Phase IIIC – Project 1**

PROJECT WORK SUMMARY

- Rebuild all roads and curb & gutter
- Rebuild existing and install new stormwater drainage system
- Install new & rebuild old on-street parking
- Rebuild sidewalks & driveway aprons
- Rebuild water and sanitary sewer systems including fire hydrants
- Install new & relocate existing street light poles
- Install wider bike lanes on 1st Street South
- Relocate utilities corridors next to outside edge of road rights-of-way
- Concrete pave all alleyways for better drainage and vehicle access
- Demo roads, curbs, sidewalks, trees, etc.
- Relocate/replace dumpster enclosures in alleys
- Paver enhancements to avenue bulb-outs & eastside 1st St. sidewalk to Oceanfront Park



December 11, 2015

Mr. Dennis Dupries
Construction Project Manager
Department of Public Works
City of Jacksonville Beach
1460-A Shetter Ave.-2nd Floor
Jacksonville Beach, Fl. 32250

RE: Phase IIIC Project 1 Infrastructure Improvements
Jacksonville Beach, FL
City Bid Number: 1516-01
Recommendation for Award

Dear Mr. Dupries,

We are pleased to enclose the bid tabulation for the five (5) bids for the referenced project. The bids have been checked for mathematical errors, verified and evaluated for conformance with the criteria set forth in the bidding documents.

JB Coxwell Contracting Inc. is the low bidder for the project with a Base Bid of \$5,495,646.80.

Based on the availability of Redevelopment Tax Increment Trust Funds, we recommend award of the Base Bid to JB Coxwell Contracting Inc. for a total of \$5,495,646.80. In addition, we recommend a 10% contingency be included for unforeseen circumstances during construction. The Base Bid including a 10% contingency amount is \$6,045,211.48.

We appreciate this opportunity to be of service to the City of Jacksonville Beach and look forward to the successful construction of this project.

Sincerely,

GAI Consultants, Inc.



Matthew Bolyard, PE
Senior Project Engineer

cc: Martin Martirone, City Engineer
Steve Lindorff, Director of Planning & Development



December 4, 2015

Mr. Marty Martirone
City of Jacksonville Beach
1460A Shetter Avenue
Jacksonville Beach, Florida 32250

**Subject: Phase 3C Project 1 Infrastructure Improvements
Fee Proposal for Post Design Services
GAI Project No.: B111188.00
Jacksonville Beach, Florida**

Dear Mr. Martirone,

We are pleased to submit to you this Not-to-Exceed Fee to provide Post Design Services to the City of Jacksonville Beach for the subject project. The fee is based on a 550 day proposed construction timeline. The services are for post design only and do not include Construction Administration or Construction Engineering and Inspection (CEI) Services.

The scope of work shall include:

- Public Meetings, Progress Meetings, Pre-Construction Meeting, Meeting Preparation, Attendance and Meeting Minutes
- (78) Site Visits (1 site visit per week)
- Shop Drawing Reviews
- RFI Analysis and Responses
- Plan Revisions
- Review and Approve Monthly Pay Applications
- Review Contractor MOT Plans
- Attend Final Inspection and Prepare Punch List
- FDEP Water and Sewer COCC Documents
- As Built Record Drawing Reviews
- Final Change Order and Approval of all closeout documents

Total Fee for Phase 3C Project 1 Infrastructure Improvements Post Design Fee

Total GAI Consultants Fee \$125,334.00

A summary breakdown of the proposed GAI Consultants fee is attached.

We look forward to assisting you on this important project. Additional full time CEI Services can be provided by GAI under a separate scope and fee to monitor daily construction activities at the City of Jacksonville Beach's request. Please contact myself at (904) 363-1110 x 2005 or Matt Bolyard (904) 363-1110 x 2023 with any questions or comments regarding this proposal.

Sincerely,

GAI Consultants, Inc.

A handwritten signature in black ink, appearing to read 'K. Leadbetter', with a stylized flourish at the end.

