



Agenda

City Council

Tuesday, September 3, 2019

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

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

19-149 Regular Council Meeting held on August 19, 2019

19-150 Special City Council Meeting held on August 23, 2019

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

19-151 Approve Funding for the Replacement of Two HVAC Units at City Hall

19-152 Award RFP No. 05-1819 for Property and Liability Insurance to Thompson Baker Agency, Inc. and Workers Compensation Insurance to Florida League of Cities

19-153 Award Bid No.1819-06, Stormwater Channel Improvements (J. Turner Butler Boulevard to Marsh Landing Parkway) to A.W.A. Contracting Co. Inc.

- 19-154** Award Bid No. 1819-15, Offsite 12" Well Header for Water Treatment Plant #1, Well No. 16 and 6" Water Main Replacement to The Kenton Group, Inc. dba Baldwin's Quality Plumbing
- 19-155** Award Bid No. 1819-16, Landscape Maintenance to BrightView Landscape Services Inc. for Sections 2 and 3 and to Down to Earth-Jacksonville for Section 1
- 19-156** Award Bid No. 1819-17, 4th Street South Stormwater Improvements to Kirby Development, Inc. for Construction Services, and Authorize Construction Administration Services with Applied Technology & Management, Inc.
- 19-157** Award Bid No. 1819-18 120/208V, 1,500 kVA, Distribution Transformers to the Lowest, Responsive, Responsible Bidder, Gresco

RESOLUTIONS

- 19-158** RESOLUTION NO. 2039-2019

A RESOLUTION OF BEACHES ENERGY SERVICES, FLORIDA, APPROVING THE FORM AND CONTENT OF THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT DATED AS OF MARCH 25, 2011, AUTHORIZING THE EXECUTION OF THE ASSUMPTION AGREEMENT AND THE GAS SERVICES AGREEMENT AND AUTHORIZING THE DELIVERY OF SUCH INSTRUMENTS TO FLORIDA GAS UTILITY; PROVIDING FOR THE MAKING OF PAYMENTS PURSUANT TO SAID GAS SERVICES AGREEMENT; APPOINTING A DIRECTOR AND AN ALTERNATE DIRECTOR TO SERVE ON THE BOARD OF DIRECTORS OF FLORIDA GAS UTILITY; AND MAKING CERTAIN COVENANTS IN CONJUNCTION THEREWITH; PROVIDING CERTAIN AUTHORIZATIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO.

- 19-159** RESOLUTION NO. 2033-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING FEES RELATED TO SHORT TERM VACATION RENTALS; PROVIDING FOR REFUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCES

- 19-160** ORDINANCE NO. 2019-8118 (Second Reading) (Public Hearing)

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VIII. SITE DEVELOPMENT STANDARDS, DIVISION 2. SUPPLEMENTAL STANDARDS, CREATING A NEW SECTION 34-411 SHORT TERM VACATION RENTALS, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES; AMENDING

CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE IV. DEFINITIONS, PROVIDING DEFINITIONS; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VII. ZONING DISTRICTS, DIVISION 2. ZONING DISTRICTS, SECTION 34-336. RESIDENTIAL, SINGLE-FAMILY: RS-1, SECTION 34-337. RESIDENTIAL SINGLE-FAMILY: RS-2, SECTION 34-338. RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339. RESIDENTIAL MULTIPLE-FAMILY: RM-1, SECTION 34-340. RESIDENTIAL, MULTIPLE-FAMILY: RM-2, SECTION 34-341. COMMERCIAL PROFESSIONAL OFFICE: CPO, SECTION 34-342. COMMERCIAL LIMITED: C-1, SECTION 34-343. COMMERCIAL GENERAL: C-2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD; PROVIDING THAT SHORT TERM VACATION RENTALS ARE A PERMITTED USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

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, August 19, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Mayor Latham requested everyone rise for a moment of silence for two Firefighters missing at sea, followed by the salute to the flag.

CALL TO ORDER:

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

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos and Acting City Attorney Denise May.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously to approve the following minutes:

- Council Workshop held on July 29, 2019
- Budget Showcase held on August 2, 2019
- Budget Workshop held on August 5, 2019
- Council Briefing held on August 5, 2019
- Budget Workshop held on August 6, 2019
- Budget Workshop held on August 12, 2019

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously, to approve the following minutes:

- Regular Council Meeting held August 5, 2019
- Budget Workshop held on August 8, 2019

Council Member Golding requested these minutes be amended to correct some scrivener's errors.

Amended Motion: It was moved by Ms. Golding, seconded by Mr. Vogelsang, and passed unanimously, to approve the minutes as amended.

ANNOUNCEMENTS:

Council Member Doherty thanked City staff and his colleagues for the hard work put into the budget workshops. He apologized for not being here and stated he was out of the country.

Council Member Golding stated she attended the Florida League of Cities conference.

Council Member Nichols stated he believes there is a misconception of what a parking garage looks like and said restaurants, shops and parking garages are not mutually exclusive. Mr. Nichols would like to refer to a parking garage as a mixed-use plaza project when discussed in the future.

Mayor Latham stated he attended the Florida League of Mayors and the Florida League of Cities conference. He noted the President of the Florida League of Mayors named him [Mayor Latham] as Chairman of the Short-Term Rental Sub-committee.

COURTESY OF THE FLOOR TO VISITORS:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, spoke about his ideas on the Downtown Vision Plan and suggested a possible community committee.
- Casey Jones, 125 11th Street, Atlantic Beach, expressed his gratitude to the City Manager for the steps taken to provide better protection for sea turtles.
- Rebecca Like, 1017 2nd Street North, Jacksonville Beach, spoke about the Downtown area and how it could offer more dining options. Ms. Like also favored a possible community committee.
- Ron Taylor, 360 13th Avenue North, Jacksonville Beach, stated there is a need for more public safety in the community to help change the culture of Jacksonville Beach.
- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach, spoke about his concerns regarding planning in the City as it relates to neighborhoods.
- Alan Leslie, 2309 Coste Verde Boulevard, Jacksonville Beach, spoke about the need for increased police presence in the Downtown area.

MAYOR AND CITY COUNCIL:

CITY CLERK:

CITY MANAGER:

Item #19-144 – Approve the Monthly Financial Reports for the Month of July 2019

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the Monthly Financial Reports for the Month of July 2019.

Council Member Dumont asked for clarification regarding the expenditures for Building Maintenance. Chief Financial Officer Ashlie Gossett stated minor repairs are scheduled for the City Hall building as well as the annual load test on the generator. Ms. Gossett also stated a memo to Council would be presented at an upcoming meeting for approval to pay for the emergency replacement of the air conditioning units that serve the second floor of City Hall, which was scheduled to be replaced in FY2020.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed unanimously.

Item #19-145 – Award RFP No. 06-1819 for Inspection Services to Universal Engineering Sciences, Inc.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to Award RFP No. 06-1819 for Inspection Services to the highest-ranked respondent to Universal Engineering Sciences, Inc.

Mr. Staffopoulos stated the City's Building Department is small in comparison to other jurisdictions. Contractual services are occasionally needed for plan reviews and field inspections. An RFP was advertised and Universal Engineering Sciences was the highest-ranking company.

Council Member Dumont expressed concern regarding a contracted inspector approaching and visiting a residential property and not identifying as a contracted employee of the City. Building Official George Knight stated the contractors are needed to assist with inspections at commercial sites. Council Member Hoffman also had concerns regarding contracted workers representing the City at residential properties. Mr. Knight explained he does the commercial inspections and would continue to do so, but may need assistance with anticipated large projects coming up.

Roll Call Vote: Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed unanimously.

Item #19-146 – Defer Second Reading of Short Term Rental Ordinance No. 2019-8118 to September 3, 2019

Mr. Staffopoulos stated due to recent legislation by the State of Florida regarding Short Term Rentals, a two-week deferral on this item was being requested to allow the City Attorney to review new case law.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to defer Ordinance No. 2019-8118, as amended, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted, to a date certain of Tuesday September 3, 2019.

Roll Call Vote: Ayes –Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed unanimously.

Item #19-147 – Consider Modifying a Submission to the Commission on Ethics continuation from August 5, 2019

Mr. Staffopoulos explained since the August 5, 2019, City Council meeting, when this item was tabled, additional information regarding the \$25,000 deductible had been obtained. He noted the previous information received had been clarified. The \$25,000 deductible was specific to any claims for damages. There is a zero deductible for legal defense.

Acting City Attorney Denise May clarified the procedures for withdrawing an official complaint and resubmitting a request for an opinion.

The following spoke regarding the agenda item:

- Jon McGowan, 5 North 17th Avenue #401, Jacksonville Beach

Council Members Dumont and Hoffman would like the process to continue with the currently filed complaint.

Mr. Nichols stated the former City Attorney, Susan Erdelyi, should be available for any questions the Council may have regarding any previous complaints regarding Council Members.

Council Member Golding stated she spoke to Executive Director for the Commission on Ethics Chris Anderson for further understanding and opinion. Ms. Golding said she was told the result would be a more definitive statement of the violation or lack thereof. Ms. Golding asked if the three specific questions from Ms. May's opinion memo were filed in the original complaint and if the Council could amend the complaint to include the three specific questions for clarity.

Ms. May stated she contacted the Commission on Ethics and a complaint can be amended. It is usually amended with factual information. By including the three specific questions, the Commission may see the amendment as limiting. Ms. Dumont stated the three specific questions could be addressed at a later time once the case is settled.

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding to move forward on the original process.

Roll Call Vote: Ayes –Hoffman, Nichols, Doherty, Dumont, Golding, Mayor Latham
Abstain – Vogelsang
The motion passed.

Item #19-148 – Authorize an Amendment to the Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve an amendment to the Interlocal Agreement between the City of Jacksonville Beach, Florida, and the City of Jacksonville, Florida for Advance Life Support and Fire Services.

Mr. Staffopoulos stated after auditors with the City of Jacksonville reviewed the proposed contract, Jacksonville Administration is requesting an amendment to Article 7(e). Mr. Staffopoulos reviewed the changes to the contract regarding the unfunded actuarial accrued liability of the Jacksonville Beach Firefighters' Retirement Plan.

Council Member Vogelsang asked what the rate of return was for the City's other Pension Plans are. Mr. Staffopoulos stated last year the City rate of return was 8%, this year it is at 7.9%, FY2020 would be at 7.75% and the following year would be at 7.5%. Mr. Staffopoulos stated the City is in a gradual decrease with the assumed rate of return.

Roll Call Vote: Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The motion passed unanimously.

RESOLUTIONS:

ORDINANCES:

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:54 P.M.

Submitted by: Laurie Scott
City Clerk

LS/jb

Approval:

William C. Latham, MAYOR

Date: _____



The Special City Council Meeting began at 8:15 A.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

Council Members: Keith Doherty (*absent*) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Purpose of Meeting

The purpose of the meeting was for the City Council Members to conduct interviews with the candidates for the City Attorney position.

The City Council conducted interviews with five (5) candidates for the City Attorney position.

- Mark Moriarty
- Denise May
- Chris Ambrosio
- Karl Sanders
- Cherry Pollock

The meeting adjourned at 11:45 A.M.

The City Council reconvened at 4:30 P.M. to discuss the selection of the new City Attorney.

Also present were City Manager Mike Staffopoulos, Deputy City Manager Karen Nelson, and Human Resources Director Ann Meuse.

The meeting adjourned at 5:10 P.M.

Submitted by: Laurie Scott
City Clerk

LS:sg

Approved:

William C. Latham, MAYOR

Date: _____



City of

Jacksonville Beach

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Jacksonville Beach

FL 32250

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MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Luis F. Flores, Property and Procurement Officer
SUBJECT: Replacement of two HVAC units at City Hall
DATE: August 23, 2019

ACTION REQUESTED

Approve funding of \$74,617 for the urgent replacement of two failed heating and cooling units at City Hall, through pricing provided under Trane's GSA Federal Supply Schedule (FSS) contract, GS-07F-0248K.

BACKGROUND

The City's 5-year Capital Improvement Plan includes a plan for the scheduled replacement of our facilities' heating ventilation and air conditioning (HVAC) systems based on the age and condition of the units. This plan is adjusted annually as circumstances warrant. The City Hall HVAC system, manufactured by Trane, was scheduled to be replaced in FY2020 and funding of \$163,000 is included in the proposed 2020 budget. However, two units (15 and 20 Tons) supplying the 2nd floor of City Hall failed earlier this summer, requiring immediate attention. Repairs were completed in July.

We were able to utilize Trane's contract with the Federal General Services Administration (GSA) for Alarm and Signal Systems Facility Management Systems, which was competitively bid. Trane agreed to extend the GSA contract price discount to the City of Jacksonville Beach.

The FY2019 HVAC Replacement Plan budget should be adjusted by \$74,617 to include the cost of replacing the two failed units earlier than anticipated. Funding is available in the General Capital Projects Fund, Building Reserves and the budget will be adjusted at yearend.

RECOMMENDATION

Approve a budget adjustment of \$74,617 for the urgent replacement of two failed Trane Unitary Split System Indoor and Outdoor Units according to pricing provided under Trane's GSA Federal Supply Schedule (FSS) contract, GS-07F-0248K.





City of

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MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Ann Meuse, Director of Human Resources
DATE: August 26, 2019
RE: Award RFP No. 05-1819 - Property and Liability Insurance and Workers' Compensation Insurance.

ACTION REQUESTED:

Award RFP Number 05-1819 for property and liability insurance and workers' compensation insurance to the highest ranked respondents as follows:

- Property and Liability Insurance - Thompson Baker Agency, Inc.
- Workers' Compensation Insurance - Florida League of Cities

BACKGROUND:

In April 2019, the City engaged Siver Insurance Consultants to assist in the preparation and evaluation of a request for proposal for property and liability insurance and worker's compensation insurance. In the past, the City has utilized a broker/agent to procure its property and liability insurance and is self-insured for workers' compensation up to \$150,000. The City felt it could benefit from a competitive procurement of its insurance coverages and obtain a basis for evaluating whether the City should continue to be self-insured for workers' compensation.

On June 19, 2019, the City issued a request for proposals RFP 05-1819 for property and liability insurance and worker's compensation insurance and received responses from the following vendors:

- Thompson Baker Agency, Inc. (Agent/Broker for Preferred Government Insurance Trust – PGIT)
- Florida League of Cities

Siver Insurance Consultants reviewed the proposals and compared the proposals to the City's existing insurance coverages. Attached is a summary of their review.



An evaluation committee consisting of the Director of Beaches Energy, Director of Parks & Recreation and the Human Resource Director reviewed the proposals independently, assisted by a comparative analysis provided by Siver Insurance Consultants. Property and liability insurance was evaluated separately from workers' compensation insurance. The evaluation criteria used by the committee for each evaluation was as follows:

- Premium Cost.
- Insurance Coverages.
- Financial Stability of the Insurer.
- Customer Service.
- Ancillary Services.
- Public Sector References.

Following is a summary of the rankings by the evaluation committee:

Property and Liability Insurance:

Vendor	Rank
Thompson Baker Agency, Inc. (PGIT)	1
Florida League of Cities	2

Thompson Baker Agency, Inc. is the City's current agent/broker for property and liability insurance and provided the lowest cost for property and liability insurance through PGIT at \$795,692 as compared to the Florida League of Cities proposed premium of \$883,544 for similar coverages. This is a cost savings of \$211,038 over the City's existing policy with PGIT.

Workers' Compensation:

Vendor	Rank
Florida League of Cities	1
Thompson Baker Agency, Inc.	2

Both Florida League of Cities and Thompson Baker Agency, Inc. provided workers' compensation premiums based on full coverage (zero deductible) to self-insurance with excess coverage at various levels. After analyzing the proposals, it became apparent that it was more cost effective for the City to be fully insured versus self-insured for workers' compensation. The Florida League of Cities premium of \$419,163 (zero deductible) is less than the \$539,151 (zero deductible) premium proposed by Thompson Baker Agency, Inc. and is less than the projected annual cost for the City to remain self-insured.

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RECOMMENDATION:

Award RFP Number 05-1819 for Property and Liability Insurance to the highest ranked respondent, Thompson Baker Agency, Inc. (PGIT) and authorize the City Manager to enter into an agreement with Thompson Baker Agency, Inc. to provide Property and Liability coverage.

Award RFP Number 05-1819 for Workers' Compensation Insurance to the highest ranked respondent, Florida League of Cities and authorize the City Manager to enter into an agreement with the Florida League of Cities to provide Workers' Compensation coverage.

*Insurance
Consultants*
SIVER

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August 23, 2019

Ann Meuse, CPA
Director of Human Resources
City of Jacksonville Beach
11 North Third Street
Jacksonville Beach, Florida 32250

Subject: City of Jacksonville Beach
RFP 05-1819

Dear Ms. Meuse:

In June and July 2019, at your request, Siver Insurance Consultants (Siver) prepared RFP 05-1819 (the RFP), a Request for Proposals for Various Property & Casualty Insurance Coverages for the City of Jacksonville Beach (the City). In response to the RFP, the City received two proposals on the submission date of July 24, 2019. One of the proposers was Thompson Baker Agency, Inc. (Thompson Baker), the current agent/broker for the City's package program. The other was Florida League of Cities (FLC), which is the incumbent provider for the City's workers' compensation coverage. The Thompson Baker proposal included coverages which were largely provided by the Preferred Governmental Insurance Trust (PGIT). The FLC proposal included coverages which were largely provided by the Florida Municipal Insurance Trust.

The purpose of this letter is to provide the City with a summary of what, in our opinion, constitute the key aspects of each of the proposals, and where applicable, to point out material differences between the two proposals.

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COST COMPARISON

Package Program

Of the two proposers, Thompson Baker proposed the lowest cost for the City's property and casualty package coverages, at \$795,692. FLC proposed premiums of \$883,544 for similar coverages.

The chart below details the cost of the various coverages provided in each property and casualty package proposals:

Proposer	Thompson Baker	FLC
Insurer	Preferred Governmental Insurance Trust (PGIT) & Others	Florida Municipal Insurance Trust (FMIT)
Package Coverage Premiums		
Property:	\$476,733	\$479,206
Inland Marine:	\$20,201	Included
Equipment Breakdown:	Included	Included
Crime:	\$11,025	Included
General Liability	\$97,256	\$154,090
Law Enforcement Liability:	\$41,845	Included
Public Officials/EPL (City):	\$75,670	\$151,973
Public Officials/EPL (CRA):	Not Proposed	\$4,354
Cyber Liability:	Included	Included
Automobile Liability:	\$44,915	\$68,678
Auto Physical Damage:	\$28,047	\$25,243
Total Premiums	\$795,692	\$883,544

The total premium for the Thompson Baker package program (\$795,692) is \$211,038 less than the expiring property and casualty package premium of \$1,006,730.

The proposed package premiums are based on acceptance of all proposed coverages currently within that package.

Workers' Compensation and Employers' Liability Coverage

The City currently maintains workers' compensation coverage with a self-insured retention level of \$150,000 per occurrence. The RFP requested that proposers provide proposals with alternative levels of self-insured retention or deductible. As a result, both proposers offered highly competitive proposals that provided coverage on a first dollar basis, i.e., with no self-insured retention or deductible. As discussed in more detail later

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in this letter, because these two first dollar options were very competitively priced and allowed the City to both reduce its costs from last year and remove the risks and administrative costs of self-insuring, these two options are recommended by our firm for top consideration.

Of the two proposers, FLC proposed the lowest cost for first dollar workers' compensation coverage at an estimated premium of \$419,163. Thompson Baker offered a first dollar workers' compensation proposal with an estimated premium of \$539,151.

The chart below offers a comparison of the first dollar workers' compensation proposals received by the City as a result of the RFP.

Proposer	Thompson Baker	Florida League of Cities
Insurer	Preferred Governmental Insurance Trust (PGIT)	Florida Municipal Insurance Trust (FMIT)
First Dollar - Workers' Compensation Premiums	\$539,151	\$419,163

The Coverage Comparison section later in this correspondence provides additional information on the other deductible and self-insured options proposed.

COVERAGE COMPARISON

The programs proposed by both proposers offer very similar coverages in many aspects. However, it is worth noting and understanding that each proposed program provides certain advantages and disadvantages when compared to the other.

Several key coverage points and program differences are discussed below:

General

Rate Guarantee – Thompson Baker/PGIT proposed to guarantee the rates proposed this year for the upcoming 2019/2020 renewal period for the 2020/2021 policy. The premium will still be adjusted for changes to exposures (property values, automobiles and number of employees). FMIT did not offer a rate guarantee.

Property/Inland Marine

Named Storm Deductibles – Thompson Baker/PGIT proposed a Named Windstorm deductible of 3% of the total insurable values, at each location, per occurrence. FLC/FMIT also proposed a 3% Named Windstorm deductible, but their percentage deductible is applied separately and individually to each building, personal property,

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other property and business income per occurrence. In some instances, such as when not all buildings are damaged a given location, the FLC/FMIT deductible structure would result in a lower applicable deductible for Named Windstorm losses. The per occurrence coverage deductible for other than named storms is \$25,000 in both proposals.

Asset Valuation – FLC advised that they will provide a property asset valuation at no charge for the valuation. The results of that valuation (revised property values); however, will be endorsed on the policy and the additional premium (or return premium) will be charged and included on the next installment billing. Thompson Baker did not mention an asset valuation in their proposal.

Property/Inland Marine Coverage Limits – The property coverage limits for the City's real and personal property varies slightly from one proposal to another. This is because each insurer's program differs from the other in the type and value of property they include in the scheduled coverage limits. Thompson Baker has provided a real and personal property limit of \$129,110,405 and FLC has proposed a coverage limit of \$128,665,405. Similarly, the scheduled inland marine equipment in the PGIT program is \$4,554,195 compared to \$4,693,792 in the FMIT proposal.

Crime

Thompson Baker proposed continuation of the City's crime coverage with National Union Fire Insurance Company of Pittsburgh, PA. The FLC proposal includes Crime coverage as part of their FMIT package policy. The FMIT crime coverage cannot be separated from the other coverages in the package.

FMIT Coverage Advantages – FLC/FMIT proposes to lower the deductible to \$1,000 for employee theft coverage (compared to a \$10,000 deductible in the expiring program). FLC/FMIT has also proposed to include additional coverage (\$750,000) for the Finance Director, Accounting Supervisor, Administration Secretary and Budget Officer. The proposed FMIT program also includes a separate limit for Faithful Performance coverage of \$1,000,000 per loss and a \$3,000,000 limit for Money Order & Counterfeit Money coverages.

National Union Advantages - The Thompson Baker/National Union proposal includes the same coverage as expiring with a separate \$3,000,000 limit for Funds Transfer Fraud and, also, a \$100,000 limit for Social Engineering Fraud, a coverage which does not appear to be included in the FMIT proposal.

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*General Liability, Law Enforcement Liability, Employee Benefit Liability
and Automobile Liability*

Limits - Both the Thompson Baker/PGIT and FLC/FMIT programs provide coverage to their insureds/members up to Florida sovereign immunity limits of \$200,000 each person \$300,000 each occurrence. In addition, excess liability limits of \$2,000,000 (inclusive of the \$200,000/\$300,000) are also provided.

Deductibles – While the expiring liability program with Thompson Baker/PGIT includes deductibles of \$10,000 per occurrence for General Liability, Employee Benefit Liability and Automobile Liability and \$25,000 for Law Enforcement Liability, Thompson Baker/PGIT proposed coverage with no deductible.

FLC/FMIT also provided a no deductible proposal in addition to proposals with \$10,000 and \$25,000 deductibles. For comparison purposes, the liability premium costs shown in the cost comparison section above is the proposed premiums for coverage with no deductible from both proposers.

Defense Costs - Both proposers have offered liability coverages that include defense costs outside the limit of coverage and therefore the costs to defend or investigate a claim do not erode the City's limit of liability.

Public Officials and Employment Practices Liability (City)

Form of Coverage – A major difference between the Thompson Baker/PGIT coverage and the FLC/FMIT coverage is the form on which the coverage may be provided. The Thompson Baker/PGIT coverage is provided on a “claims-made” basis and FLC/FMIT provided a proposal for coverage on an “occurrence” basis.

The Thompson Baker/PGIT claims-made coverage will only respond to claims reported (made) during the policy period. This policy includes full prior acts coverage; it does not matter when the loss actually occurred, only when it is reported.

In comparison, the FMIT policy provides coverage applies only for claims that occur during the policy period without regard to when the claim is made or reported. This difference would create a significant gap in the City's public officials' liability coverage if the City elects to go with the FLC/FMIT program. To partially fill that gap, FLC/FMIT has offered a proposal for 5 years of “prior acts” coverage (back to 10/1/2014) for an additional premium of \$16,609. There is no option available from FLC/FMIT to provide any earlier retroactive date. In our opinion, the loss of coverage for future claims which arise out of wrongful acts committed by the City prior to October 1, 2014 is a critical coverage difference between these two programs.

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Deductibles - Although the expiring liability program with Thompson Baker/PGIT includes deductibles of \$7,500 for each claim, Thompson Baker/PGIT did not propose continuation of the coverage with deductibles. The renewal proposal offered by Thompson Baker/PGIT has no deductible. FLC/FMIT also offered a no deductible option, in addition to proposals with \$5,000 and \$25,000 deductibles. For comparison purposes, the liability premium costs shown in the cost comparison section above is the proposed premiums for coverage with no deductible from both proposers.

Public Officials Liability (CRA)

The Public Officials coverage for the City of Jacksonville Beach Community Redevelopment Agency is currently provided outside the Thompson Baker/PGIT program and is written on a "claims-made" basis by Indian Harbor Insurance through Public Risk Insurance Agency (PRIA). The expiring premium is \$4,959.

Thompson Baker did not provide a proposal for the CRA's public official's coverage but stated the separate Indian Harbor policy "can be assumed" by them, if the City no longer wishes to continue the coverage through PRIA. Alternatively, PRIA may be willing to renew the policy if instructed to do so.

FLC provided a proposal to include the coverage in the FMIT program for a premium of \$4,232. Similar to the City's coverage, the coverage would be provided on an "occurrence" basis and 5 years of prior acts coverage may be purchased for an additional premium of \$122. The cost of that additional premium is included in FMIT proposed public officials premium in the Cost Comparison section of this correspondence.

Cyber Liability

Thompson Baker's proposal included the City's cyber liability coverage in the PGIT program, same as expiring. The coverage will continue to be provided on a "claims made" basis with a retroactive date of 10/1/2011. The coverage will continue to include a \$2,000,000 each claim and aggregate limit and a \$25,000 deductible for each claim.

FMIT proposed to include "claims-made" coverage in the FMIT program which is nearly identical to that offered by PGIT except FMIT has stated they will provide claims-made" coverage with "full prior acts".

Workers' Compensation & Employers' Liability Coverage

Same Coverage as Expiring - The expiring workers' compensation coverage is provided by FLC/FMIT as excess coverage over a \$150,000 self-insured retention. FMIT has proposed the same \$150,000 retention for the 2019 renewal (City will pay the first \$150,000 of each claim) for a premium cost of \$198,794. Based on the City's own

SIVER INSURANCE CONSULTANTS

Ms. Ann Meuse
 August 23, 2019
 Page 7

average trended losses over a five year period, Siver estimates the cost of expected annual claims within that \$150,000 self-insured retention, to be \$348,161 for a total of cost to the City of \$546,952. In addition to the premium and claim amounts within the self-insured retention, the City is required to pay a Third Party Administration (TPA) for the administration of its self-insured claims.

Thompson Baker/PGIT did not propose a \$150,000 self-insured retention, but they did offer a \$100,000 deductible option for a premium of \$181,551. Siver estimates the cost of the expected claims within the \$100,000 deductible to be \$299,566, for total cost to the City of \$481,119. The \$100,000 deductible option would not require third party claims administration services going forward.

No Deductible Proposals - Both FLC/FMIT and Thompson Baker/PGIT also proposed coverage with no deductible. In our opinion, the lowest cost/best coverage option is the proposal from FLC/FMIT for first dollar (no deductible) coverage. FLC/FMIT will provide no deductible coverage for an estimated premium of \$419,163 and handle all claims that occur during the policy period. Thompson Baker/PGIT proposed a similar no deductible policy but their premium is \$539,151.

Following is a summary of the various workers' compensation proposals with the expected assumed claim costs at each deductible level.

Agent	Thompson Baker	FLC
Insurer	Preferred Governmental Insurance Trust	Florida Municipal Insurance Trust
No Deductible:	\$539,151	\$419,163
\$25,000 Deductible:	\$282,984	\$296,670
Est. Claims inside Deductible	<u>\$173,805</u>	<u>\$173,805</u>
	\$457,789	\$470,475
\$100,000 Deductible:	\$181,553	Not Proposed
Est. Claims inside Deductible	<u>\$299,566</u>	
	\$481,119	
\$150,000 SIR	Not Proposed	\$198,794
Est. Claims inside Deductible		<u>\$348,161</u>
		\$546,955

Premium Adjustment – All the workers compensation proposals were based on a premium calculated with the 2018 workers' compensation experience modification factor of 1.04. The workers' compensation premium will be adjusted for the 2019 modification factor when it is promulgated. At the end of the policy period, the final premium will be determined based on an audit of actual payrolls during the policy period.

SIVER INSURANCE CONSULTANTS

Ms. Ann Meuse
August 23, 2019
Page 8

Additional Policies

The City maintains several additional policies that were not included in the proposals offered by the Thompson Baker and Florida League of Cities. These policies are listed below:

- Statutory Death Benefit Policy – Firefighters and Police Officers
(ACE American/Thompson Baker) Expires: Unknown
- Fiduciary Policies (General, Firefighters and Police Pension Funds)
(Travelers Casualty & Surety) Expires: 10/1/2019
- Storage Tank
(Commerce & Industry/Policy Managers) Expires: 10/17/2019
- Flood Policies
(American Bankers/Thompson Baker) Expires: Various

CLOSING

We appreciate this opportunity to be of service to the City of Jacksonville Beach. If you have any questions, please do not hesitate to call.

Very truly yours,

SIVER INSURANCE CONSULTANTS

Kathy V. Doak

Kathy V. Doak, ARM-P, AAI and
George W. Erickson, JD, CPCU, LLM

KVD/ms

City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org



MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Martin Martirone, P.E., City Engineer
SUBJECT: Bid No. 1819-06, "Stormwater Channel Improvements
(J. Turner Butler Boulevard to Marsh Landing Parkway)
DATE: August 15, 2019

ACTION REQUESTED

Award Bid No. 1819-06 titled "Stormwater Channel Improvements (J. Turner Butler Boulevard to Marsh Landing Parkway) to A.W.A. Contracting Co. Inc.

BACKGROUND

This project is part of the South Beach Redevelopment District Improvements Program. This project was previously bid as steel sheet pile construction, but the high bid prices exceeded the engineer's estimate and CRA funds were rejected for the project. The project was re-designed to include three (3) options. The Base Bid included dual 8-foot by 7-foot precast concrete box culverts. Alternate A included the previously bid steel sheet pile construction. Alternate B included dual 8-foot by 7-foot poured-in-place concrete box culverts.

Alternate B includes construction of: approximately 1,000 linear feet of 8-foot by 7-foot poured-in-place concrete box culverts, two (2) access openings, five (5) box culvert inlet openings, 18, 24 and 36-inch connections to existing stormwater piping, three (3) stormwater inlets and grates, one (1) double 24-inch mitered end section and related piping, demolition, fill material, sodding, and related work.

The Invitation to Bid was advertised, fifteen (15) invitations were issued, and five (5) bids were received. The City's design engineer firm, Jones Edmunds evaluated the bids and recommended award to A.W.A. Contracting Co., Inc., the lowest, qualified bidder. The bid tabulation sheet is attached. Also included is a location map and two (2) drawings indicating the proposed work. The construction cost and staff recommendation are summarized as follows:

Bid No.1819-06, Stormwater Channel Improvements (J. Turner Butler Boulevard to Marsh Landing Parkway)		
<u>DESCRIPTION</u>	<u>COST</u>	<u>RECOMMENDATION</u>
Unit Price Bid (based on estimated quantities)	\$ 1,343,847.00	<ul style="list-style-type: none"> Award bid to A.W.A. Contracting Co., Inc. (the lowest qualified bidder)
15% Contingency	\$ 201,577.05	
Construction Total:	\$ 1,545,424.05	
Engineer Construction Administration Services	\$ 49,768.00	<ul style="list-style-type: none"> Authorize Const. Admin. Services to Jones Edmunds, (the project's design firm)
10% Contingency	\$ 4,976.80	
Const. Admin. Services Total:	\$ 54,744.80	
GRAND TOTAL:	\$ 1,600,168.85	
The contract completion time is 240 days after Notice to Proceed is issued for Alternate B.		

This project will be funded by the Community Redevelopment Agency at its August 26, 2019 meeting utilizing South Beach Tax Increment Trust Funds in the Amount of \$1,545,424.05 for the construction of Alternate B and \$54,744.80 for Construction Administration Services.

RECOMMENDATON

Award Bid No.1819-06 titled "Stormwater Channel Improvements (J. Turner Butler Boulevard to Marsh Landing Parkway)" to A.W.A. Contracting Co. Inc. and authorize Construction Administration Services to Jones Edmunds as explained in the memorandum from the Public Works City Engineer dated August 15, 2019.



PROJECT LOCATION

Imagery ©2019 Google, Map data ©2019

50 ft

July 23, 2019

Martin Martirone, PE
City Engineer
City of Jacksonville Beach
Department of Public Works
1460A Shetter Avenue
Jacksonville Beach, Florida 32250p

RE: City of Jacksonville Beach
Recommendation of Award for Stormwater Channel Improvements
Jacksonville Beach City Bid No. 1819-06
Jones Edmunds Project No.: 09803-031-04
Bid Review and Evaluation of Findings

Dear Mr. Martirone:

This letter summarizes the construction contract bids received for the Stormwater Channel Improvements Project. The City of Jacksonville Beach received bids for the project on July 10, 2019, at 2:00 pm.

Invitations to bid were emailed by the City to fifteen (15) contractors on June 5, 2019, and Five (5) contractors submitted bids for the project. The bids were evaluated for conformance with the criteria set forth in the bidding documents. The total Base Bids from the Five contractors ranged from \$1,725,083.00 to \$2,538,742.00, total for Alternate A ranged from \$2,773,433.50 to \$4,506,435.00, and the total for Alternate B ranged from \$1,343,847.00 to \$3,458,016.00.

AWA Contracting Co. Inc., submitted the lowest responsive and complete bid. Jones Edmunds has reviewed the submitted bid package provided by AWA Contracting Co. Inc. and finds their bid responsive. All items were acknowledged on the Bid Form. A 5% Bid Bond was provided, and the Bid Bond surety is licensed in Florida.

Jones Edmunds also investigated the contractor's experience, reputation, and performance on past projects and finds the contractor capable of performing the work for this project based on the information received.

Although the final determination regarding which contractor will be awarded this project will be made by the City, Jones Edmunds believes their bid to be responsive and, based on the findings above, does not take exception to awarding the project to the lowest responsive bidder, AWA Contracting Co. Inc., for the Alternate B Bid Price of:

Total Bid Price \$1,343,847.00

Martin Martirone, PE
City Engineer
July 23, 2019
Page 2

We also recommend that the City set aside a contingency fund in an amount of fifteen percent (15%) of the total bid price to allow for any unknown conditions that may be encountered during construction.

We appreciate the opportunity to continue to provide services to the City of Jacksonville Beach and look forward to the successful construction of this project. If you have any questions, please contact me at your convenience by phone at (904) 744-5401 or by email at BIcerman@jonesedmunds.com.

Sincerely,



Brian Icerman, PE
Vice President
8657 Baypine Road, Suite 300
Jacksonville, Florida 32256-8634

City of Jacksonville Beach Bid Tabulation Form

Bid Number 1819-06, "Stormwater Channel Improvements (J. Turner Butler Blvd. to Marsh Landing Parkway)"

Bid Date:	July 10, 2019				
	BIDDERS				
	<i>Vendor A</i>	<i>Vendor B</i>	<i>Vendor C</i>	<i>Vendor D</i>	<i>Vendor E</i>
Base Bid	\$ 1,725,083.00	\$2,481,248.50	\$ 2,198,213.90	\$ 2,538,742.00	\$ 2,119,115.00
Alternate A	\$2,773,433.50*	NO BID	\$ 3,697,498.31	\$ 4,506,435.00	NO BID
Alternate B	\$ 1,343,847.00	\$ 2,477,422.50	\$ 2,490,687.90	\$ 3,458,016.00	NO BID
*Corrected Bid					
Invitations Issued: 15			Plan Holders: N/A		Bid Responses:5
BIDDERS					
A	A.W.A. Contracting Co., Inc., lowest responsive bidder				
B	CGC, Inc.				
C	Jax. Utilities Management, Inc.				
D	J. B. Coxwell Contracting, Inc.				
E	MAER Homes LLC dba MAER Construction				



Integrity • Knowledge • Service

July 1, 2019

Marty Martirone, PE
City of Jacksonville Beach
Department of Public Works
1460A Shetter Avenue
Jacksonville Beach, Florida 32250

RE: Proposal for Construction-Administration Services
Stormwater Channel Improvements
(J. Turner Butler Boulevard to Marsh Landing Parkway)
City Bid No. 1819-06
Jones Edmunds Project No.: 09803-031-05
City of Jacksonville Beach, Florida

Dear Mr. Martirone:

Jones Edmunds is pleased to submit this proposed Scope of Services and estimated fees for providing construction-administration services for the Stormwater Channel Improvements (J. Turner Butler Boulevard to Marsh Landing Parkway) Project. We understand that the City will provide full-time resident observation for the project and will approve all pay requests. Our Scope of Services reflects the services requested by City. In addition, we have attached a detailed fee breakdown for your review.

CONSTRUCTION ADMINISTRATION SCOPE OF SERVICES

Jones Edmunds proposes to provide the City with the following services during the approximately 240-calendar-day construction duration.

TASK 1 – PROJECT MANAGEMENT AND CONTRACT DOCUMENT PREPARATION

- Review Performance and Payment Bonds for conformance with City requirements and verify the credit rating of the bonding company.
- Prepare Conform Contract Documents including Contract Specifications and Construction Drawings with Addendum Information for the City's use only. Conformed Specifications and Drawings will not be provided to the Contractor.

Marty Martirone, PE
July 1, 2019
Page 3

contact me at your convenience by phone at (904) 744-5401 or by email at BIcerman@jonesedmunds.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Icerman", with a long horizontal flourish extending to the right.

Brian Icerman, PE
Managing Director / Vice President
8657 Baypine Road, Suite 300
Jacksonville, Florida 32256-8634

Y:\09803-Jacksonville Beach\Projects\031-04 Canal Improvements\General\PSDCs\PSDC_Services_2019-06-19.docx

**Marsh Landing Canal Stormwater Improvements
CITY OF JACKSONVILLE BEACH**

Professional Services During Construction Cost Estimate

PROJECT TASK	RFQ 07-1516 Rates					Total Hours	Total Labor Costs	Reimbursable Expenses	Total Costs
	Senior Engineer	Project Manager	Design Engineer	Cadd Operator	Clerical				
1 PROJECT MANAGEMENT AND CONTRACT DOCUMENT PREPARATION	4	36	8		8	56	\$ 9,232.00	\$ 250.00	\$ 9,482.00
2 PRE-CONSTRUCTION CONFERENCE AND SHOP DRAWING REVIEW	12	8	40		4	64	\$ 11,192.00	\$ 150.00	\$ 11,342.00
3 SITE VISITS, RFIS, CHANGE ORDERS, AND FINAL INSPECTION / CERTIFICATIONS	16	16	120	16	4	172	\$ 28,644.00	\$ 300.00	\$ 28,944.00
TOTAL	32	60	168	16	16	292	\$ 49,068.00	\$ 700.00	\$ 49,768.00

City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org



MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Martin F. Martirone, P.E. City Engineer
SUBJECT: Bid No. 1819-15, Offsite 12" Well Header for Water Treatment Plant #1 and Well No. 16 and 6" Water Main Replacement
DATE: August 22, 2019

ACTION REQUESTED

Award Bid No. 1819-15, Offsite 12" Well Header for Water Treatment Plant #1, Well No. 16 and 6" Water Main Replacement to The Kenton Group, Inc. dba Baldwin's Quality Plumbing.

BACKGROUND

Base Bid: This portion of the project involves construction of a new 12-inch PVC (DR 25) well header piping which will provide conveyance of raw water from the proposed Well #16 site (11th St. N. and 8th Ave. N.) to Water Treatment Plant #1 (4th St. S. and 1st Ave. S.). The well header piping will be constructed on 11th St. N. from 2nd Ave. N. to 8th Ave. N. and on 2nd Ave. N. from 10th to 11th St. N. This piping will connect to the existing piping from existing Well #15 at Gonzales Park. The well header piping is part of the SJRWMD extension to back plug and abandon existing raw water Well #11 located at 590 Shetter Avenue at 6th Street South. The work includes the installation of: approximately 2,260 linear feet of 12-inch PVC (DR 25) raw water main, valves, fittings, asphalt pavement and concrete driveway replacement, traffic markings, and sodding.

Alternate No. 1 Bid: This portion of the project replaces the existing approximately sixty (60) year old 6-inch asbestos cement water main within 11th St. N. between 4th and 8th Ave. N. There have been numerous leaks on this water main and its water services over the years that it has been in operation. This project is necessary to increase system reliability, maintain fire flows, and minimize water main and service repairs. The work includes the installation of: approximately 1,620 linear feet of new 6-inch PVC (DR 18) water main, new water services, valves, fittings, fire hydrants, concrete sidewalk replacement, and sodding.

The City advertised the project to twelve (12) contractors on July 3, 2019. On July 31, 2019, the City received eight (8) bids from contractors. The Kenton Group, Inc. dba Baldwin's Quality Plumbing was the apparent lowest responsive,

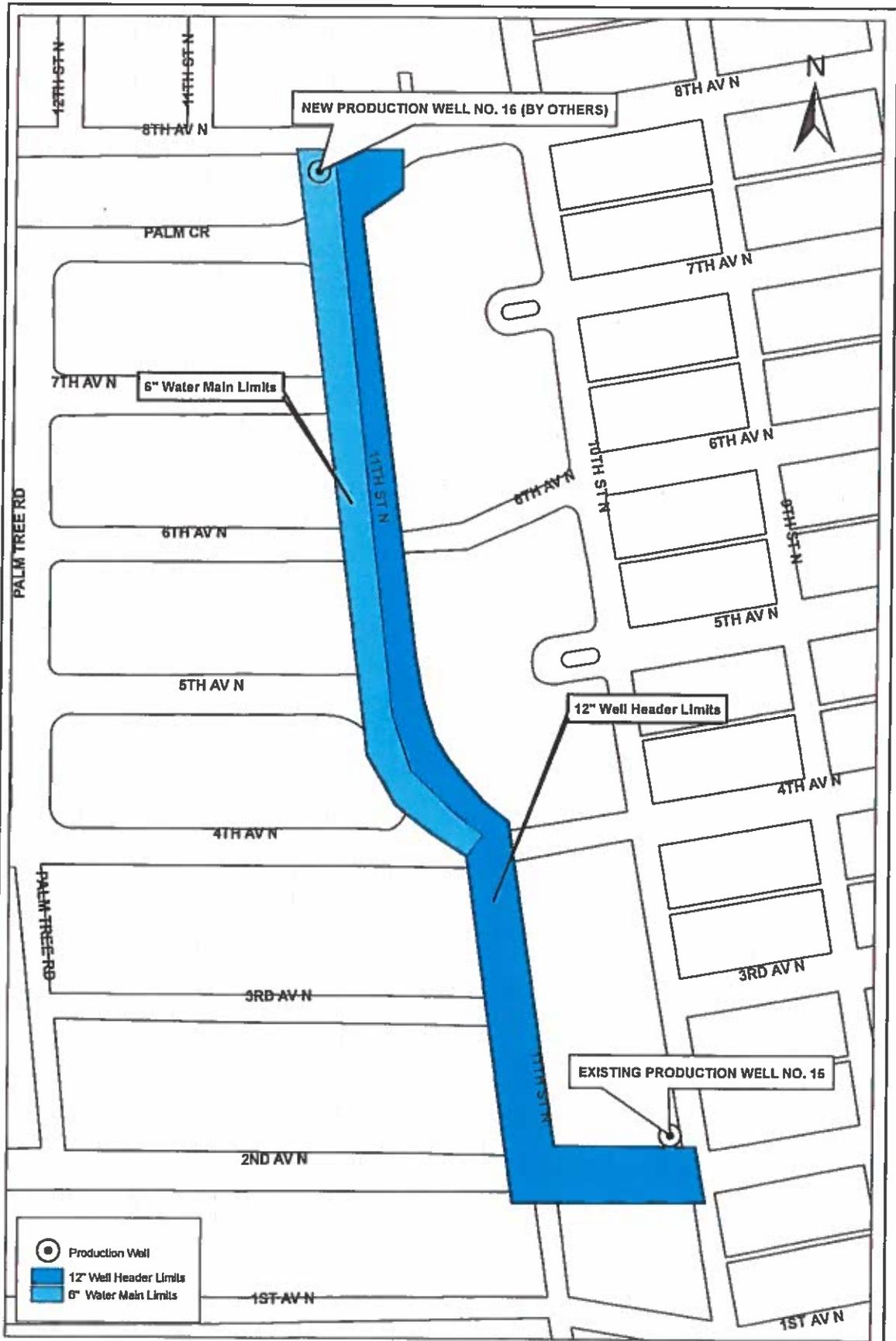
responsible bidder for the construction of the Base Bid and Alternate No.1 Bid. See the attached GIS Map for the project limits.

City Bid 1819-15		
Offsite 12" Well Header for Water Treatment Plant #1, Well No. 16 and 6" Water Main Replacement		
DESCRIPTION	COST	RECOMMENDATION
Total Base Bid (Based upon estimated quantities and unit prices)	\$ 341,367.91	Award of Base Bid to <i>The Kenton Group, Inc. dba Baldwin's Quality Plumbing</i> (the lowest, qualified bidder)
15% Contingency	\$ 51,205.19	
Construction Total Base Bid	\$ 392,573.10	
Total Alternate No. 1 Bid (Based upon estimated quantities and unit prices)	\$ 121,026.57	Award of Alternate No. 1 Bid to <i>The Kenton Group, Inc. dba Baldwin's Quality Plumbing</i> (the lowest, qualified bidder)
15% Contingency	\$ 18,153.99	
Construction Total Alternate 1	\$ 139,180.56	
Total Cost for Base Bid and Alternate No. 1 Bid	\$ 531,753.66	
The contract completion time is 150 days after Notice to Proceed is issued for Total Base Bid and Alternate No.1 Bid. Construction Administration and Inspection Services will be performed by the Department of Public Works staff.		

Funding for the construction of the Base Bid and the Alternate No. 1 Bid will be provided by the Water and Sewer Fund. Funds for this project were approved as part of the FY18 Budget. Since the project was not initiated in FY18, the FY 19 Budget will be amended as part of the year-end modification.

RECOMMENDATION

Award Bid No. 1819-15, Offsite 12" Well Header for Water Treatment Plant No. 1 and Well No. 16 and 6" Water Main Replacement, to The Kenton Group, Inc. dba Baldwin's Quality Plumbing as described in the memorandum from the Public Works City Engineer dated August 22, 2019.



CITY OF JACKSONVILLE BEACH
 DEPARTMENT OF PUBLIC WORKS
 1460-A Shelter Avenue
 Jacksonville Beach, FL 32250
 904.247.6219 / publicworks@jnbchfl.net

**12" Well Header and 6" WM
 Project Location**





August 7, 2019

City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6219
Fax: 904.247.6117

www.jacksonvillebeach.org

Martin Martirone, PE
City Engineer
City of Jacksonville Beach
Department of Public Works
1460A Shetter Avenue
Jacksonville Beach, Florida 32250

RE: Jacksonville Beach City Bid No. 1819-15
Bid Review and Evaluation of Findings
City of Jacksonville Beach
Recommendation of Award for Offsite 12" Well Header for WTP 1,
Well No. 16 and 6" Water Main Replacement

Dear Mr. Martirone:

This letter summarizes the construction contract bids received for the Offsite 12" Well Header for WTP 1, Well No. 16 and 6" Water Main Replacement Project. The City of Jacksonville Beach received bids for the project on July 31, 2019, at 2:00 pm.

Invitations to bid were emailed by the City to twelve (12) contractors on July 3, 2019, and eight (8) contractors submitted bids for the project. The bids were evaluated for conformance with the criteria set forth in the bidding documents. The total base bids from the eight (8) contractors ranged from \$341,367.91 to \$575,736.42 for the Base Bid, from \$121,026.57 to \$ 259,467.50 for the Alternate 1 Bid and from \$462,394.48 to \$827,618.82 for combined total of the Base Bid and the Alternate 1 Bid.

The Kenton Group, Inc. dba Baldwin's Quality Plumbing, In., submitted the lowest responsive and complete bid. The Department of Public Work's staff has reviewed the submitted bid package provided by The Kenton Group, Inc. dba Baldwin's Quality Plumbing, Inc. and finds their bid responsive. All items were acknowledged on the Bid Form. A 5% Bid Bond was provided, and the Bid Bond surety is licensed in Florida.

The Department of Public Work's staff also investigated the contractor's experience, reputation, and performance on past projects and finds the contractor capable of performing the work for this project based on the information received.

Although the final determination regarding which contractor will be awarded this project will be made by the City, the Department of Public Work's staff believes their bid to be responsive and, based on the findings above, does not take



exception to awarding the project to the lowest responsive bidder, The Kenton Group, Inc. dba Baldwin's Quality Plumbing, Inc., for the Base Bid and Alternate 1 Bid amount of:

Total Bid Amount (Base and Alternate 1) \$ 462,394.48

We also recommend that the City set aside a contingency fund in an amount of fifteen percent (15%) of the total bid price to allow for any unknown conditions that may be encountered during construction.

If you have any questions, please contact me at your convenience by phone at (904) 509-0268 or by email at ddupries@jaxbchfl.net.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis R. Dupries".

Dennis Dupries
Construction Project Manager
1460-A Shetter Ave., 2nd Floor
Jacksonville Beach, Florida 32250

JACKSONVILLE BEACH

City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

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FL 32250

Phone: 904.247.6219

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www.jacksonvillebeach.org

MEMORANDUM

TO: Michael Staffopoulos, City Manager
 FROM: Martin Martirone, P.E., City Engineer
 SUBJECT: Award Bid No. 1819-16 for Landscape Maintenance
 DATE: August 20, 2019

ACTION REQUESTED

Award Bid No. 1819-16 titled Landscape Maintenance to BrightView Landscape Services Inc. for Sections 2 and 3 and to Down to Earth-Jacksonville for Section 1.

BACKGROUND

The City currently employs private contractors to provide landscape maintenance for multiple City facilities. Bids for each facility were grouped by section according to the Division responsibility and location. Three (3) bid sections were included. Section 1. Pollution Control Plant and Lift Stations; Section 2. Water Plants and Monitoring Stations, and Section 3. Storm Water Drainage.

Section 1 includes the Pollution Control Plant (PCP) and nine (9) lift stations. Section 2 includes: Water Plants No. 1 and 2, five (5) raw water wells, four (4) monitoring wells, and the South Elevated Tank site. Section 3 includes: North Elevated Water Tank site, six (6) stormwater pump stations, and six (6) stormwater ponds. The scope of work includes mowing, pruning, trimming, edging, weed control, fertilization, litter and debris control, tree care and pest control. The continuing services contract term is five (5) years. Annual pricing will remain fixed in the first year and may be adjusted in subsequent years based on the Consumer Price Index (CPI).

The Invitation to Bid was advertised, twenty-seven (27) invitations were issued, and two (2) bids were received. The City evaluated the bids and recommended award to BrightView Landscape Services Inc. for Sections 2 and 3 and to Down to Earth-Jacksonville for Section 1, the lowest, qualified bidders. The bid tabulation sheet is attached. Also included are three (3) location maps indicating the facility locations for each section. The landscape maintenance costs and staff recommendation are summarized as follows:

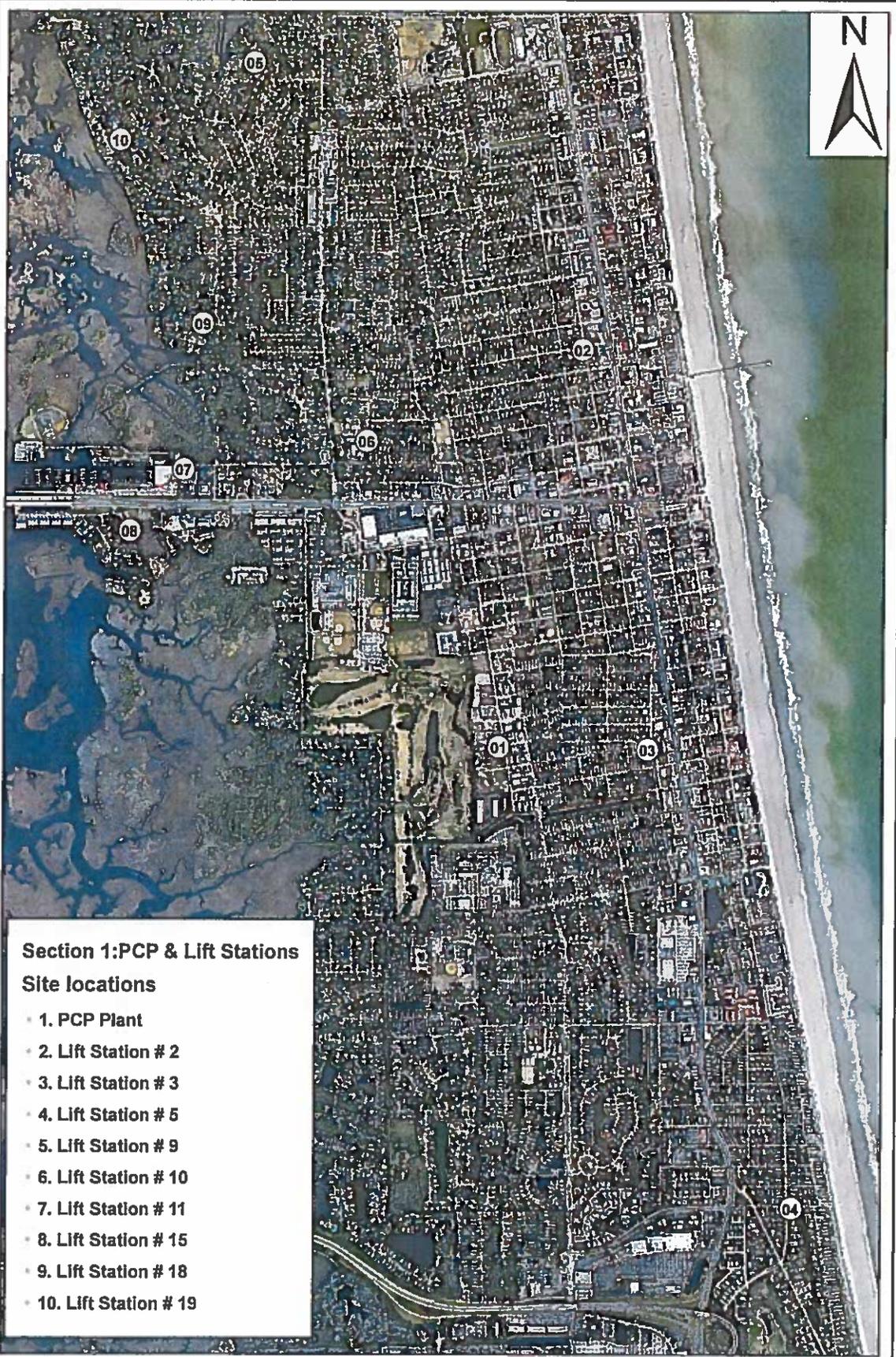


Bid No. 1819-16, Landscape Maintenance		
<u>DESCRIPTION</u>	<u>COST</u>	<u>RECOMMENDATION</u>
Sections 2 and 3 Lump Sum/Unit Price Bid (based on locations)	\$ 52,595.20	<ul style="list-style-type: none"> • Award bid to BrightView Landscape Services, Inc. (the lowest qualified bidder)
10% Contingency	\$ 5,259.52	
Construction Total:	\$ 57,854.72	
Section 1 Lump Sum/Unit Price Bid (based on locations)	\$ 29,112.00	<ul style="list-style-type: none"> • Award bid to Down to Earth-Jacksonville (the lowest qualified bidder)
10% Contingency	\$ 2,911.20	
Const. Admin. Services Total:	\$ 32,023.20	
GRAND TOTAL:	\$ 89,877.92	
This is a five (5) year Continuing Services Contract. Costs will remain fixed the first year but may be adjusted annually after the first year based on the Consumer Price Index.		

Sections 1 and 2 in the amount of \$47,191.60 plus a 10% contingency for a total of \$ 51,910.76 will be funded by the Water and Sewer Fund. Section 3 in the amount of \$34,515.60 plus a 10% contingency for a total of \$ 37,967.16 will be funded by the Stormwater Fund.

RECOMMENDATION

Award Bid No. 1819-16 titled Landscape Maintenance Sections 2 and 3 to BrightView Landscape Services, Inc. and Section 1 to Down to Earth-Jacksonville as explained in the memorandum from the Public Works City Engineer dated August 20, 2019.



**Section 1:PCP & Lift Stations
Site locations**

- 1. PCP Plant
- 2. Lift Station # 2
- 3. Lift Station # 3
- 4. Lift Station # 5
- 5. Lift Station # 9
- 6. Lift Station # 10
- 7. Lift Station # 11
- 8. Lift Station # 15
- 9. Lift Station # 18
- 10. Lift Station # 19

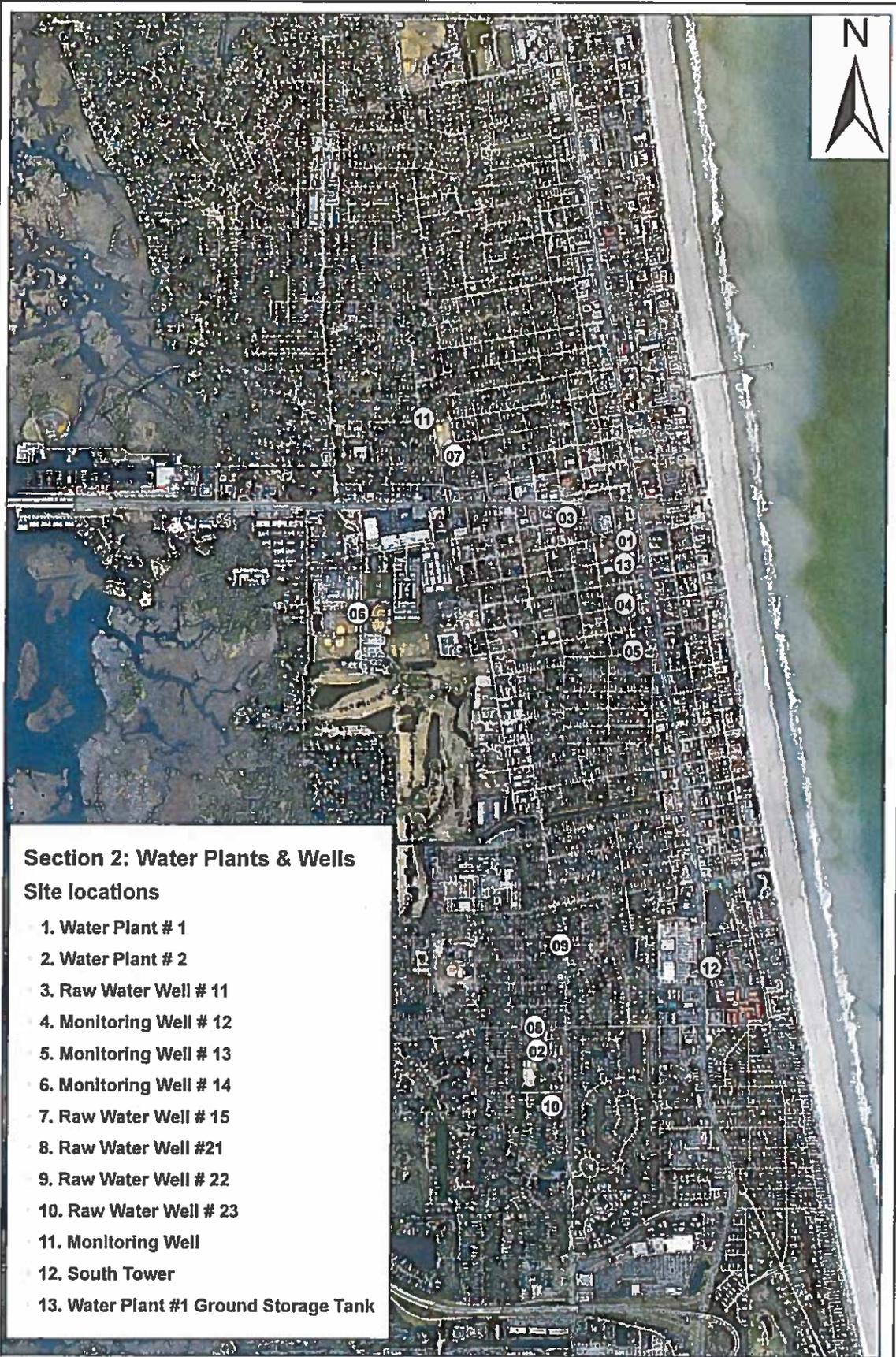


CITY OF JACKSONVILLE BEACH
 DEPARTMENT OF PUBLIC WORKS
 1480-A Shelter Avenue
 Jacksonville Beach, FL 32250
 904.247.8219 / publicworks@jaxbcfl.net

Landscape Maintenance
 Bid No. 1819-16
 Section 1

The data provided on this map are provided for informational and planning purposes only. The City is not responsible for the reuse or misrepresentation of the data.





Section 2: Water Plants & Wells
Site locations

- 1. Water Plant # 1
- 2. Water Plant # 2
- 3. Raw Water Well # 11
- 4. Monitoring Well # 12
- 5. Monitoring Well # 13
- 6. Monitoring Well # 14
- 7. Raw Water Well # 15
- 8. Raw Water Well #21
- 9. Raw Water Well # 22
- 10. Raw Water Well # 23
- 11. Monitoring Well
- 12. South Tower
- 13. Water Plant #1 Ground Storage Tank

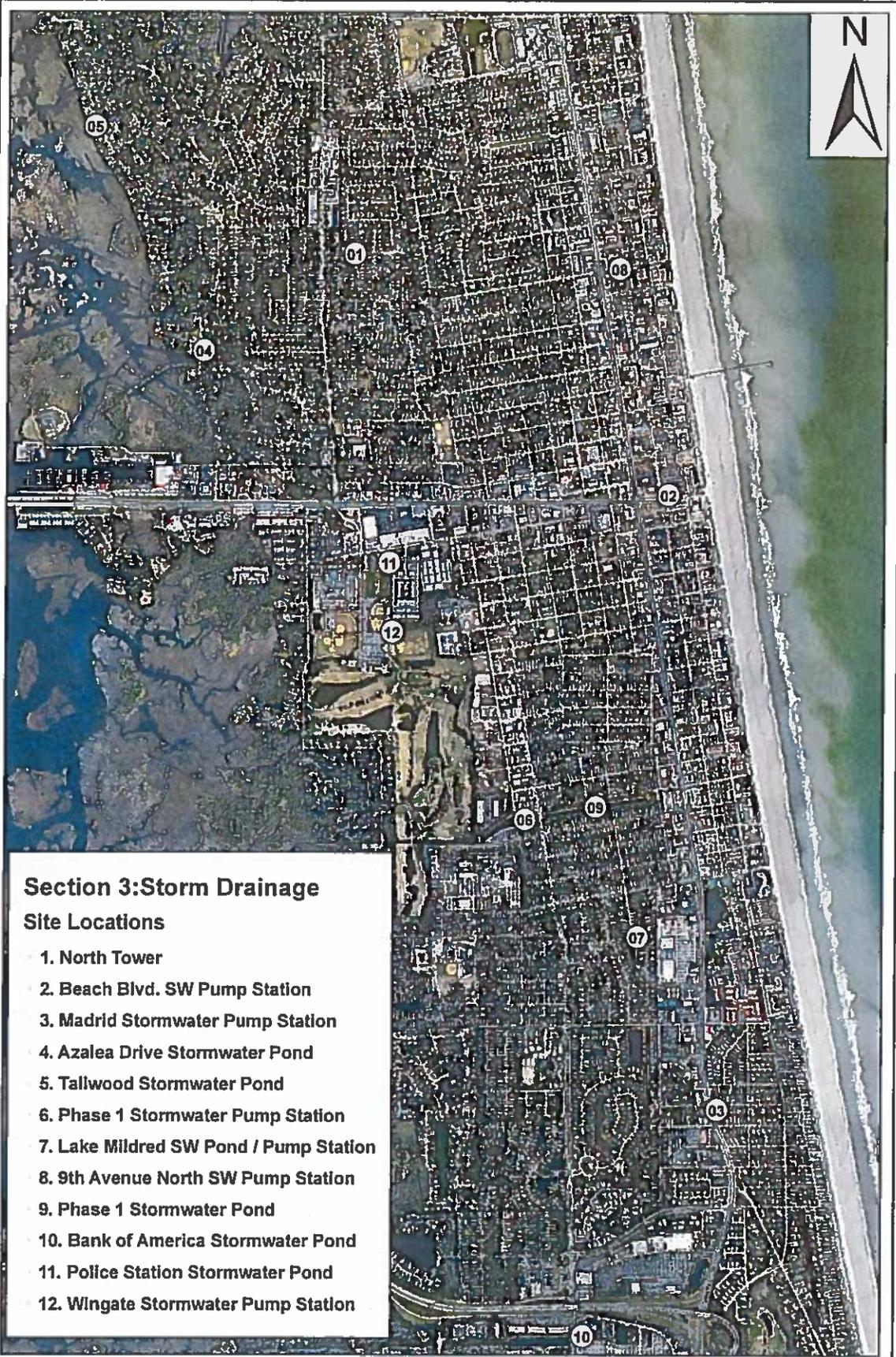


CITY OF JACKSONVILLE BEACH
 DEPARTMENT OF PUBLIC WORKS
 1400-A Shelter Avenue
 Jacksonville Beach, FL 32250
 904.247.6218 / publicworks@jaxbcfl.net

Landscape Maintenance
Bid No. 1819-16
Section 2

The data provided on this map are provided for informational and planning purposes only. The City is not responsible for the misuse or misrepresentation of the data.





**Section 3: Storm Drainage
Site Locations**

- 1. North Tower
- 2. Beach Blvd. SW Pump Station
- 3. Madrid Stormwater Pump Station
- 4. Azalea Drive Stormwater Pond
- 5. Tallwood Stormwater Pond
- 6. Phase 1 Stormwater Pump Station
- 7. Lake Mildred SW Pond / Pump Station
- 8. 9th Avenue North SW Pump Station
- 9. Phase 1 Stormwater Pond
- 10. Bank of America Stormwater Pond
- 11. Police Station Stormwater Pond
- 12. Wingate Stormwater Pump Station



CITY OF JACKSONVILLE BEACH
 DEPARTMENT OF PUBLIC WORKS
 1450-A Shattler Avenue
 Jacksonville Beach, FL 32250
 904.247.8219 / publicworks@jaxbcfl.net

**Landscape Maintenance
 Bid No. 1819-16
 Section 3**

The data provided on this map are provided for informational and planning purposes only. The City is not responsible for the misuse or misrepresentation of the data.



City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org

City Bid #1819-16 Landscape Maintenance Bid Tabulation Sheet

ITEM 1:	BrightView	Down to Earth
Section 1: Pollution Control Plant and Lift Stations		
1. PCP Plant	\$ NO Bid	\$ 15,804.00
2. Lift Station # 2	\$ NO Bid	\$ 1,848.00
3. Lift Station # 3	\$ NO Bid	\$ 1,164.00
4. Lift Station # 5	\$ NO Bid	\$ 1,140.00
5. Lift Station # 9	\$ NO Bid	\$ 840.00
6. Lift Station # 10	\$ NO Bid	\$ 840.00
7. Lift Station # 11	\$ NO Bid	\$ 1,800.00
8. Lift Station # 15	\$ NO Bid	\$ 2,328.00
9. Lift Station # 18	\$ NO Bid	\$ 2,328.00
10. Lift Station # 19	\$ NO Bid	\$ 1,020.00
Section 1 Total (Sum 1-10 above)	\$ NO Bid	\$ 29,112.00
Section 2: Water Plants, Raw Water and Monitoring Wells	BrightView	Down to Earth
1. Water Plant # 1	\$ 4,930.80	\$ 5,604.00
2. Water Plant # 2	\$ 4,930.80	\$ 7,356.00
3. Raw Water Well # 11	\$ 821.80	\$ 528.00
4. Monitoring Well # 12	\$ 821.80	\$ 552.00
5. Monitoring Well # 13	\$ 821.80	\$ 540.00
6. Monitoring Well # 14	\$ 821.80	\$ 560.00
7. Raw Water Well # 15	\$ 821.80	\$ 840.00
8. Raw Water Well #21	\$ 821.80	\$ 1,020.00
9. Raw Water Well # 22	\$ 821.80	\$ 1,476.00
10. Raw Water Well # 23	\$ 821.80	\$ 1,296.00
11. Monitoring Well	\$ 821.80	\$ 2,640.00
12. South Tower	\$ 821.80	\$ 1,020.00
13. Water Plant #1 Ground Storage Tank	\$ Included in item 1	\$ 1,476.00
Section 2 Total (Sum 1-13 above)	\$ 18,079.60 *	\$ 24,908.00
Section 3: Storm Drainage	BrightView	Down to Earth
1. North Tower	\$ 821.80	\$ 1,080.00
2. Beach Blvd. SW Pump Station	\$ 821.80	\$ 1,020.00
3. Madrid Stormwater Pump Station	\$ 4,930.80	\$ 2,400.00
4. Azalea Drive Stormwater Pond	\$ 2,465.40	\$ 1,820.00
5. Tallwood Stormwater Pond	\$ 2,465.40	\$ 1,848.00
6. Phase 1 Stormwater Pump Station	\$ 1,643.60	\$ 4,596.00
7. Lake Mildred SW Pond / Pump Station	\$ 4,930.80	\$ 6,420.00
8. 9th Avenue North SW Pump Station	\$ 821.80	\$ 1,848.00
9. Phase 1 Stormwater Pond	\$ 8,218.00	\$ 11,028.00
10. Bank of America Stormwater Pond	\$ 2,465.40	\$ 4,596.00
11. Police Station Stormwater Pond	\$ 3,287.20	\$ 1,642.00
12. Wingate Stormwater Pump Station	\$ 1,643.60	\$ 2,136.00
Section 3 Total (Sum 1-12 above)	\$ 34,515.60 *	\$ 40,434.00
ITEM 2: Palm Tree Trimming – Cost per Tree	\$ 35.00	\$ 55.00
ITEM 3(a): Irrigation Repair – Price per Hour	\$ 55.00	\$ 58.50
ITEM 3(b): Irrigation Repair – Price per 5 feet	\$ 25.00	\$ 100.00

Note: * Corrected Bid



City of Jacksonville Beach Bid Tabulation Form				
Bid Number 1819-16, "Landscape Maintenance"				
Bid Date:	August 7, 2019			
	BIDDERS			
	<i>Vendor A</i>	<i>Vendor B</i>		
Section 1: Pollution Control Plant and Lift Stations	NO BID	\$ 29,112.00		
Section 2: Water Plants, Raw Water and Monitoring Wells	\$ 18,079.60*	\$ 24,908.00		
Section 3: Storm Drainage	\$ 34,515.60*	\$ 40,434.00		
*Corrected Bid				
Invitations Issued: 27		Plan Holders: N/A		Bid Responses:2
BIDDERS				
A	BrightView Landscape Services, Inc., lowest, responsive bidder for Sections 2 and 3.			
B	Down to Earth – Jacksonville, lowest, responsive bidder for Section 1.			

MEMORANDUM

City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6219
Fax: 904.247.6117

TO: Michael J. Staffopoulos, City Manager
FROM: Kayle W. Moore, P.E. PW Project Engineer
SUBJECT: Bid No. 1819-17, 4th Street South Stormwater Improvements
DATE: August 15, 2019

ACTION REQUESTED

Award Bid No. 1819-17, 4th Street South Stormwater Improvements to Kirby Development, Inc. for construction services, and authorize construction administration services with the project design firm, Applied Technology & Management, Inc.

BACKGROUND

This project involves the installation of two new drainage structures, 112 LF of 42" RCP Pipe and 8 LF 24" RCP Pipe at 4th Street S and 16th Avenue S, replacing the north-south open stormwater ditch on west side of 4th Street S. The improvements also include replacement of 50 LF of concrete sidewalk and permanent seeding. See the attached GIS Map for the project limits.

The City advertised the project to twelve (12) contractors on July 3, 2019, and seven (7) contractors submitted bids for the project. The bids were evaluated for conformance with the criteria set forth in the bidding documents. The total base bids from the contractors ranged from \$76,811.82 to \$191,650.00. Kirby Development, Inc. was the lowest responsive, responsible bidder for the project.

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Unit Price Bid No: 1819-17 4th Street South Stormwater Improvements		
<u>DESCRIPTION</u>	<u>COST</u>	<u>RECOMMENDATION</u>
Unit Price Bid (based on estimated quantities)	\$ 76,811.82	• Award to Kirby Development, Inc., (the lowest qualified bidder)
15% Contingency*	\$ 11,521.77	
Construction Total:	\$ 88,333.59	
Construction Administration (C&A) Services	\$ 4,500.00	• Authorize C & A with Applied Technology & Management, Inc.(the project's design firm)
10% Contingency	\$ 450.00	
C&A Services Total:	\$ 4,950.00	
GRAND TOTAL:	\$ 93,283.59	

*15% contingency is recommended due to unforeseen additional site work quantities.

Memorandum
Bid No. 1819-17 4th St S. Stormwater
August 15, 2019

Page 2 of 2

The bid tabulation form and design consultant Recommendation of Award letter are attached.

Funding for this construction project is budgeted in the FY 2019 Public Works Stormwater Fund capital account.

RECOMMENDATION

Award Bid No. 1819-17, 4th Street South Stormwater Improvements to Kirby Development, Inc. for construction services, and authorize construction administration services with the project design firm, Applied Technology & Management, Inc., as described in the memorandum from the Public Works Project Engineer dated August 15, 2019.



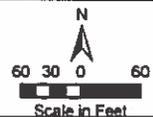
Project Area



CITY OF JACKSONVILLE BEACH
 DEPARTMENT OF PUBLIC WORKS
 1460-A Shetter Avenue
 Jacksonville Beach, FL 32250
 904.247.6218 / publicworks@jaxbcfl.net

4th Street South Stormwater Improvements

The data provided on this map are provided for informational and planning purposes only. The City is not responsible for the misuse or misrepresentation of the data.





August 7, 2019

Martin Martirone, PE
City Engineer
City of Jacksonville Beach
Department of Public Works
1460A Shetter Avenue
Jacksonville Beach, Florida 32250

RE: City of Jacksonville Beach
Recommendation of Award for 4th Street Stormwater Improvements
Jacksonville Beach City Bid No. 1819-17
ATM Project No.: 18-3291
Bid Review and Evaluation of Findings

Dear Mr. Martirone:

This letter summarizes the construction contract bids received for the 4th Street Stormwater Improvements Project. The City of Jacksonville Beach received bids for the project on July 31, 2019, at 2:00 pm.

Invitations to bid were emailed by the City to Twelve (12) contractors on July 3, 2019, and Seven (7) contractors submitted bids for the project. The bids were evaluated for conformance with the criteria set forth in the bidding documents. The total base bids from the contractors ranged from \$76,811.82 to \$191,650.00.

Kirby Development, Inc. submitted the lowest responsive and complete bid. ATM has reviewed the submitted bid package provided by AWA Contracting Co. Inc. and finds their bid responsive. All items were acknowledged on the Bid Form. A 5% Bid Bond was provided, and the Bid Bond surety is licensed in Florida. In their package, they indicated that they would provide qualifications prior to execution of a contract. They provided state licensing, however may need to obtain or prove City licensing prior to final execution of a contract. Should Kirby be unable to satisfactorily address these issues, ATM recommends Grimes Utilities, Inc. as a secondary choice.

ATM also investigated the contractor's experience, and reputation, and finds the contractor capable of performing the work for this project based on the information received.

Although the final determination regarding which contractor will be awarded this project will be made by the City, ATM believes their bid to be responsive and would concur with the City if they choose to award the project to the lowest responsive bidder, Kirby Development, Inc., for the Bid Price of:

Total Bid Price \$76,811.82



City of Jacksonville Beach
August 13, 2019
Page 2 of 2

ATM recommends that the City establish a contingency in an amount of fifteen percent (15%) of the total bid price to allow for any unknown conditions that may be encountered during construction.

As always, ATM is grateful for the opportunity to provide services to the City of Jacksonville Beach and look forward to working with the City during the ongoing construction of this project. If you have any questions, please feel free to contact me at 843-414-1057 or jmina@appliedtm.com.

Sincerely,

APPLIED TECHNOLOGY & MANAGEMENT, INC.



Joseph A. Mina, P.E.



City of Jacksonville Beach Bid Tabulation Form					
Bid Number 1819-17, 4th Street South Stormwater Improvements					
Bid Date:	July 31, 2019				
	BIDDERS				
	<i>Vendor A</i>	<i>Vendor B</i>	<i>Vendor C</i>	<i>Vendor D</i>	
Base Bid	\$ 76,811.82	\$ 91,080.29	\$ 99,475.00	\$ 100,757.00	
	<i>Vendor E</i>	<i>Vendor F</i>	<i>Vendor G</i>		
Base Bid	\$ 109,115.22	\$ 119,392.00	\$ 191,650.00		
Invitations Issued: 12		Plan Holders: N/A		Bid Responses:7	
BIDDERS					
A	KIRBY DEVELOPMENT, INC., LOWEST, RESPONSIVE BIDDER				
B	JAX UTILITIES MANAGEMENT, INC.				
C	GRIMES UTILITIES, INC.				
D	CGC, INC.				
E	MAER HOMES, LLC				
F	THE KENTON GROUP, INC.				
G	UNITED BROTHERS DEVELOPMENT CORPORATION				



Beaches Energy
Services
1460-A Shetter Ave
Jacksonville Beach
FL 32250
Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director of Beaches Energy Services
SUBJECT: Bid No. 1819-18 to purchase three (3) 1,500 kVA Distribution Transformers
DATE: August 23, 2019

ACTION REQUESTED

Award Bid No. 1819-18 120/208V, 1,500 kVA, distribution transformers to the lowest, responsive, responsible bidder, Gresco.

BACKGROUND

Through a routine field inspection, our Construction and Maintenance Division recently identified a 1,500 kVA transformer at Ocean 14 Condos located at 1301 1st Street South in Jacksonville Beach. Further research discovered that this transformer had been installed in 1975. Based on the age of the transformer we decided to replace it with a new transformer but discovered that we did not have a transformer of this size in inventory. In addition, to ensure that we have the ability to replace this type of transformer within a reasonable amount of time the Engineering Division developed a bid specification for a 1,500 kVA, 208/120 volt transformer so that Property and Procurement could solicit bids to allow us to purchase this transformer for stock.

In the meantime, other projects were developing that had the potential to require a transformer of this size. We found that the new SpringHill Suites by Marriott which will be located in the lot where the current Pier Cantina is would also require this same transformer size.

These circumstances require that Beaches Energy order three (3) 1,500 kVA, 120/208 Volt transformers. One (1) to replace the existing transformer at Ocean 14, the second to be installed at the new SpringHill Suites by Marriott and the third to be kept as a spare in inventory.

We solicited bids from four (4) approved manufactures and received two (2) responses. Central Maloney declined to bid since they could not meet the impedance and weight requirement in the specifications. WEG Transformers declined to bid because they do not have the capability to manufacture a 1,500 kVA transformer with a 120/208Y secondary.

Following is the tabulation of approved bidders:

Organization	Bid (each)	Lead Time (days)
Gresco	\$46,691.00	91-105 ARO
Wesco Distribution Inc.	\$53,211.00	119 ARO
Central Maloney	No Bid	N/A
WEG Transformers	No Bid	N/A

This procurement was included in the 2019 Capital Improvement Plan and funding is available in the Beaches Energy Services Capital Budget.

RECOMMENDATION

Award Bid Number 1819-18 120/208V, 1,500 kVA, distribution transformer to the lowest, responsive, responsible bidder, Gresco, as explained in the memorandum from the Director of Beaches Energy Services dated August 23, 2019.



Beaches Energy
Services

1460-A Shetter Ave
Jacksonville Beach
FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director of Beaches Energy Services
SUBJECT: Resolution 2039-2019 – Interlocal Agreement with Florida Gas Utility (FGU)
DATE: August 26, 2019

ACTION REQUESTED

Adopt Resolution 2039-2019 authorizing the Mayor to execute an Interlocal Agreement between the City of Jacksonville Beach and Florida Gas Utility (FGU).

BACKGROUND

Florida Gas Utility (FGU) is a non-profit joint action agency that provides natural gas management services to its municipal utility members. FGU currently serves twenty-three (23) municipalities including Blountstown, Starke, Williston, Leesburg, the Orlando Utilities Commission, Lakeland, and Kissimmee Utility Authority; all of whom are members of the Florida Municipal Power Agency. Florida Municipal Power Agency is also a member organization of FGU. FGU assists FMPA in acquiring and managing the natural gas supply that fuels the various generation plants that supply energy to our City.

As our City's natural gas system continues to evolve, we have identified the need for additional services beyond those supplied by our current vendor. These include sales and marketing services, project management services, operational assistance, regulatory and legislative support, rate studies, financial analyses and consulting service. FGU can provide these services. In addition, FGU can act as an industry information source that can assist us in shaping our natural gas strategy moving forward as part of an all-encompassing strategic plan for Beaches Energy Services.

In the future, FGU could provide other services such as gas supply acquisition, gas supply management, natural gas storage, scheduling and nomination services, and imbalance management services to the City.

The annual membership cost is \$6,000 per year for a base membership. At some point in the future, we may call upon FGU to perform additional services for Beaches Energy Services. A City of our size utilizing all the services that FGU offers would cost approximately \$30,000.

Funding for the current level of membership (\$6,000) is budgeted in the FY2020 Beaches Energy Operating Budget.

RECOMMENDATION

Adopt Resolution 2039-2019 authorizing the Mayor to execute the Interlocal Agreement between the City of Jacksonville Beach and Florida Gas Utility (FGU).

Introduced By: _____

Adopted: _____

RESOLUTION 2039-2019

A RESOLUTION OF BEACHES ENERGY SERVICES, FLORIDA, APPROVING THE FORM AND CONTENT OF THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT DATED AS OF MARCH 25, 2011, AUTHORIZING THE EXECUTION OF THE ASSUMPTION AGREEMENT AND THE GAS SERVICES AGREEMENT AND AUTHORIZING THE DELIVERY OF SUCH INSTRUMENTS TO FLORIDA GAS UTILITY; PROVIDING FOR THE MAKING OF PAYMENTS PURSUANT TO SAID GAS SERVICES AGREEMENT; APPOINTING A DIRECTOR AND AN ALTERNATE DIRECTOR TO SERVE ON THE BOARD OF DIRECTORS OF FLORIDA GAS UTILITY; AND MAKING CERTAIN COVENANTS IN CONJUNCTION THEREWITH; PROVIDING CERTAIN AUTHORIZATIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO.

WHEREAS, the **THE CITY OF JACKSONVILLE BEACH**, (the "Public Body"), has been proposed and accepted as a new member of Florida Gas Utility ("FGU") by FGU's Executive Committee, such membership to become effective upon the execution and filing of the Assumption Agreement, the execution of the Gas Services Agreement described below and the compliance with certain other requirements; and

WHEREAS, to become a member of FGU it is necessary for the Public Body to accept its obligations as a Member of FGU in accordance with the terms and conditions of the Third Amended and Restated Interlocal Agreement (the "Interlocal Agreement") and to approve the Assumption Agreement and Gas Services Agreement in the respective forms attached hereto as Exhibits "A" and "B," respectively, and authorize their execution and delivery; and

WHEREAS, the Interlocal Agreement obligates each Member to select a Director and Alternate Director to represent such Member with respect to all actions to be taken pursuant to the Interlocal Agreement and in accordance with the Act; and

WHEREAS, the Public Body desires to take certain other actions with respect to the Assumption Agreement and Gas Services Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF JACKSONVILLE BEACH, that:

Section 1. Authority. This Resolution is adopted pursuant to the Constitution and laws of the State of Florida, including, particularly, Section 163.01, Florida Statutes, Chapter 166, Florida Statutes, and other applicable provisions of law.

Section 2. Definitions. Unless the context otherwise requires, all terms used herein in capitalized form shall have the same meanings ascribed to such terms in the Assumption Agreement and the Gas Services Agreement.

Section 3. Findings. It is hereby ascertained, determined and declared that the Public Body is a public agency as defined in Section 163.01(2)(b), Florida Statutes, is qualified for membership under Section 163.01, Florida Statutes, and is authorized under the authority cited above to accept the terms and conditions of the Interlocal Agreement and to approve the Assumption Agreement and the Gas Services Agreement, attached hereto as Exhibit "A" and Exhibit "B," respectively, in the manner herein provided.

Section 4. Acceptance of Interlocal Agreement and Approval of Forms of Assumption Agreement and Gas Services Agreement. The terms and conditions of the Interlocal Agreement are hereby accepted, and the Public Agency agrees to assume and perform its obligations as a Member thereunder. The forms of the Assumption Agreement and the Gas Services Agreement, are hereby approved, with such changes, insertions, omissions and filling in of blanks therein as may be approved and made to such forms of Assumption Agreement and Gas Services Agreement by the officers designated below executing the same in the manner consistent with the provisions of this Resolution. Such execution and delivery of the final forms of the Assumption Agreement and Gas Services Agreement shall be conclusive evidence of the approval of the Assumption Agreement and the Gas Services Agreement by the officers executing the same and the Public Body shall be bound by the Assumption Agreement and Gas Services Agreement as executed and delivered. Such officers are hereby authorized to deliver the forms of such Assumption Agreement and Gas Services Agreement, as so modified and amended, as executed, to FGU for its consideration and execution.

Section 5. Authorizations Concerning the Assumption Agreement and Gas Service Agreement.

A. The Mayor and the Clerk or any Assistant Deputy Clerk of the Public Body shall be and are hereby authorized to execute the Assumption Agreement and Gas Services Agreement for and on behalf of the Public Body pursuant to the terms hereof, in substantially the forms attached hereto as Exhibits A and B, respectively, with such changes, insertions and omissions and filling in of blanks therein as such officers may approve, such approval to be conclusively evidenced by the execution thereof.

B. Such officers and employees of the Public Body as may be designated by the officers charged with the execution of the Assumption Agreement and the Gas Services Agreement, are each designated as agents in connection with the issuance and delivery of the Assumption Agreement and the Gas Services Agreement and are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents and contracts on behalf of the Public Body that are necessary or desirable in connection with the execution and

delivery thereof, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

Section 6. Appointment and Authorizations.

A. The Public Body hereby appoints the Allen Putnam, Director, Beaches Energy, and Karen Nelson , Deputy City Manager to serve as a Director and Alternate Director, respectively, of FGU until their successors shall be duly appointed.

B. Said Director or Alternate Director shall be authorized to exercise all powers and duties on behalf of the Public Body as shall be authorized pursuant to the Interlocal Agreement and the Act and the said Director and Alternate Director are hereby designated as agents of the Public Body in connection with the taking of all actions and the execution of all documentation on behalf of the Public Body which shall be authorized by the Second Amended and Restated Interlocal Agreement and the Act. FGU may conclusively rely on the power and authority of such representatives in taking action on behalf of the Public Body until it receives written notice to the contrary.

Section 7. Severability. If any one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, such provisions shall be deemed to be severable from the remaining provisions hereof and shall in no way effect the validity or enforceability of such remaining provisions.

Section 8. Repeal of Inconsistent Resolutions. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this _____ day of _____, 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

MEMORANDUM

To: Mike Staffopoulos, City Manager
From: Heather Ireland, Senior Planner
Subject: Resolution 2033-2019 establishing fees related to Short-Term Vacation Rentals
Date: August 27, 2019

ACTION REQUESTED

Adopt Resolution 2033-2019 establishing fees related to Short-Term Vacation Rentals.

BACKGROUND

Staff has been working on Ordinance 2019-8118 that will amend the Land Development Code to define and regulate short-term vacation rentals. Accompanying the Ordinance is Resolution 2033-2019 which establishes a schedule of fees to cover the administrative processing and enforcement of short-term rentals in Jacksonville Beach.

The first proposed schedule of fees was amended based on feedback from City Council at the June, 27, 2019 workshop that was held to discuss the proposed short-term vacation rental ordinance. Changes were made to the fee schedule that included allowing collective registrations, lowering initial application fees, and removing violation fine amounts.

Using the matrix created by the Interim City Attorney comparing seven different jurisdiction's short-term vacation rental requirements, and provided to City Council at the August 5th Council meeting, staff conducted research on those same jurisdiction's fee schedules for analysis. Staff used the same list of jurisdictions plus one and researched initial and renewal fee amounts only.

The average initial registration fee amount among the eight jurisdictions is \$416 and the average annual renewal fee amount is \$261. Both of these are significantly higher than what Resolution 2033-2019 currently proposes. Additionally, none of the jurisdictions have a lower registration fee for bundling properties, as it would not cover the administrative processing and enforcement activities that are necessary.



Memorandum
Resolution 2033-2019
August 27, 2019

Page 2 of 2

For example, the City of Hollywood initially had fees (\$200 initial and \$150 renewal) that were comparable to what is proposed in Resolution 2033-2019 for the City of Jacksonville Beach. The City of Hollywood determined that the fees were not adequate to cover the internal costs associated with their program's administration, and their fees were raised to \$500 for initial registration, and \$350 for annual renewal as shown in the attached Fee Comparison Matrix.

Based on the research provided for short-term vacation rental fees in other jurisdictions in Florida, staff recommends the following: remove the collective short-term rental registration fee, increase the initial fee to \$350 for all short-term rental properties, and increase the annual renewal fee to \$150 for all short-term rental properties. Fees can be revisited at any time and lowered or increased based on a future analysis of actual administrative processing, property inspection, consultant fees, and code enforcement costs.

RECOMMENDATION

Adopt Resolution 2033-2019, amended as recommended, removing collective registration, and establishing increased fees, as provided related to Short-Term Vacation Rentals;

OR

Adoption Resolution 2033-2019, as is, establishing fees related to Short-Term Vacation Rentals.

Fee Comparison Chart for Short-Term Vacation Rentals

Jurisdiction	Initial Registration Fee	Renewal Fee
Flagler County	\$500	\$250
Holmes Beach	\$150	\$150
Deerfield Beach	\$100	\$100
Pompano Beach	\$675	\$375
Hollywood	\$500	\$350
Fort Lauderdale	\$350	\$160
Lighthouse Point	\$750	\$500
Fernandina Beach	\$300	\$200
Average	\$416	\$261

Introduced by: _____
Adopted: _____

RESOLUTION NO. 2033-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING FEES RELATED TO SHORT TERM VACATION RENTALS; PROVIDING FOR REFUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 34, Article VIII, Division 2 of the Code of Ordinances of the City of Jacksonville Beach, Florida, provides for the fees to be established related to Short Term Vacation Rentals by resolution of the City Council; and

WHEREAS, the City Council of the City of Jacksonville Beach desires to establish such rates and schedule of fees for the administrative processing and enforcement of its Short Term Vacation Rental regulations.

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

SECTION 1. As provided in Section 34-411 of the City of Jacksonville Beach Land Development Code, the schedule of such fees and related enforcement fines is established as follows:

SHORT TERM VACTION RENTAL FEES	FEE
Initial & Annual Registration Certificate (Single & Collective)	\$150
Initial & Annual Collective Registration Certificate Per Unit Fee (for every unit above 1)	\$10
Registration Certificate Transfer of Ownership	\$150
Registration Certificate Modification	\$150
Inspection "No Show"	\$100

SECTION 2. Refunds shall be available upon request of the property owner, subject to the following:

- A. If any application related to short term vacation rentals has not been distributed for departmental/staff review and receipt of requested refund has been received by the Planning and Development Department within thirty (30) days of submittal of an application, a full refund may be requested.

- B. If departmental/staff review has begun on any application and a request for a refund is received by the Planning and Development Department within thirty (30) days of submittal of an application, a partial refund of fifty percent (50%) of application fees may be requested.
- C. If a Short Term Vacation Rental Registration Certificate has been issued, denied, revoked, or suspended, whether for an initial, renewal, transfer, or modification Registration Certificate, no refund may be requested.
- D. All refund requests will be expeditiously processed and refunded amounts will not be unreasonably withheld by the City.

SECTION 3. The fees listed herein and the refund policy as listed herein shall be collected by the Planning and Development Department and allocated to appropriate accounts created for collection of such fees. Through this Resolution, the City Council authorizes the creation of appropriate accounts for the collection, accounting, disbursement, and refund of such fees as needed.

SECTION 4. This Short Term Vacation Rental program is the first such regulatory program of this nature enacted in the City of Jacksonville Beach. The identification of fees is based on research of other jurisdictions and best estimates. The City will review the fees and labor and expense associated with processing Registration Certificates, required inspections, and enforcement and modify the fee schedule as appropriate.

SECTION 5. It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable. If any phrase, clause, sentence, paragraph or section of this Resolution shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Resolution.

SECTION 6. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

SECTION 7. This Resolution shall take effect upon its adoption in accordance with applicable law.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

To: Mike Staffopoulos, City Manager
From: Heather Ireland, Senior Planner
Subject: Ordinance No. 2019-8118, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted.
Date: August 27, 2019

ACTION REQUESTED

Adopt Ordinance No. 2019-8118, as amended, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted.

BACKGROUND

Following the receipt of complaints regarding occupant conduct and parking problems at a short-term rental (STR) property in the city in the Spring of 2018, and also upon learning that there were a large number of STRs throughout the city, the City Manager asked staff to look into ways that the City could address some of the problems with certain types of STRs.

The City Attorney, with assistance from Planning, Police, and Fire Department staff compiled a proposed set of STR regulations for consideration and approval by the Planning Commission and City Council. At the June 10, 2019 Planning Commission meeting, the Planning Commission voted to defer the application until after a scheduled public workshop.

On June 27, 2019 the City held a public workshop which resulted in changes to the proposed regulations. If approved, these regulations will become a new section, Section 34-411 - Short Term Vacation Rentals, of Article VIII. Supplemental Standards of the Land Development Code.



At the July 22, 2019 Planning Commission meeting the City Attorney provided details on the proposed changes. After much discussion and public comment, the Planning Commission voted to recommend approval to the City Council with the following additional considerations:

- Revisit the maximum occupancy to consider two (2) persons per bedroom plus (2), or one (1) per one hundred fifty (150) square feet, whichever is less.
- Revisit the proposed parking requirements to consider permitting grass parking on properties where adequate paved or garage parking is not available on site.
- Revisit the definition of "persons" that currently includes adults and children.
- Consider a one-year review of City costs and revenues related to the new regulations.

City Council held a public hearing on Ordinance No. 2019-8118 on Monday August 5th. After discussing the recommendations of the Planning Commission and following the public hearing, City Council made the following amendments:

- Amend Section 34-411(c)(1) to read – Maximum occupancy will be limited to two (2) persons per bedroom plus two (2), except that under no condition shall maximum occupancy exceed sixteen (16) occupants per short term vacation rental unit.
- Amend Section 34-411 to remove subsection (i)(2) removing the requirement to post a building evacuation map.
- Amend Section 34-411(b)(6)b to remove the reference to the National Fire Protection Association (NFPA) 101 Life Safety Code, as this is redundant, pursuant to the recommendation of the City Attorney .
- Amend Section 34-411(h) to add subsection (5) to add language requiring property owners and/or the licensed agent of a property to determine and publish whether a rental property is located in an area where it is unlawful for sexual offenders or sexual predators to establish residence that would be in violation of Florida Statutes. (Similar to Ft. Lauderdale's short term vacation rental ordinance).

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- Additionally, City Council directed staff to provide some alternative parking standards based on discussions at the public hearing.

On August 9th, staff respectfully requested that the second reading of Ordinance 2019-8118 be deferred until September 3, 2019.

The changes directed by City Council at the first reading of Ordinance No. 2019-8118 are included in the attached 2nd reading version of the ordinance.

- Change the requirements for Solid Waste and Containment in Section 34-411(c)(3) to be in line with the City's Franchise Agreement.
- Remove 34-411(l) regarding suspension of Short Term Vacation Rental Certificates and references thereto.
- Remove the limitation for 12 months on existing lease agreement vesting.
- Establish an effective date for Ordinance No. 2019-8118 of October 14, 2019, to allow staff sufficient preparation time to implement the newly adopted STR regulations.

RECOMMENDATION:

Adopt Ordinance No. 2019-8118, as amended, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted.

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

ORDINANCE NO. 2019-8118

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VIII. SITE DEVELOPMENT STANDARDS, DIVISION 2. SUPPLEMENTAL STANDARDS, CREATING A NEW SECTION 34-411 SHORT TERM VACATION RENTALS, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE IV. DEFINITIONS PROVIDING DEFINITIONS; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VII. ZONING DISTRICTS, DIVISION 2. ZONING DISTRICTS, SECTION 34-336. RESIDENTIAL, SINGLE-FAMILY: RS-1, SECTION 34-337. RESIDENTIAL SINGLE-FAMILY: RS-2, SECTION 34-338. RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339. RESIDENTIAL MULTIPLE-FAMILY: RM-1, SECTION 34-340. RESIDENTIAL, MULTIPLE-FAMILY: RM-2, SECTION 34-341. COMMERCIAL PROFESSIONAL OFFICE: CPO, SECTION 34-342. COMMERCIAL LIMITED: C-1, SECTION 34-343. COMMERCIAL GENERAL: C-2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD; PROVIDING THAT SHORT TERM VACATION RENTALS ARE A PERMITTED USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and

WHEREAS, prior to 2011 Florida's cities and counties regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

WHEREAS, in 2011 the Florida Legislature enacted House Bill 883 (Chapter 2011-119, Laws of Florida) which preempted the local regulation, restriction or prohibition of vacation rentals based solely on their classification, use or occupancy; and

WHEREAS, the preemption to the state provided little oversight of vacation rentals such as staffing for mandatory or randomized inspections of vacation rentals and applied relaxed standards for vacation rentals when compared to hotels, motels, and bed and breakfast establishments; and

WHEREAS, in 2014 the Florida Legislature enacted Senate Bill 356 (Chapter 2014-71, Laws of Florida) which rescinded portions of the previous preemption but provided that local governments may not prohibit or regulate the frequency or duration of short term vacation rentals; and

WHEREAS, Chapter 2014-71, Laws of Florida returned some local control back to communities to mitigate the effects of short term vacation rentals to make them safer, more compatible with existing neighborhood uses, and accountable for proper operation; and

WHEREAS, short term vacation rentals cannot be prohibited and are therefore a permitted use in all zoning districts where residential uses are a permitted or conditional use; and

WHEREAS, single-family, two-family, and townhouse neighborhoods and their required infrastructure are generally designed to accommodate typical residential homes; and

WHEREAS, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, other infrastructure impacts along with the corresponding fair and proportionate impact/connection fees; and

WHEREAS, short term vacation rentals located in residential neighborhoods without regulation or standards for mitigation may create disproportional impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, permanent residents of single-family, two-family, and townhouse dwelling units inherently understand and know their physical surroundings, to include any safety gaps and potential risks to life and safety due to daily familiarity; and

WHEREAS, due to the transient nature of the occupancy short term vacation rental, occupants are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features and similar life safety measures as would readily be provided to guests in traditional lodging establishments; and

WHEREAS, short term vacation rentals may be created in single-family, two-family, or townhouses built prior to current building codes that require minimum life safety improvements, such as smoke detectors, carbon monoxide detectors, pool alarms, pool safety drains, and other such life safety equipment; and

WHEREAS, transient public lodging establishments such as vacation rentals are required to comply with the Florida Building Code and the Florida Fire Prevention code regarding life safety equipment, inspections, and enforcement programs; and

WHEREAS, short term vacation rentals located within established neighborhoods may disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of typical residential neighborhoods; and

WHEREAS, short term vacation rentals located within established single-family, two-family, and townhouse neighborhoods may create compatibility impacts, including but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, traditional lodging establishments (hotels, motels, and bed & breakfast inns) are restricted to commercial and other non-residential zoning districts where the intensity of use is separated from the quiet residential uses; and

WHEREAS, traditional lodging establishments must meet stricter development standards, undergo annual or bi-annual inspections, and meet more stringent operational and business requirements; and

WHEREAS, traditionally lodging establishments typically must make roadway improvements and/or pay higher transportation, water, sewer, and other impact fees to offset the infrastructure demands created by their use; and

WHEREAS, Chapter 720 Florida Statutes provides for the formation and operation of homeowners' associations, independent of government authority; and

WHEREAS, such homeowners' associations may or may not exist in all single- and two-family residential neighborhoods; and

WHEREAS, such homeowners' associations typically employ property managers and employees or contracted vendors to monitor maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, homeowners' associations are governed by covenants, restrictions and bylaws of the governing associations; and

WHEREAS, such homeowners' associations which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, multi-unit condominium buildings which allow short term vacation rental units are subject to Florida Statutes Chapter 718 and typically to covenants, restrictions, and bylaws thereof; and

WHEREAS, multi-unit condominium buildings are typically constructed to more stringent building code, fire code, and other life safety code standards including sprinkler systems, interconnected fire alarm systems, fire alarm panels, emergency lighting, exit signs, fire extinguishers, and fire wall separation between occupancies; and

WHEREAS, multi-unit condominium buildings are routinely inspected for fire and life safety code compliance including fire sprinkler systems, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, and communications; and

WHEREAS, many multi-unit condominium buildings have on-site property managers and employees or contracted vendors to provide maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, multi-unit condominium buildings which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, whenever one (1) or more property owner permanently resides at the short term vacation rental located within the same structure the number of renters is minimized and the owner is present to directly manage the property; and

WHEREAS, an on-site owner permanently residing in a short term vacation rental is likely to manage the short term vacation rental more restrictively because there is a direct, vested interest in its use and maintenance; and

WHEREAS, owner-occupied short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, permanent residents within residential neighborhoods often establish long-term friendships, social norms, and a sense of community which often leads to mutual respect among property owners; and

WHEREAS, a permanent residence is typically the largest investment a family will make in their lifetime, with the homestead held sacred in popular culture as the heart and center of the family unit; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without intrusion by an excessive number of transient occupants; and

WHEREAS, the City of Jacksonville Beach promotes tourism, including appreciation and enjoyment of its pristine beaches, fishing pier, boardwalk, historic sites, and entertainment options; and

WHEREAS, many local governments in the State of Florida, and across the nation, have instituted standards to minimize the potential negative impacts of short term vacation rentals on the permanent residents; and

WHEREAS, the City of Jacksonville Beach has experienced a significant increase in the construction of new, oversized structures and the repurposing of existing residential homes for the primary purpose of serving as short term vacation rentals for up to as many as seventeen (17) individuals; and

WHEREAS, although family size per residence varies, the most recent data from the 2010 U.S. Census indicates the City of Jacksonville Beach average family size is 2.74 persons; and

WHEREAS, the 2010 U.S. Census data further indicates the average household size in the City of Jacksonville Beach is 2.11 persons; and

WHEREAS, the operation of short term vacation rentals in established neighborhoods in the City of Jacksonville Beach may create a large disparity in short term vacation rental impacts with more than six (6) times the average occupancy of established owner-occupied residences making the higher occupancy of the short term vacation rental homes incompatible with established neighborhood; and

WHEREAS, utility usage by short term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family, two-family, or townhouse residence, creating a disparity between the impact and connection fees paid and the system impacts caused by their increased demand; and

WHEREAS, the State of Florida through its existing regulatory framework provides for licensing, maintenance, and inspection of hotels and motels; however no similar regulatory framework exists for vacation rentals; and

WHEREAS, current vacation rental industry practice is to set maximum limits upon the number of transient occupants within a short term vacation rental unit, but lack provisions for verification and enforcement; and

WHEREAS, current vacation rental industry practice is to charge a flat rental fee for the term of the lease, regardless of transient occupancy count, which may incentivize lessees of oversized structures used as short term vacation rentals to increase the transient occupant count to spread out the cost burden for the rental term among as many payers as possible; and

WHEREAS, the City of Jacksonville Beach desires to encourage short term vacation rentals that are safe, compatible with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City of Jacksonville Beach seeks to balance respect for private property rights and incompatibility concerns between the investors in short term vacation rentals and the families investment in permanent single-family, two-family, or townhouse residences in established residential neighborhoods through the use of reasonable rules, regulations, and development standards; and

WHEREAS, these regulations are deemed necessary to preserve property values and to protect the health, safety, and general welfare of permanent residents, property owners, investors, transient occupants, and visitors alike; and

WHEREAS, these regulations are being promulgated to supplement, but not replace, any existing federal or state law, regulation, or other controls within established residential neighborhoods served by a homeowners' association or condominium associations; and

WHEREAS, the City of Jacksonville Beach seeks to regulate vacation rental use of single-family, two-family, and townhouses subject to initial inspection requirements, ongoing compliance with these regulations, issuance of and annual renewal of local business tax receipt for short term vacation rental use; and

WHEREAS, these regulations do not prohibit or regulate duration or frequency of vacation rentals, but are intended to address the frequent change of transient occupants housed within single-family, two-family, and townhouse dwellings within established residential neighborhoods; and

WHEREAS, the application of minimum life safety requirements to short term vacation rentals, as required by state law for transient public lodging establishments, ensures that transient occupants are provided the same minimum level of protection as is required by current statutes, regulations, and codes for hotels, motels, and dormitories; and

WHEREAS, a maximum occupancy of sixteen (16) persons within any short term vacation rental in any zoning district is appropriate because any occupancy of greater than sixteen (16) persons falls within a commercial classification of hotel or dormitory for the purposes of the National Fire Protection Association (NFPA) 101 Life Safety Code; and

WHEREAS, for purposes of compliance with the National Fire Protection Association (NFPA) 101 Life Safety Code, occupancies of sixteen (16) or fewer persons may be provided in single-family, two-family, or townhouse short term vacation rentals without consideration as a hotel or dormitory and provisions of related life safety requirements; and

WHEREAS, the minimum residential safety standards, as adopted by the Florida Legislature as the Residential Swimming Pool Safety Act include provision of swimming pool, spa, and hot tub barriers or alarms so as to reduce the likelihood of child and elder drowning; and

WHEREAS, bedrooms as so designated within short term vacation rentals shall be considered the equivalent of bedrooms as defined by Florida Statute 381.0065, as may be amended from time to time; and

WHEREAS, because of the high occupancy and transient nature of occupants within many short term vacation rentals, fire safety becomes important; and

WHEREAS, Section 509.215, Florida Statutes, provides the fire safety requirements for transient public lodging establishments such as vacation rentals; and

WHEREAS, short term vacation rentals, as defined herein, must comply with the Florida Fire Prevention Code, Florida Building Code, Florida Administrative Code Chapters 61C and 69A, and Section 509.215, Florida Statutes; and

WHEREAS, site specific short term vacation rental standards, such as, minimum parking standards, solid waste handling and containment, and the enforcement of quiet hours, serve to maintain the decorum that exists among owners in established residential neighborhoods and are better assured by having these same standards conveyed to transient occupants through the duration of their rental; and

WHEREAS, transient public lodging establishments and vacation rentals are subject to additional regulatory requirements beyond those normally required of single-family, two-family, and townhouse residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining county and local business tax receipts, and collecting and remitting various sales taxes to state and local government; and

WHEREAS, a short term vacation rental is a commercial lodging activity; and

WHEREAS, some short term vacation rentals are being used exclusively as rentals by investors and/or home owners; and

WHEREAS, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term vacation rental responsible party, ensures that the private property rights of the short term vacation rental owner are balanced with the needs of the residents of the City of Jacksonville Beach to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

WHEREAS, the City of Jacksonville Beach, through its existing regulatory framework, will issue registration certificates to short term vacation rentals conforming to those standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

WHEREAS, it is the intent of the City of Jacksonville Beach to provide for the establishment of an enforcement mechanism for those short term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal of the short term vacation rental program being compliance with established standards and not punitive in scope; and

WHEREAS, the City of Jacksonville Beach Planning Commission held a duly noticed public hearing on **July 22, 2019** and recommended approval of this ordinance; and

WHEREAS, the City Council of the City of Jacksonville Beach held a duly noticed public hearing on **August 5, 2019** and approved this ordinance on first reading; and

WHEREAS, the City Council of the City of Jacksonville Beach finds the proposed ordinance will serve to protect the health and safety of residents, adjacent residential uses, and the general neighborhood.

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

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Chapter 34, Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order as follows¹:

Section 34-41. General

Bedroom shall be as defined in Florida Statutes s. 381.0065, as may be amended, and means:

1. A room that can be used for sleeping and that:
 - a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;
 - b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
 - c. Is located along an exterior wall;
 - d. Has a closet and a door or an entrance where a door could be reasonably installed; and
 - e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.
2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.
3. "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

Collective Registration means a Short Term Vacation Rental Registration Certificate issued by the City of Jacksonville Beach to a licensed agent who represents a collective group of Short Term Vacation Rental units found on separate locations. A collective registration may not be issued for more than 75 Short Term Vacation Rental units per Registration Certificate.

¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

Licensed Agent means the operator of a management company that has been licensed by the dwelling or unit owner, through a rental agreement or contract between the two parties, to hold out the dwelling or unit for rent on a transient basis. A licensed agent is not required to hold a license from the Division of Real Estate.

Short term vacation rental means

1. Any individually or collectively owned single-family, two-family, or townhouse dwelling unit that is also a Transient Public Lodging Establishment as defined below.
2. Single-family, two-family, or townhouse dwellings subject to deed restrictions and covenants of a home-owners association, condominium units, timeshare projects, and owner-occupied dwelling units renting fifty percent (50%) or less shall not be subject to the regulations of this ordinance.

Transient occupancy means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

Transient public lodging establishment means any individually or collectively owned single-family, two-family, or townhouse dwelling unit which is rented to guests more than three times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, as defined in Florida Statutes 509.013(4)(a), as may be amended.

SECTION 3. That Chapter 34, Article VIII, Division 2 of the City of Jacksonville Beach Code of Ordinances and Land Development Code is hereby amended by adding new Section 34-411 to read as follows:

Section 34-411 – Short Term Vacation Rentals.

- (a) Applicability. This section shall apply to short term vacation rentals as defined in section 34-41.
- (b) Short term vacation rental minimum requirements. Short term vacation rentals shall be permitted in all zoning districts where residential use is a permitted or conditional use provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short term vacation rental as defined in section 34-41 without initially and on a continuing basis:
 - (1) Obtaining a short term vacation rental registration certificate from the City of Jacksonville Beach pursuant to this section;
 - (2) Providing proof of a county business tax receipt from the Consolidated City of Jacksonville pursuant to its ordinances, as may be amended;
 - (3) Providing proof of a local business tax receipt from the City of Jacksonville Beach pursuant to Chapter 15 of the Code of Ordinances, as may be amended;

- (4) Providing proof of a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
 - (5) Providing proof of a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 - (6) As demonstrated through an affidavit:
 - a. Maintaining initial and ongoing compliance with Short Term Vacation Rental Standards contained herein;
 - b. Maintaining compliance with the Florida Fire Prevention Code, Florida Building Code, and Section 509.215, Florida Statutes; and
 - c. Maintaining compliance with any local, state, and federal laws, regulations, and standards as may be applicable or amended including Florida Administrative Code Chapters 61C and 69A, as may be amended.
- (c) Short Term Vacation Rental Standards. The following Standards shall govern the use of any short term vacation rental as a permitted use:
- (1) Maximum Occupancy. Maximum occupancy shall be limited to two (2) persons per bedroom plus two. Under no condition shall maximum occupancy exceed sixteen (16) occupants per short term vacation rental unit.
 - (2) Parking Standards. Minimum off-street parking shall be equal to the maximum occupancy as defined in Section 34-411(c)(1) divided by four (4). Where four (4) equates to one (1) parking space per four (4) transient occupants. All fractions shall be rounded to the next higher whole number. At no time shall parking block a sidewalk. Off-street parking standards shall be as defined in Article VIII., Division 1 Parking and Loading Standards of the City of Jacksonville Beach Land Development Code. All Short Term Vacation Rental properties with legal non-conforming parking shall be grandfathered for two (2) parking spaces. Grass parking is only permitted on Short Term Vacation Rental properties with legal non-conforming parking where paved parking is not available. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage.
 - (3) Solid Waste handling and containment. Based on the maximum as defined in Section 34-411(c)(1), one (1) trash storage container shall be provided for every four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive. For purposes of this section, a trash storage container shall be a commercially available thirty-five (35) gallon or greater capacity container with a lid that securely fastens to the container so as to prevent spills and animal access. The container shall be placed at curbside on the day of solid waste pickup and removed from curbside no later than sunrise the following day.

- (4) Minimum short term vacation rental lease agreement wording. The short term vacation rental lease agreement shall contain the minimum information as provided for in subsection 34-411(h).
 - (5) Minimum short term vacation rental information required postings. The short term vacation rental shall be provided with posted material as required pursuant to subsection 34-411(i).
 - (6) Designation of a Short Term Vacation Rental Responsible Party capable of meeting the duties required pursuant to subsection 34-411(g) shall be required.
 - (7) Advertising. Any advertising of the short term vacation rental unit shall conform to information included in the Short Term Vacation Rental Registration Certificate and property's approval, particularly as it pertains to maximum occupancy. A statement stating that "it is unlawful for a sexual offender or sexual predator to occupy this residence in violation of section 775.215, Florida Statutes precluding such residency within 1,000 feet of any school, child care facility, park, or playground."
 - (8) Other standards. Any other standards contained within the City of Jacksonville Beach Land Development Code to include, but not limited to, noise limits, setbacks, stormwater, and similar provision shall be applicable.
- (d) Short Term Vacation Rental Registration Certificate. To verify compliance with these Short Term Vacation Rental Standards, any property owner who wishes to use his or her dwelling unit as a short term vacation rental must first apply for and receive a Short Term Vacation Rental Registration Certificate from the City of Jacksonville Beach. The following requirements further apply:
- (1) The Short Term Vacation Rental Registration Certificate shall be renewed annually for as long as the unit is used as a short term vacation rental.
 - (2) Short Term Vacation Rental Registration Certificates may be issued as a single or collective registration certificate.
 - (3) An annual single or collective Short Term Vacation Rental Registration Certificate fee shall be paid in an amount as determined by Resolution of the City Council of the City of Jacksonville Beach.
 - (4) Short Term Vacation Rental Registration Certificate fees shall be implemented to cover the costs of administration of the Short Term Vacation Rental Registration Certificate, Inspection, and enforcement programs.
 - (5) Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the Short Term Vacation Rental Registration Certificate in accordance with the requirements contained herein.

- (e) Application for a Short Term Vacation Rental Registration Certificate. Each property owner seeking initial issuance, annual renewal, transfer of ownership, or modification of a Short Term Vacation Rental Registration Certificate shall submit a City of Jacksonville Beach Short Term Vacation Rental Application in a form specified by the City, along with an application fee in an amount as determined by Resolution of the City Council of the City of Jacksonville Beach.
- (1) A complete application for initial, transfer of ownership, or modification of a Short Term Vacation Rental Registration Certificate shall demonstrate compliance with the Short Term Vacation Rental Standards above through the following submittals:
- a. A completed application with all required documentation of Section 34-411(b) and all applicable fees.
 - b. Copies of the required short term rental postings shall be provided.
 - c. A blank sample of the required short term vacation rental lease agreement and lessee information demonstrating compliance with all required lease terms shall be provided.
 - d. A sketch or picture showing the required off-street parking location.
 - e. Any other required information necessary to demonstrate compliance with the Short Term Vacation Rental Standards contained herein or as may be amended.
- (2) Registration Certificate renewals or transfers. A Short Term Vacation Rental Registration Certificate holder must apply annually for a renewal of the Registration Certificate by October 1 of each year. If no changes have occurred since the issuance of the most recent Short Term Vacation Rental Registration Certificate, no additional submittals are required to accompany the renewal or transfer of a Short Term Vacation Rental Registration Certificate Application.
- (3) Modification of Short Term Vacation Rental Registration Certificate. An application for modification of a Short Term Vacation Rental Registration Certificate is necessary where any of the following apply:
- a. The gross square footage of the Short Term Vacation Rental unit has increased;
or
 - b. The number of bedrooms is proposed to increase; or
 - c. The occupancy is otherwise proposed to increase.
 - d. If an inspection of a modification to a Short Term Vacation Rental Registration Certificate is required, the modification in usage or occupancy may not occur until after successful inspection; however, pending such successful inspection the current Registration Certificate shall remain valid.

(f) Initial and routine compliance inspections of Short Term Vacation Rentals.

- (1) An inspection of the Short Term Vacation Rental unit for compliance with this section is required prior to issuance of an initial Short Term Vacation Rental Registration Certificate.
 - a. The local fire official or designee shall be allowed entry and perform all inspections as permitted or required under this section or by Section 10-3.04 and Section 10-3.05, City of Jacksonville Beach Code of Ordinances.
 - b. If violations are found, all violations must be corrected and the Short Term Vacation Rental unit must be re-inspected prior to issuance of the initial Short Term Vacation Rental Registration Certificate.
 - c. An exception to the correction of violations as required in this subsection is made for any Short Term Vacation Rental seeking vested rights pursuant to subsection 34-411(m) to the extent that a vesting determination specifically provides such exemption.
- (2) Once issued, a Short Term Vacation Rental unit must be properly maintained in accordance with the Short Term Vacation Rental Standards as defined in the section and may be re-inspected at the time of transfer of ownership, modification, or upon receipt of complaint related to non-compliance with the Florida Fire Prevention Code, Florida Building Code, and Section 509.215, Florida Statutes.
 - a. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days.
 - b. Failure to correct inspection deficiencies in the timeframe provided shall result in the suspension of the Short Term Vacation Rental Registration Certificate until such time as the violation(s) is/are corrected and re-inspected.
- (3) The inspections shall be made by appointment with the Short Term Vacation Rental Responsible Party.
 - a. If the inspector(s) has made an appointment with the Short Term Vacation Rental Responsible Party to complete an inspection and the Short Term Vacation Rental Responsible Party fails to admit the inspector(s) at the scheduled time, the owner shall be charged a “no show” fee in an amount as determined by Resolution of the City Council of the City of Jacksonville Beach to cover the inspection expense incurred.
- (4) If the inspector(s) is denied admittance by the Short Term Vacation Rental Responsible Party or if the Short Term Vacation Rental unit is not passed in at least three (3) attempts to complete an initial or subsequent inspection, the inspector(s) shall provide notice of failure of inspection to the owner address as listed on the most recent Short Term Vacation Rental Registration Certificate or as listed on the Duval County Property Appraiser database.

- a. For an initial inspection, the notice of failure of inspection results in the Registration Certificate not being issued.
- b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 34-411(f)(2) above and is subject to enforcement as provided herein.

(g) Short Term Vacation Rental Responsible Party.

- (1) The purpose of the Short Term Vacation Rental Responsible Party is to respond to routine inspections, non-routine complaints, and any other more immediate problems related to the Short Term Vacation Rental of the property.
- (2) The property owner or licensed agent may serve in this capacity or shall otherwise designate a Short Term Vacation Rental Responsible Party to act on their behalf.
- (3) Any person eighteen (18) years of age or older may be designated by the owner or licensed agent provided they can perform the duties listed in subsection 34-411(g)(4) below.
- (4) The duties of the Short Term Vacation Rental Responsible Party, whether the property owner or licensed agent, are as follows:
 - a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the Short Term Vacation Rental use;
 - b. If necessary, be willing and able to come to the Short Term Vacation Rental unit within two (2) hours following notification from an occupant, the owner, or an official of the City of Jacksonville Beach to address issues related to the Short Term Vacation Rental.
 - c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section;
 - d. Be able to produce copies of the executed rental or lease agreement for current transient occupants, as needed by local authorities; and
 - e. Otherwise monitor the Short Term Vacation Rental unit at least once weekly to assure continued compliance with the requirements of this section.
- (5) A property owner may change his or her designation of a Short Term Vacation Rental Responsible Party temporarily or permanently. However, there shall be only one (1) Short Term Vacation Rental Responsible Party for each Short Term Vacation Rental at any given time. To change the designated Short Term Vacation Rental Responsible Party, the property owner shall notify the City of Jacksonville Beach in writing on a form provided by the City for that purpose before any change in the designated Short Term Vacation Rental Responsible Party.

(h) Short Term Vacation Rental Lease Agreement minimum provisions. The rental or lease agreement must contain the following minimum information:

- (1) Maximum occupancy of the Short Term Vacation Rental unit as permitted on the Short Term Vacation Rental Registration Certificate;
- (2) The total number of vehicles allowed for the Short Term Vacation Rental unit not to exceed the number of off-street parking spaces available as designated on the Short Term Vacation Rental Registration Certificate; and
- (3) A statement that all transient occupants must evacuate from the Short Term Vacation Rental upon posting of any evacuation order issued by local, state, or federal authorities.
- (4) An executed copy of each lease agreement shall be maintained by the designated Responsible Party and made available for review by City fire, police, building or code enforcement officials upon request.
- (5) A statement stating that “it is unlawful for a sexual offender or sexual predator to occupy this residence in violation of section 775.215, Florida Statutes precluding such residency within 1,000 feet of any school, child care facility, park, or playground.”

(i) Required Short Term Vacation Rental Postings:

- (1) On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page document the following information:
 - a. The name, address, and phone number of the Short Term Vacation Rental Responsible Party;
 - b. The maximum occupancy of the unit;
 - c. Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily or in compliance with any and all City regulations;
 - d. The maximum number of vehicles that can be parked at the unit along with the location of the off-street parking spaces;
 - e. The days of solid waste pick-up and recycling;
 - f. Notice of sea turtle nesting season restrictions and sea turtle lighting usage as applicable;
 - g. The emergency numbers for local police and fire; and
 - h. The location of the nearest hospital.

(j) Offenses and Violations.

- (1) Non-compliance with any provision of this section or its subsections shall constitute a violation of the City of Jacksonville Beach Code of Ordinances.
- (2) Separate Violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations shall be governed by subsection 34-411(l).

(k) Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is vital that a Short Term Vacation Rental Responsible Party is responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the City of Jacksonville Beach Code of Ordinances.

- (1) Warnings. Warnings shall be issued for first time violations and a reasonable time to correct the violation will be given. Such warnings may include notice to other agencies for follow up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Duval County Tax Collector, and the Duval County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of notice of violation.
- (2) Fines. Fines per violation shall be as provided in Section 162.09, Florida Statutes, as may be amended, for per day, repeat, and irreparable or irreversible in nature violations.
- (3) Enforcement Proceedings. Prosecution of code violations shall utilize Part 1 of Florida Statutes Chapter 162. The City Code Enforcement Special Magistrate shall be authorized to hold hearings, assess fines, and order other relief as provided in City of Jacksonville Beach Code of Ordinances, Chapter 2, Article VI.
- (4) Additional Remedies. Nothing contained herein shall prevent the City of Jacksonville Beach from seeking all other available remedies which may include, but is not limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(l) Suspension of Short Term Vacation Rental Registration Certificate. In addition to any fines and other remedies described herein or provided for by law, the City may suspend a Short Term Vacation Rental Registration Certificate for multiple violations of the maximum occupancy limits in any continuous thirty-six (36) month period, in accordance with the following:

(1) Suspension timeframes.

- a. Upon a fourth (4th) violation of the maximum occupancy limits the Short Term Vacation Rental Registration Certificate shall be suspended for a period of seven (7) calendar days.

- b. Upon a fifth (5th) violation of the maximum occupancy limits the Short Term Vacation Rental Registration Certificate shall be suspended for a period of thirty (30) calendar days.
- c. For each additional violation of the maximum occupancy limits the Short Term Vacation Rental Registration Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example the sixth (6th) violation shall be for sixty (60) calendar days; the seventh (7th) violation shall be for ninety (90) calendar days, etc.
- (2) Suspension restrictions. A short term vacation rental may not provide transient occupancy during any period of suspension of a Short Term Vacation Rental Registration Certificate.
- a. The suspension shall begin immediately following notice, commencing either:
1. At the end of the current vacation rental lease period; or
 2. Within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the Code Enforcement Special Magistrate.
- b. Operation during any period of suspension shall be deemed a repeat violation pursuant to subsection 34-411(k)(2) and shall be subject to daily fines up to five hundred dollars (\$500) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations for each day that the short term vacation rental operates during a period of violation.
- c. Upon a finding of a violation that is irreparable or irreversible in nature maximum fines as provided by Section 162.09(2) shall be imposed.
- (3) Number of violations. For purposes of this section only, violations shall be considered per the rental period or per every seven (7) days, whichever is less, and for only those violations in which a code enforcement notice of violation was issued. Violations could potentially occur multiple times over the same rental period.
- (m) Vesting. Existing, legally-established short term vacation rentals as defined in 34-411(a) as of January 1, 2019 may become vested in the ways described below, provided they are otherwise in compliance with all other requirements contained herein.

To qualify for vesting, an existing short term vacation rental shall have until December 31, 2019 to make full and complete application for a Short Term Vacation Rental Registration Certificate and until March 31, 2020 to receive a Short Term Vacation Rental Registration

Certificate in compliance with this Section of the Code of Ordinances of the City of Jacksonville Beach.

- (1) Rental agreement vesting. It is recognized that there may exist rental or lease agreement(s) for short term vacation rentals upon the effective date of this ordinance which may not be in compliance with the terms of this Section. Rental agreements entered into prior to the effective date of this ordinance for the twelve (12) month period following shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Short Term Vacation Rental Registration Certificate application process and providing copies of such rental or lease agreement(s).
- (2) Temporary vesting of certain safety requirements. Some existing short term vacation rentals may not meet the minimum life safety requirements as required in the Florida Fire Prevention Code, Florida Building Code, and Section 509.215, Florida Statutes. Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All short term vacation rentals shall have six (6) months from the effective date of this ordinance, or March 31, 2020, whichever is later, to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Short Term Vacation Rental Registration Certificate application process.
- (3) All vesting determinations and appeals.
 - a. All vesting determinations shall be made administratively by the Planning and Development Director.
 - b. An applicant may appeal an administrative determination by filing a petition with the City Manager within ten (10) business days of such determination.
 - c. The City Manager shall address the appeal within thirty (30) calendar days of receipt of a petition and consider only the Short Term Vacation Rental Application, the documents provided in support of vesting, the written petition of the applicant, and determination of staff.
 - d. The City Manager shall reverse the decision of the Planning and Development Director only if there is substantial competent evidence to support reversal.
 - e. The decision of the City Manager shall constitute final administrative action.
- (4) A vested use shall not transfer to a subsequent owner. A vested use is not transferrable to another short term vacation rental.
- (5) If a vested use ceases for a period of six (6) months, then the vesting shall be considered to have lapsed and the short term vacation rental will be subject to all Short Term Vacation Rental Requirements as if a new application.

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(26) Short term vacation rentals.

SECTION 13. SEVERABILITY. It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

SECTION 14. CONFLICTING ORDINANCES. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with applicable law.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk