

**Minutes of Regular City Council Meeting
held Monday, April 20, 2020, at 6:00 P.M.
via Video Conference
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham made the following statement:

“Pursuant to Governor Ron DeSantis’ Executive Order No. 20-69, municipalities may conduct meetings of their governing boards without having a quorum of its members physically present at any specific location, and they may utilize communications media technology (CMT) as provided by Section 120.54(5)(b)2, Florida Statutes, to conduct the meeting and for public attendance and presentations at the meeting

Accordingly, due to the COVID-19 crisis, this City Council meeting is being held in a modified manner. We are using CMT pursuant to the Governor’s Orders in order to conduct City business and to help protect the public, Council, and staff’s health, safety, and welfare.

Additionally, pursuant to the Governor’s Orders prohibiting large gatherings and requiring social distancing, and local orders of closure of government buildings, the public is not physically present at City Hall tonight.

In a moment, the City Attorney will explain the CMT procedures and adaptations for public attendance and public comment that have been put in place and being utilized.

The City Council members and City personnel are appearing through CMT.”

OPENING CEREMONIES:

Mayor Latham provided the Invocation, followed by the salute to the flag.

Mayor Latham invited City Attorney Chris Ambrosio to explain the CMT procedures and adaptations put in place and being utilized for this meeting.

Mr. Ambrosio explained the CMT instructions and opportunities for the public to attend and participate were published on various platforms in a public notice [*on file*]. He went over the options for the public to view and listen: via Livestream on the City’s YouTube Channel, by phone, and through hearing or speech impaired relay service. The public was notified they could submit questions and comments for an agenda item or Courtesy of the Floor by submitting written comments to the City Clerk via email, U.S. mail, through the drop box located at City Hall, or they could complete an online submission form. Any comments received would be read into the record by the City Clerk or City Attorney. The public could preregister to comment during the meeting utilizing the Zoom platform if they had the proper equipment. Mr. Ambrosio stated council members would not use any technology such as text messaging, email, or any other device to communicate among themselves about any agenda item or topic being discussed.

CALL TO ORDER:

Mayor Latham called the meeting to order at 6:00 P.M.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, and City Clerk Laurie Scott.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Hoffman, seconded by Mr. Doherty, to approve the following minutes:

- Regular Council Meeting held on April 6, 2020

Amended Motion: It was moved by Ms. Golding, seconded by Mr. Doherty, and passed unanimously, to amend the April 6, 2020, Regular Council Meeting minutes on Page 15, in the paragraph above "STATEMENT OF THE MAYOR," to change the word "limiting" to "providing" in the third sentence to clarify the statement.

Original Motion: The original motion passed unanimously to approve the minutes of the Regular Council Meeting held on April 6, 2020, as amended.

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

- Council Briefing held on April 13, 2020

ANNOUNCEMENTS: *None*

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. Whereby, Ms. Scott read submitted comments into the record [on file]:

- Vincent Serrano, 722 South 10th Street, Jacksonville Beach - "ASAP Towing is requesting a 50 percent reduction in rents due to City of Jacksonville Beach, Florida, shut-ins and closures."
- Rod Smith, 4454 Ellipse Drive, Jacksonville – "A multi-dimensional suggestion to our beach opening plan: 1. Controlling access through designated entry points will allow the ability to restrict the volume of people on the beaches during opening hours. For example, in an area of 600 square meters of beach limiting access to 600 people, that's one square meter per person. This will also allow for the enforcement of other stricter rules such as no coolers, required use of face masks, small groups, etc.; 2. Charge a nominal fee for beach use. Although the initial response may seem sharp as people demand it, a public beach and should be free, the alternative is to close the beach. I'll leave it to the wiser minds to better define the legality of this, but if the government can close a beach, it can charge access to it. According to the Surfrider Foundation, if parking or beach fees are collected, the recovered funds should be for purposes which are directly related to coastal access, recreation, management, restoration, conservation, and preservation efforts in the general vicinity of where the fees are collected; 3. Fees collected to access the beach can be used to support any myriads of endeavors from paying off the student loans of city nurses and healthcare workers putting up the fight to supporting the small businesses in Jacksonville suffering during this time of closure. This will help change the tune of opening the beaches to one of helping the community, as opposed to the current negative light that it is currently

catching on national news outlets. Further, with the threat of reclosure should rules not be adhered to, it will be a greater social responsibility on the beachgoers to act responsibly, policing themselves and each other; 4. This plan has room for growth. As the weather starts getting better, more will want to head to the beach, and there will be an increased desire to sit, stay, lay on the beach. Establishing a 10 by 10 plot for hourly rentals will provide this ability and further drive funds to support small businesses and/or healthcare workers. This is just an example of expanded programs; others may include food delivery, rental supplies, etc.; 5. Spinning this as a fundraiser to help support the community and healthcare workers will drive volunteer support to execute. Volunteers from the beach communities and nearby restaurants that are being supported may offset some of the costs indicated; 6. To gain support for this within the community, and the combat the slippery slope argument that will assuredly follow, I believe it is important to introduce any plan of the sort with a specific, measurable, and realistic metric of when this will terminate. This can be a defined date, reaching certain infection rate margins (increase and decrease), or other factors deemed appropriate. Best of luck.”

MAYOR AND CITY COUNCIL: *No items*

CITY MANAGER:

Item #20-083 – Accept/Reject the Monthly Financial Reports for the Month of March 2020

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the financial reports for the month of March 2020, as submitted by the Chief Financial Officer.

Discussion:

Ms. Dumont asked Chief Financial Officer Ashlie Gossett to explain why Beaches Energy Services was 13 percent lower than where it should be annually for revenues. Ms. Gossett responded the electric revenues are driven by weather, and consumption is down slightly this year. The decrease is due to seasonality, as well as the City suspending the bulk power in the month of October 2019.

Mr. Doherty asked if there was any concern about the 30 percent decrease in miscellaneous revenues from pooled investments. Ms. Gossett responded it is a concern, and the City was monitoring it. She explained most of the investments are fixed, like bonds, and the City’s independent investment advisor is watching it.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 7-0.

Item #20-084 – Approve/Disapprove a Purchase Order in the Amount of \$56,249 to Fund the Integration Between Our Advanced Control Systems SCADA and Responder OMS

Mr. Staffopoulos explained this item is to consider purchasing technology to integrate the City’s Outage Management System (OMS) and the SCADA (Supervisory Control and Data Acquisition) system at Beaches Energy.

Director of Beaches Energy Services Allen Putnam explained the implementation of the OMS system was completed in April. It collects calls from customers and predicts where the outages are. To enhance the OMS system, there are devices on the SCADA system that tell them when a device goes on or off. The integration would show where the outages were occurring more quickly and where to send crews.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a purchase order in the amount of \$56,249 to fund the integration between the Advanced Control Systems SCADA and Responder OMS.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

Item #20-085 – Award/Reject Bid No. 1920-05 for Fire Retardant Clothing to the Lowest Bidder Meeting Specifications for Each Item

Mr. Staffopoulos explained Beaches Energy identified several vendors to supply fire retardant clothing over the year.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award Bid No. 1920-05 for fire retardant clothing to the lowest bidder meeting specifications for each item listed [in the Council memo].

Discussion:

Mayor Latham asked Mr. Putnam if the City gets an MSDS (Material Safety Data Sheet) for the clothing. Mr. Putnam responded there was no MSDS sheet on this material. It is fire retardant without a chemical to prevent it from melting to a person's skin.

Mr. Doherty asked if the City provided this clothing to employees at no cost to them. Mr. Putnam confirmed staff gets all-new clothing once per year at no cost to them. They are required to wear it by OSHA [Occupational Safety and Health Administration].

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-086 – Approve/Disapprove the Purchase of One New Vehicle for the Wastewater Division Resulting in an Assigned Vehicle for the F.O.G. Inspector Contract Coordinator from Bozard Ford LLC, at a Cost of \$27,010 Utilizing the Florida Sheriffs Association Contract (FSA 19-VEL27.0)

Mr. Staffopoulos explained this item is to fund and purchase a new vehicle for the Public Works Department. The new F.O.G. [Fats, Oils, and Grease] Inspector position was funded in the current budget, but funding for a dedicated vehicle was not. Currently, vehicles are being rotated or shared.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the purchase of one new vehicle for the Wastewater Division, resulting in an assigned vehicle for the F.O.G. Inspector Contract Coordinator, from Bozard Ford LLC, at a cost of \$27,010 utilizing the Florida Sheriffs Association Contract (FSA19-VEL27.0).

Discussion:

Ms. Dumont commented when Council approves a new position or position rearranging, they are provided a cost of what the position would add to the budget. However, additional costs are added later for a vehicle or other items. She requested the City think long term about the compensation package as well as office space or a vehicle to get an accurate cost of a new position to be fiduciarily responsible with the City's budget.

Mr. Doherty inquired about the F.O.G. situation. Director of Public Works Dennis Barron advised Public Works is doing better at monitoring the fats, oils, and grease with the new position. Routine inspections are done monthly on grease traps within the City.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The motion passed 7-0.

Item #20-087 – Approve/Disapprove a Purchase Order in the Amount of \$130,689 to Fund the Installation of a New Fiber Optic Cable and Associated Supporting Equipment from Jacksonville Beach City Hall to the Top Floor of the New Margaritaville Resort (City Manager approved on March 19, 2020)

Mr. Staffopoulos explained the next three agenda items (Items #20-087, #20-088, and #20-089) are purchases or expenditures he performed under the emergency purchasing authority of the city manager to keep essential functions moving in the City.

Mr. Staffopoulos stated this item is to install a fiber line from the Margaritaville Resort back to City Hall. Mr. Putnam explained when Beaches Energy was designing the job for Margaritaville, they identified an opportunity to put fiber to the top of the building with their radio antennas. It would be beneficial for Beaches Energy to communicate with their devices and the SCADA system wirelessly. After speaking with the Police Department, they realized the 5G deployment in the area by private companies was causing problems with the Police Department bandwidth for the security cameras. The current project would enhance the security cameras for the Police Department until Beaches Energy is ready to deploy its communication devices in the field. Mr. Putnam said it was an emergency purchase because the conduit had to be installed through the building before it was closed off.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a purchase order in the amount of \$130,689 to fund the installation of a new fiber optic cable and associated supporting equipment from Jacksonville Beach City Hall to the top floor of the new Margaritaville Resort (City Manager approved on March 19, 2020).

Discussion:

Ms. Golding asked Mr. Putnam to explain why Beaches Energy decided not to do the metering infrastructure project. Mr. Putnam said discussion about the original AMI (Automated Metering

Infrastructure) Project with the City Manager, Deputy City Manager, and the Engineering Division staff determined the ongoing and upfront costs were too high. The AMI Project would be reviewed every two to three years to see if it becomes feasible. Funds from the AMI Project are being used to support this project.

Roll Call Vote: Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 7-0.

Item #20-088 – Approve/Disapprove a Change Order to Purchase Order #190750, Design New Well #16 and Abandon Well #11 in the Amount of \$33,046 to Four Waters Engineering, Inc. for Engineering Services to Evaluate Required Well Capacity, Design, Permit and Bidding Services for New Well #16, and to Abandon Existing Well #11 (City Manager approved April 8, 2020)

Mr. Staffopoulos explained this item is a change order for the construction of new potable Well #16 and abandonment of Well #11. At the March 2, 2020, Council meeting, staff recommended rejecting all bids associated with this project due to only receiving two bid responses and the cost coming in significantly higher than the engineer's estimate. There was also an opportunity to change the design criteria. This change order would allow the engineering consultant to evaluate how much smaller the well could be and refine the design package.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a change order to Purchase Order #190750, Design New Well #16 and Abandon Well #11 in the amount of \$33,046 to Four Waters Engineering, Inc. for engineering services to evaluate required well capacity, design, permit and bidding services for new Well #16, and to abandon existing Well #11 (City Manager approved on April 8, 2020).

Roll Call Vote: Ayes – Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 7-0.

Item #20-089 – Approve/Disapprove a Purchase Order in the Amount of \$33,711.77 to Workscapes, Inc. for Construction of Two Workstations for the Legal Assistant and Assistant to the City Manager (City Manager approved on March 23, 2020)

Mr. Staffopoulos explained this item makes changes to workstations on the second floor of City Hall. It would modify the current workspace of the Assistant to the City Manager to accommodate both the new Legal Assistant and the Assistant to the City Manager positions. The work was authorized in March to get on the contractor's schedule for mid-May.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a purchase order in the amount of \$33,711.77 to Workscapes, Inc. for construction of two workstations for the Legal Assistant and Assistant to the City Manager (City Manager approved on March 23, 2020).

Discussion:

Mr. Doherty asked Mr. Staffopoulos if City Hall was running out of space and, if so, what the plan would be to address the issue. Mr. Staffopoulos responded there is money in the current budget to perform a space needs analysis at City Hall, the Operations and Maintenance Building, and the Police Station. He explained projecting for the next 5-10 years, there is anticipated growth in some areas. The space needs analysis would take a look at space and maximize what the City has before looking at adding on to existing buildings.

Mr. Ambrosio stated he was confident the workspace design for the Legal Assistant was sufficient to allow discussion of confidential matters. Ms. Dumont said she did not consider office reconfigurations to be an essential function in a state of emergency.

Roll Call Vote: Ayes –Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 7-0.

RESOLUTIONS:

Item #20-090 – RESOLUTION NO. 2055-2020

Mayor Latham requested the City Clerk read Resolution No. 2055-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020.”

Mr. Staffopoulos explained at this time of year, the staff brings a mid-year budget modification to the Council. There are three major items where adjustments were made. The first item is a \$45,000 adjustment to the General Fund due to a FDEP (Florida Department of Environmental Protection) grant received by the Planning and Development Department related to Coastline Resiliency Programs. The second item is a budget adjustment to the City Attorney’s office of just under \$15,000. The third item is a “true-up” to reflect the contracting of fire services with the Jacksonville Fire and Rescue Department for just under \$250,000.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2055-2020, authorizing the mid-year budget adjustment.

Discussion:

Ms. Golding asked what was included in the \$14,750 for the City Attorney budget adjustment. Ms. Gossett responded when the original budget was put together for the City Attorney’s office, the City didn’t know if the service would be contracted out or if someone would be on staff. It is mainly for memberships and subscriptions, which were not contemplated in the original budget.

Mr. Doherty asked what the projected numbers were for subsequent years of the fire services contract because he believed the amount was supposed to be a lot higher than the actual amount coming back to the City this year. Ms. Gossett agreed the projections were higher. She explained the \$250,000 reflects the fact the City still operated its own fire department into November of 2019 in addition to providing leave payouts to all the firefighters who were transferred to Jacksonville

Fire and Rescue. The City is expecting a better benefit next year, and Ms. Gossett said she would provide the information to the Council.

Roll Call Vote: Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

ORDINANCES:

Item #20-091 – ORDINANCE NO. 2020-8136 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8136 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 28, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; REVISING ARTICLE IV TO BE CONSISTENT WITH AMENDMENTS TO SECTION 337.401, FLORIDA STATUTES ADOPTING REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY, REPEAL OF CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its second reading. I will now open the public hearing on Ordinance No. 2020-8136.”

Public Hearing:

Ms. Scott stated there were no public comments submitted, and Communications Manager Jacob Board said there were no preregistered speakers.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8136 amending City Code Chapter 28, Article IV, to adopt new Florida Statute requirements, regulations and standards of wireless communications facilities within the public right-of-way.

Discussion:

Ms. Golding stated the Florida League of Cities presented a workshop on small cell wireless at their August 2019 conference. The workshop talked about what cities need to consider including in their ordinances, so it does not become a problem with regard to appearance and location.

Mayor Latham believed some adjustments were made to the City’s procedures consistent with the legislation, which allowed the City the opportunity to make some proactive changes. Mr. Putnam explained there had been a discussion on this for the last couple of years. The issue is every couple of years, AT&T, Verizon, and others push more to take City rights away on this matter. The FCC (Federal Communications Commission) told providers they could go onto public right-of-ways, and it is being challenged before the Supreme Court. The City is awaiting that decision.

Mr. Ambrosio stated he would provide the Council with the Florida League of Cities presentation Ms. Golding referenced.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Mayor Latham announced the City Attorney requested Item #20-093 be tabled, and Item #20-092 would be the last agenda item.

Item #20-092 - ORDINANCE NO. 2020-8138 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8138 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO CREATE A NEW SECTION 31-61 - PAID PARKING PROGRAM, IN CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE III - STOPPING, STANDING, AND PARKING, DIVISION 3 – PARKING REGULATIONS, OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES, TO CODIFY ELEMENTS OF THE CITY’S PAID PARKING PROGRAM IN CERTAIN CITY LOTS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its second reading. I will now open the public hearing on Ordinance No. 2020-8138.”

Public Hearing:

Ms. Scott stated there were no public comments submitted, and Mr. Board said there were no preregistered speakers.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve Ordinance No. 2020-8138 to create a new Section 31-61 of Chapter 31 of the City Code of Ordinances to codify elements of the City’s Paid Parking Program as enforceable local laws.

Roll Call Vote: Ayes –Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The motion passed 7-0.

Item #20-093 - ORDINANCE NO. 2020-8140 (First Reading) (Public Hearing)

AN ORDINANCE TO AMEND SECTION 6-8 – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS,

**STANDARDS AND GUIDELINES; PROVIDING FOR LEGISLATIVE
FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION,
AND AN EFFECTIVE DATE.**

Mayor Latham stated Item #20-093 had been tabled at the request of the City Manager. Mr. Vogelsang asked if a motion was required to table this item. Mayor Latham clarified the item had been withdrawn from the agenda.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:59 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: May 4th, 2020

LS: sg