Kevin Leadbetter, P.E.
Vice President/Managing Officer

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6263

Fax: 904.247.6169

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Ann Meuse, Human Resources Director *AM*
SUBJECT: Resolution Number 1956-2015, Amending the Personnel Policies,
Effective December 21, 2015.
DATE: December 3, 2015

ACTION REQUESTED

Adopt Resolution Number 1956-2015, amending Chapter 4 of the Personnel Policies to remove the 5 day minimum hospitalization requirement included in the definition of a catastrophic illness for the purpose of employee vacation leave donations.

BACKGROUND

The City recognized that during times of serious illness, an employee's financial integrity is often at risk and established a leave donation policy in 2012 that allows full-time City employees to donate accrued vacation leave to other employees within the City in the event of a catastrophic illness. According to the City policy, catastrophic illness is defined as follows:

"Catastrophic illness is defined as a) a life threatening illness that requires hospitalization of a minimum of five days and recovery at home or in another facility (the hospitalization must not be due to elective surgery) or b) a disease or illness certified by a duly licensed physician practicing within the scope of the physician's license which disables the individual from performing all his/her job functions for an extended period of time (at least 30 calendar days)."

Medical treatment for life threatening illnesses continues to change dramatically and it is not unusual for individuals suffering from a catastrophic illness to experience hospital stays less than the five day minimum required in the City



Memorandum to George D. Forbes

December 3, 2015

Page 2 of 2

policy. This has resulted in some employees, who are suffering catastrophic life threatening illnesses, not being eligible for donated leave from their fellow employees, which was never the intent of the policy.

In order to correct this situation the policy has been amended (see pages 4-13 and 4-14 of Attachment A) to remove the 5 day minimum hospitalization requirement in the definition of a catastrophic illness.

RECOMMENDATION

Adopt Resolution Number 1956-2015, amending the Personnel Policies to remove the 5 day minimum hospitalization requirement included in the definition of a catastrophic illness for the purpose of employee vacation leave donations.

Introduced By: _____

Adopted: _____

RESOLUTION NO. 1956-2015

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE PERSONNEL POLICIES RELATING TO EMPLOYEE DONATIONS OF VACATION LEAVE IN THE EVENT OF A CATASTROPHIC ILLNESS, EFFECTIVE DECEMBER 21, 2015.

WHEREAS the City has adopted a comprehensive set of Personnel Policies, and

WHEREAS it is necessary to periodically update those policies to reflect professional personnel practices and meet the needs of the City and its employees, and

WHEREAS the City's current policy for vacation leave donation for catastrophic illness defines a catastrophic illness as a life threatening illness that requires hospitalization of a minimum of five days, and

WHEREAS medical treatment for life threatening illnesses continues to change and it is not unusual for individuals suffering from a catastrophic illness to experience hospitalization less than the five day minimum required in the City policy.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. The City hereby amends Chapter 4 of the Personnel Policies to remove the five day minimum hospitalization requirement for an employee to qualify for the donation of vacation leave in the event of a catastrophic illness as shown in Attachment A, dated December 21, 2015, and hereby made part of this resolution.

SECTION 2. The City Manager is hereby authorized to implement the amended Personnel Policies and take any action necessary to carry out implementation not in conflict with any other laws or ordinances.

SECTION 3. This resolution shall take effect December 21, 2015

AUTHENTICATED this _____ day of _____ 2015.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

- b. Any amount paid by the City to the employee which is subsequently paid by Workers' Compensation, shall be reimbursed by the employee to the City.
- c. On-The-Job-Injury Leave may be granted in addition to normal accrued sick or annual leave. Medical review may be required by the City to continue this leave. The employee shall be responsible to provide all medical documentation to the City so that a determination of his fitness for duty can be made. The City Manager shall have the right to suspend/terminate this benefit at any time.
- d. An employee sustaining a lost time injury may use accumulated sick, annual, compensatory time and/or personal leave to cover the time off the job due to injury until he is compensated by Workers' Compensation. Sick, annual, compensatory time and/or personal leave can be used to supplement that percentage (33-1/3) of his pay which is not covered by Workers' Compensation. The request permitting the employee to do the above must be made through his/her department.
- e. An employee receiving any On-the-Job Injury, Sick or Annual leave benefits under the provisions of this section shall not work at any secondary jobs. Violation of this section shall result in automatic termination.
- f. Sick and Annual Leave shall continue to accrue while an individual is absent due to workers' compensation injury unless he/she is in (LWOP) Leave Without Pay Status.

14. Vacation Leave Donation for Catastrophic Illness. Any full-time City employee who suffers a catastrophic illness and has exhausted his/her accumulated leave (compensatory time, sick leave, personal leave, vacation, etc.) may be eligible to receive vacation leave donations from other employees within the City.

- a. Catastrophic illness is defined as a) a life threatening illness that requires hospitalization ~~of a minimum of five days~~ and recovery at home or in another facility (the hospitalization must not be due to elective surgery) or b) a disease or illness certified by a duly licensed physician practicing within the scope of the physician's license which disables the individual from performing all his/her job functions for an extended period of time (at least 30 calendar days).
- b. Employees may request this leave donation by submitting a leave request with appropriate medical certification to their supervisor two weeks in advance of when the leave donation is needed. Failure to provide notice

two weeks in advance may result in denial of the leave donation unless, due to circumstances beyond the employee's control, the appropriate notice could not be given. The Department Director may also initiate a request for vacation leave donation.

- c. Payment begins on the first day following a five consecutive unpaid work day elimination period.
- d. Employees who wish to donate vacation leave to another employee's sick account for catastrophic illness (as defined above) may do so by completing a vacation leave donation form and submitting it to the Department Director. The maximum donation allowed per incident from any one employee is 40 hours. Employees making the donation must have a minimum 80 hour balance in order to donate. Donations must be made in increments of not less than eight hours.
- e. The maximum leave donation allowable to any one employee is 240 hours per catastrophic event.
- f. Any donated vacation leave that is unused shall be returned to the donor(s) in an amount equal to the donor's pro-rated share of the total hours donated.
- g. The City Manager or his/her designee shall have sole discretion in approving any leave donation request. No provision of this section is subject to the grievance procedure.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Karen Nelson, Chief Financial Officer
SUBJECT: Ordinance Number 2015-8066, Amending Chapter 30, Article III, "Additional Homestead Exemptions", of the Code of Ordinances
DATE: December 10, 2015

ACTION REQUESTED

Adopt Ordinance Number 2015-8066, amending Chapter 30, Article III, of the Code of Ordinances of the City of Jacksonville Beach to authorize an additional Senior Homestead Exemption for homeowners meeting certain criteria as defined in the Florida Statutes.

BACKGROUND

Florida Statutes §196.075(2) authorized a property tax exemption for limited-income homesteaded senior citizens who meet certain criteria. According to statute, municipalities may grant this additional exemption by ordinance adopted in the manner prescribed by general law. The City Council adopted Ordinance Number 2000-7787 on April 3, 2000, authorizing the additional homestead exemption of \$25,000 for any person who:

- Has the legal or equitable title to real estate, and
- Maintains thereon the permanent residence of the owner, and
- Has attained the age of 65, and
- Whose household income does not exceed \$20,000

In November 2012, the Florida Legislature amended §196.075 to add a second additional senior homestead exemption in an amount up to the assessed value of the homesteaded property. To qualify for the second additional exemption, the home's just (market) value on record must be less than \$250,000.



Memorandum to George D. Forbes

December 10, 2015

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In addition, qualified applicants must:

- Have legal or equitable title to the property, and
- Have resided on the property for no less than 25 years, and
- Be 65 or older, and
- Meet annual limited income requirements prescribed in FS §196.075 (the limitation for 2015 is \$28,448)

The new law could provide a qualifying property owner with a total exemption from the City's portion of property taxes. For those who do not meet the criteria of the new exemption, the existing income-based senior exemption (up to \$25,000 off the assessed value for municipal levies) is not impacted and remains available for those who qualify.

Ordinance Number 2015-8066, authorizing the second exemption, will become effective on January 1, 2017 and will be administered through the Exemptions Division of the Duval County Property Appraiser's Office. The impact on the City's budget will be realized in the subsequent year as a reduction to ad valorem tax revenues. The dollar amount of the impact depends on the number of qualified property owners that make application for the exemption, but it is expected to be insignificant to the total amount of the tax assessment.

RECOMMENDATION

Adopt Ordinance Number 2015-8066, amending Chapter 30, Article III, "Additional Homestead Exemptions", of the Code of Ordinances of the City of Jacksonville Beach to provide a second additional Senior Homestead Exemption.

Introduced By: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2015-8066

AN ORDINANCE AMENDING CHAPTER 30, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH BY AMENDING SECTION 30-34 (a), ADDITIONAL HOMESTEAD EXEMPTIONS AUTHORIZED, ADDING SECTION 30-34(b) TO AUTHORIZE AN ADDITIONAL EXEMPTION AND AMENDING SECTION 30-35, ANNUAL ADJUSTMENT TO HOUSEHOLD INCOME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE AND PROVIDING DIRECTIONS TO THE CITY CLERK.

WHEREAS, Article VII, §6(d), Florida Constitution, authorizes the State Legislature to enact a general law allowing local governments, for the purpose of their respective tax levies, to grant an additional homestead exemption; and

WHEREAS, Article VII, §6(d), Florida Constitution, provides for an additional homestead exemption equal to the assessed value of the property for any person who has the legal or equitable title to real estate with a just value less than \$250,000 and who has maintained thereon the permanent residence of the owner for not less than twenty-five years and who has attained age 65 and whose household income does not exceed low income as defined by general law; and

WHEREAS, the State Legislature enacted Chapter 2012-57, Laws of Florida, amending §196.075, Florida Statutes, implementing Article VII, §6(d), Florida Constitution, effective July 1, 2013; and

WHEREAS, the City Council of the City of Jacksonville Beach desires to provide for an additional homestead exemption within the provisions and limitations of Article VII, §6(d), Florida Constitution, Chapter 2012-57, Laws of Florida, and §196.075, Florida Statutes; and

WHEREAS, the additional homestead exemption should be in the form of an ordinance and should be delivered to the Duval County Property Appraiser no later than December 1, 2016 to be effective in the 2017 tax year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That Chapter 30, Article III of the City of Jacksonville Beach Code of Ordinances shall be hereby amended as follows:

Sec 30-33 – Defintions.

As used in this part, the following terms shall have the following meanings:

“Household” means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.

“Household Income” means the adjusted gross income, as defined in Section 62 of the United States Internal Revenue Code, of all members of a household.

Sec 30-34 – Additional Homestead Exemptions Authorized.

(a) Commencing January 1, 2001, and annually thereafter, pursuant to Article VII, §6(d), Florida Constitution, and §196.075, Florida Statutes, an additional homestead exemption of \$25,000 is hereby authorized for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained the age of 65 and whose household income does not exceed \$20,000, adjusted by the cost of living index for calendar year 2000. the income limitation prescribed in §196.075, Florida Statutes.

(b) Commencing January 1, 2017 and annually thereafter, pursuant to Article VII, §6(d), Florida Constitution and §196.075, Florida Statutes, an additional homestead exemption is authorized equal to the amount of the assessed value of the property for any person who has the legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, who has attained age 65, and whose household income does not exceed the income limitation prescribed in §196.075, Florida Statutes.

Sec 30-35 - Annual Adjustment to Household Income.

~~Beginning January 1, 2001, the household income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost of living index in the period January 1 through December 31 of the immediate prior year compared to the same period for the year prior to that. The index is the average of the monthly consumer-price index figures for the stated 12 month period, relative to the United States as a~~

whole, issued by the United States Department of Labor. The household income limitation shall be adjusted annually, on January 1, in accordance with §196.075, Florida Statutes.

Sec 30-36 - Annual Filing of Household Income Statement.

Any taxpayer claiming the additional homestead exemption must submit annually, not later than March 1 of each year, to the Duval County Property Appraiser, a sworn statement of household income. Such statement shall be on a form and under rules prescribed by the Florida Department of Revenue.

SECTION 2. That, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions are declared severable.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon adoption in accordance with the Charter of the City of Jacksonville Beach.

SECTION 5. The City Clerk is hereby directed to deliver a true and correct certified copy of this Ordinance to the Duval County Property Appraiser's Office as soon as practicable, but in no event later than December 1, 2016.

This Ordinance was passed on the first reading at a regular meeting of the City Council on the _____ day of _____ 2015, and adopted on the second/final reading at a regular meeting of the City Council on the _____ day of _____ 2016.

AUTHENTICATED THIS _____ DAY OF _____, 2016.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK