



Agenda
City Council

Monday, April 17, 2017

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.

CALL TO ORDER

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES

- a. 17-055 City Council Briefing Held April 3, 2017
- b. 17-056 Regular City Council Meeting Held April 3, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

- 17-057 American Public Power Association RP3 Award Recognition to Beaches Energy Services

CITY CLERK

CITY MANAGER

- a. 17-058 Accept the Monthly Financial Reports for the Month of March 2017

- b. **17-060** Approve the Execution of Continuing Services Contracts with **H. Frank Hufham Construction**, as the Primary Contractor, and **Marand Construction**, as the Secondary Contractor for General Construction Projects and Facility Repairs in Response to RFP No. 03-1617
- c. **17-061** Award RFP 01-1617 "Environmental Sampling and Analytical Laboratory Services" as Continuous Service Contracts to Three (3) Firms for a Period of Five (5) Years
- d. **17-062** Award Bid Number 1516-16 Lighting Replacements for Oceanfront Park to the Lowest Qualified Bidder, **B & G Refrigeration Inc.**
- e. **17-063** Approve the Purchase of Two (2) Aerial Bucket Trucks from **Altec Industries** According to GSA Contract # GS-30F-1028G

RESOLUTIONS

ORDINANCES

17-064 ORDINANCE 2017-8088 (First Reading)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE II. - DOGS AND CATS, DIVISION 1. - IN GENERAL, SECTION 5-24 "DANGEROUS DOGS," SECTION 5-24.1 "ATTACK OR BITE BY DANGEROUS DOG." SECTION; AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY COURT, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; 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 City Council Briefing
Monday, April 3, 2017 – 6:15 P.M.
City Council Chambers Conference Room, 1st Floor
11 North 3rd Street, Jacksonville Beach, FL

The Council Briefing began at 6:15 P.M.

The following City Council Members were in attendance:

Mayor William C. Latham

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

Also present were City Manager George Forbes, Public Works Director Ty Edwards, and Assistant City Clerk Catherine Ponson.

Public Works Department

Ty Edwards, Public Works Department, and Mike Taylor, Water Plant Supervisor, presented to the City Council how Waste Treatment Plant # 1 can be operated remotely. This would be beneficial during storms or hurricanes. Mr. Taylor explained by using a “hotbox” connected to the City’s network; he can start/stop pumps and monitor tank levels. All of the information is accessible offsite.

Mr. Forbes explained that the City would be applying for Conditional Use approval to build a new well at the intersection of 11th Street North and 8th Avenue North. This is a result of one of the City’s other wells (#11) being abandoned due to salt water intrusion. The location for the new well has been approved by the St. Johns River Water Management District and would be enclosed with a small building similar to well #23.

Beach Renourishment Project

Kevin R. Bodge, with Olsen Associates, Inc., updated the Council on the beach renourishment project. He informed the Council that the renourishment would recommence on Saturday, April 8, 2017. He reported the dredge would start to pump sand to restore the beach and the dunes. The first phase would be to finish the Atlantic Beach area that was not completed in the fall of 2016. He stated this would start just north of One Ocean Hotel in Atlantic Beach and continue northward to 16th Street or 17th Street. The project should be completed by the last week of April. Then, work would begin on the Jacksonville Beach central segment which is about 9,500 feet of shoreline where the dunes have not otherwise been previously restored, between about 9th Avenue North and 17th Avenue South.

Mr. Bodge explained the area south of 17th Avenue South was renourished immediately prior to Hurricane Matthew. The dune erosion along that area was very modest. There would be no work done in that area and it has begun to self-heal. He added that the additional 90,000 cubic yards of sand placed on the central part of Jacksonville Beach would ultimately drift southward and benefit that area.

Mr. Vogelsang inquired about an alternative for the smaller projects where dredging is not an option. Mr. Bodge answered it could be done through a small truck haul project. A sand source would have to be

identified and then truck the sand in. Mr. Bodge further explained road trucks would dump the sand and then off-road trucks would move the sand. He added that considering the costs, the effort and impact to the beach, a better alternative would be local sand fencing in addition to the planting of the sea oats.

Mr. Bodge added that the sea oat planting would be done by the City of Jacksonville. The first planting would be done mid to late May in the Neptune Beach and North Jacksonville Beach areas, where the dunes have been restored. Very shortly after that, the Atlantic Beach and Jacksonville Beach sections will be planted.

Mr. Thomason asked about the timeframe for completion of the planting of the sea oats due to hurricane season beginning in June. Mr. Bodge answered that contractually, it should be done by July 10.

Mr. Bodge agreed to report back to Mr. Forbes and the City Council in two weeks after he reviews the options for the south end of Jacksonville Beach.

Police Department

Police Chief Pat Dooley reported that due to the increase in the number of visitors to the beach, he is able to increase staff without increasing overtime. This plan was developed by the Downtown Community Assisted Police Officers (CAPE) and Community Response Team (CRT) themselves. The plan would provide coverage downtown during the peak times on Friday, Saturday, and Sunday. He added that the Jacksonville Sheriff’s Office has agreed to provide officers for mutual assistance.

Chief Dooley stated that he is in the process of replacing the K-9, Mako, who recently passed away. The cost is approximately \$7,500.

The briefing adjourned at 6:55 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approved:

William C. Latham, Mayor

Date: _____

**Minutes of Regular City Council Meeting
held Monday, April 3, 2017, at 7:05 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Council Member Wilson gave the invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:05 P.M.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, City Clerk Laurie Scott, Chief Financial Officer Karen Nelson, Planning and Development Director Bill Mann, and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

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

- City Council Workshop held March 20, 2017
- Regular City Council Meeting held March 20, 2017

ANNOUNCEMENTS

Mayor Latham took a moment to recognize The Honorable Elaine Brown, Mayor of Neptune Beach, for a special announcement.

Mayor Brown of the City of Neptune Beach announced the Florida Department of Transportation had designated the section of Florida A1A in Duval and Nassau counties as the “A1A Ocean Islands Trail Scenic Byway.” Mayor Brown extended an invitation to attend the unveiling of the “A1A Ocean Islands Trail,” on April 25, 2017, at 11:00 A.M. at the historic Broward House in Jacksonville, Florida.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Janine Hynes, 11712 Shellfish Drive, Jacksonville, addressed the uneven sidewalks around Jacksonville Beach as she tripped on November 5, 2016, on the Northwest corner of 3rd Avenue North and 2nd Street North.
- Steve Wilson, 1031 1st Street South, Jacksonville Beach, spoke to the City Council about the Advanced Disposal Recycling program accessibility at multifamily dwelling locations.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- (a) **Item # 17-048, Approve the Purchase and Installation of Cameras and Equipment for the City Council Chambers to Enable Live Stream Video of Public Meetings**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase and installation of cameras and equipment for City Council Chambers from *Siemens* to enable live stream video of public meetings.

Deputy City Manager, Trish Roberts, stated the meetings would be Live Streaming on YouTube and then cataloged by date. The City Clerk's Office will be trained to manage the video equipment accordingly.

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

- (b) **Item # 17-049, Authorize the Interior Rehabilitation of Both Raw Water Ground Storage Tanks at Water Plant #2 with *Utility Service Company***

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the interior rehabilitation of both Raw Water Ground Storage Tanks at Water Plant Number 2 with *Utility Service Company* as explained in the memorandum from the Public Works Director dated March 22, 2017.

Mr. Forbes explained the two 500,000-gallon ground storage tanks located at Water Plant #2, adjacent to South Beach Park, were inspected in July 2016. The inspection reports recommended that the interior of each tank receive advanced maintenance within the next year, repairing corrosion and recoating. This rehabilitation work includes sweep blasting the entire interior coated surface, restoring the concrete to original thickness, and then applying two coats of specialized interior tank coating.

Public Works Director, Ty Edwards, informed the Council Members that quality assurance checks would regularly be completed by the Maintenance Supervisor and Water Plant Supervisor, as well as a specialized third-party inspector during critical points in the project timeline.

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

- (c) **Item # 17-050, Award Unit Price Bid 1617-03, Titled "Water Main Replacement Project - Phase D (Various Locations)," to the Lowest Bidder for Each of the Base Bid, Additive Alternative 1 and Additive Alternative 2.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the memorandum from the Public Works Director dated March 22, 2017, award

Unit Price Bid Number 1617-03, titled, “Water Main Replacement Project – Phase D (Various Locations)” as follows:

1. Award the Base Bid to the lowest bidder, *G & H Underground Construction, Incorporated*.
2. Award Additive Alternates 1 and 2 to the lowest bidder, *TB Landmark Construction, Incorporated*.
3. Authorize construction administration services with the projects’ design firm, *Jones Edmunds & Associates, Incorporated*.

Mr. Forbes reported on the “Water Main Replacement Project – Phase D (Various Locations).” This project is part of the water main improvements program in the City’s FY2016 Capital Improvement Plan, where existing deteriorated, unlined cast iron and galvanized water mains are being replaced over time. This work includes replacing 116 water services (combination of long side and short side), service saddles, tubing, corporation cocks and curb stops, meter boxes, and replacement of disturbed areas.

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

RESOLUTIONS:

(a) Item # 17-051, RESOLUTION NO. 1975-2017

Mayor Latham requested that the City Clerk read Resolution No. 1975-2017, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA TENTATIVELY APPROVING AN AMENDED FUTURE LAND USE ELEMENT OF THE JACKSONVILLE BEACH 2030 COMPREHENSIVE PLAN TO INCREASE THE FLOOR AREA RATIO FOR HOSPITAL AND RELATED BUILDINGS FROM 0.35 TO 0.55, AND AUTHORIZING TRANSMITTAL OF SAID AMENDED ELEMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution No. 1975-2017, tentatively approving a text amendment to the Future Land Use Element of the Jacksonville Beach 2030 Comprehensive Plan to increase the floor area ratio for hospital and related buildings from 0.35 to 0.55, and authorizing transmittal of the proposed amendment to the Florida Department of Economic Opportunity.

Mr. Forbes said the Florida Department of Economic Opportunity would receive the proposed amendments and provide comments and approvals. Upon receipt, the finalized amendment will then be presented again to the City Council for adoption. This increase in the Floor Area Ratio will allow for future hospital and related services to be located on the existing hospital campus while there is still developable land remaining.

President of Baptist Beaches Hospital, Joe Mitrick, briefed the City Council on the growth projections taken into consideration in the future infrastructure changes, noting that as hospital equipment needs expand, patients and doctors will increase, which requires a building footprint to allow for growth.

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

(b) Item # 17-052, RESOLUTION NO. 1976-2017

Mayor Latham requested that the City Clerk read Resolution No. 1976-2017, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, OPPOSING BILLS THAT TAKE AWAY THE RIGHT TO MANAGE THE AFFAIRS OF OUR CITY THROUGH HOME RULE; AND IN SUPPORT OF VISIT FLORIDA AND ENTERPRISE FLORIDA.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1976-2017 opposing proposed state laws that take away home rule from Florida cities.

Mr. Forbes explained that the resolution opposes bills presently before the legislature that take away cities ability to manage their affairs. These bills include:

- Preemption of our control of city-owned right-of-ways for the placement of wireless antennas and equipment.
- The local regulation of business. Prohibits a city from any business regulation not allowed by state law.
- Community Redevelopment Agencies. This bill sets a date to terminate all Community Redevelopment Agencies in the state and does not allow any new projects after October 1, 2017.
- Local Government Fiscal Responsibility. Prevents a municipality from levying a millage rate above the rolled-back rate unless the government does not have any unencumbered fund balances of more than 10%.
- The local business tax. Limits the amount of the local business to \$25 for any taxpayer. Prohibits cities from levying the local business tax if the tax was not adopted by January 1, 2017.
- Sovereign Immunity. Amends the waiver of sovereign immunity in tort actions by increasing municipal liability from \$200,000 to \$1,000,000 per person, and from \$300,000 to \$1,500,000 per incident. Ironically, this bill does not increase the limit of liability for the state.
- Vacation Rentals. This bill would amend the current law to prevent local governments from adopting ordinances specific to vacation rentals.

This resolution also gives City Council support to Visit Florida and Enterprise Florida since they are vital to the future economic development of the state.

Jon McGowan, 5 North 17th Avenue, spoke in favor of the resolution and stated his support of the local government's ability to manage its own affairs.

The Council Members shared their support on allowing the municipalities to maintain their cities and appreciate the lobbying efforts made in this matter.

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

(c) **Item # 17-054, RESOLUTION NO. 1974-2017**

Mayor Latham requested that the City Clerk read Resolution No. 1974-2017, 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, 2016, AND ENDING SEPTEMBER 30, 2017.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1974-2017 authorizing the mid-year budget adjustment.

Mr. Forbes stated the mid-year budget adjustments were wages based on the recent contract with LIUNA and general employees, the distribution of the monies used for the airshow, and the Hurricane Matthew disaster recovery process, including sanitation, debris removal, and Beaches Energy power restoration.

Chief Financial Officer, Karen Nelson, said the hurricane reimbursement was requested; however, the process could take several years to complete due to auditing agencies and the inconsistent rules for each storm. Ms. Nelson told the City Council that the best estimate for debris reimbursement is about 80%.

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

ORDINANCES:

(a) **Item # 17-053, ORDINANCE NO. 2017-8088**

Mr. Forbes requested the City table Ordinance No. 2017-8088 until the next Council meeting due to changes in the state law appeals process.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to table Ordinance Number 2017-8088, amending specific sections of Chapter 5, Section 5-24, “Dangerous Dogs,” until the next Council meeting.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:20 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, Mayor

Date: _____

Draft



MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director of Beaches Energy Services

DATE: April 6, 2017

RE: American Public Power Association RP₃ Award

The American Public Power Association (APPA) is the service organization for the nation's more than 2,000 community owned electric utilities, serving more than 48 million Americans. The APPA notified us that Beaches Energy Services will be awarded the Reliable Public Power Provider (RP₃) Diamond designation at the annual Engineering and Operations Conference on May 8, 2017. The RP₃ program recognizes utilities that demonstrate high proficiency in reliability, safety, work force development and system improvement. The criteria within each of the four areas is based upon sound business practices and recognized utility leading practices. A panel of industry experts evaluates the application submitted by utilities and assigns a point value for each area. The highest value a utility can be assigned is twenty-five (25) points per area. A utility can be awarded either a Diamond (98 – 100 points), Platinum (90 – 97 points) or Gold (80 – 89 points) designation.

Beaches Energy Services' application was evaluated as follows: Reliability 24.5 points, Safety 25 points, Work Force Development 25 points and System Improvement 24 points; aggregating to 98.5 points. The total points assigned qualifies Beaches Energy Services for the Diamond designation. The APPA presented 29 utilities the Diamond designation at the 2016 (Year 12) conference. This designation will be in effect for three years. Beaches Energy Services must submit a new application in September 2019 to continue in the program.

City of

Jacksonville Beach

City Hall

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MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Karen Nelson, Chief Financial Officer
SUBJECT: Monthly Financial Reports for March 2017
DATE: April 6, 2017

Action Requested

Accept the monthly financial reports for the month of March 2017.

Background

The monthly financial reports for March 2017 are provided for your information and review. These reports can be found in the "Reports and Information" portion of this agenda.

Recommendation

Accept the financial reports for the month of March 2017, as submitted by the Chief Financial Officer.



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TO: George Forbes, City Manager

FROM: Jason Phitides, Parks and Recreation

DATE: April 4, 2017

RE: Award RFP No. 03-1617: General Construction Projects and Facility Repairs.

ACTION REQUESTED:

Approval to execute continuing services contracts with **H. Frank Hufham Construction** as the Primary Contractor, and **Marand Construction** as the Secondary Contractor for General Construction Projects and Facility Repairs in response to RFP No. 03-1617.

BACKGROUND:

The City of Jacksonville Beach contracts with private contractors for repairs and maintenance of City facilities that include buildings, parks, and sports fields. The use of contractors help expedite repairs and provides expertise for annual maintenance work.

Following are examples of typical projects performed by the contractor:

- Various concrete placement including sidewalks, full slabs with footers, and head walls, etc.
- Framing with metal or wood.
- Remodel office space including door and window installation.
- Wallpaper removal, smooth or textured drywall finishing and painting.
- Floor repair to include installation of tile, vinyl or wood planking.
- Install acoustical ceilings.
- Repair or install playground equipment at various City parks.
- Repairs to fencing, stucco, gate entrances, etc.

To be eligible, respondents were required to hold an active Florida General Contractor's license and provide appropriate experience and references.

Invitations were sent to nineteen (19) construction firms and we received three (3) responses.



An evaluation team consisting of City staff from Property and Procurement, Parks and Recreation, and Building Maintenance appraised each response. Following is the combined scoring tabulation:

	Evaluation Criteria					Total	Rank
	Qualifications	Experience	References	Proximity	Pricing		
CCB	19	12	30	25	21	107	3
Hufham	24	12	30	30	36	132	1
Marand	24	12	30	30	27	123	2

Each respondent provided excellent qualifications, experience and references.

H. Frank Hufham Construction achieved the highest ranking by providing the most competitive pricing and is recommended as the Primary Contractor.

Marand Construction is the second ranked respondent and is recommended as the Secondary Contractor, to be used if the Primary Contractor is unable to timely or adequately perform, or the primary contract is prematurely terminated.

The contract period is for five (5) years and pricing will remain stable for the term of the contract. The contractor's work program will be managed and monitored by the Property Management Superintendent, supporting the needs of various City departments. Time allotted for each construction project will be agreed to beforehand and the contractor will be paid an hourly rate.

There will be no mark-up on material purchased by the contractor or mileage charges billed to the City. The contractor will be required to present invoices or other approved documentation to show actual materials cost to be paid by the City. The City will have the option of furnishing materials for each project.

Funding is budgeted in various departments' annual appropriations.

RECOMMENDATION:

Award RFP Number 03-1617, entitled General Construction Projects and Facility Repairs to **H. Frank Hufham Construction** as the Primary Contractor, and **Marand Construction** as the Secondary Contractor, for a period of 5 years.

Evaluation Committee Collective Score Sheet and Summary Notes

Scoring Scale:

- 4 = Excellent: The proposal successfully addresses all relevant aspects of the criterion. Any shortcomings are minor.
- 3 = Above Average: The proposal addresses the criterion well but a small number of shortcomings are present.
- 2 = Average: The proposal broadly addresses the criterion, but there are significant weaknesses.
- 1 = Below Average: The criterion is inadequately addressed or cannot be assessed due to missing or incomplete information.

Evaluation Criteria							
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Vendor	Qualifications	Experience	References	Proximity	Pricing	Total	Rank
CCB	9.5	12	12	10	7		
Hufham	12	12	12	12	12		
Marand	12	12	12	12	9		

Score Weight	2.0	1.0	2.5	2.5	3.0		
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Total Weighted Scores							
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CCB	19	12	30	25	21	107	3
Hufham	24	12	30	30	36	132	1
Marand	24	12	30	30	27	123	2

- Evaluator 1: Building Maintenance
- Evaluator 2: Parks and Recreation
- Evaluator 3: Property Management

City of Jacksonville Beach

RFP #: 03-1617

Title: General Construction Projects & Facility Repairs

Evaluation Criterion 1: Qualifications

Respondent must provide a copy of an active Florida General Contractor's license.

Provide a copy of current occupational and business licenses.

VENDOR	COMMENTS	Eval. 1	Eval. 2	Eval. 3	Total
CCB	Did not submit copy of occupational and business licenses.	3.5	3	3	9.5
Hufham	Provided current active State GC license including occupational license.	4	4	4	12
Marand	Provided current active State GC license including occupational license.	4	4	4	12

Evaluation Criterion 2: Experience

Respondent must identify five (5) projects in which the Respondent is currently providing or has provided within the past twelve (12) months that are similar to the services described in this RFP.

Provide the customer name, project location, brief description of the project and dollar amount.

State whether during the past five (5) years if the Respondent has defaulted on any contract. If so, provide a description of the facts and circumstances of the default.

State whether during the preceding five (5) years if the Respondent has terminated a contract prior to expiration of the contract term, or if a contract has been terminated by the other party prior to its stated term. If so, provide a description of the facts and circumstances of each incidence.

VENDOR	COMMENTS	Eval. 1	Eval. 2	Eval. 3	Total
CCB	Provided 5 school renovation projects within the past 12 months.	4	4	4	12
Hufham	Provided 5 City of Jacksonville Beach projects within past 12 months.	4	4	4	12
Marand	Provided 3 banks locally at beach including FSCJ and Merrill Lynch.	4	4	4	12

Evaluation Criterion 3: References

Respondent must provide five references of work performed within the past two (2) years. See Exhibit 1 for format and detail required.

VENDOR	COMMENTS	Eval. 1	Eval. 2	Eval. 3	Total
CCB	Provided sufficient reference details and included all information required per Exhibit 1.	4	4	4	12
Hufham	Provided sufficient reference details and included all information required per Exhibit 1.	4	4	4	12
Marand	Provided sufficient reference details and included all information required per Exhibit 1.	4	4	4	12

City of Jacksonville Beach

RFP #: 03-1617

Title: General Construction Projects & Facility Repairs

Evaluation Criterion 4: Proximity

Respondent must provide the location of the Respondent's home address (corporate headquarters). Routine and responsive interaction will be important in servicing the City's needs in performing this continuing contract.

Provide a brief narrative on how Respondent plans to service this contract. Include in your description the time period required to respond to projects, the staff plans to service this contract and the use of subcontractors, etc.

VENDOR	COMMENTS	Eval. 1	Eval. 2	Eval. 3	Total
CCB	Located on Roselle Street about 20 miles from Jacksonville Beach.	3	4	3	10
Hufham	Office located at 751 1 st Avenue South, Jacksonville Beach. Subcontractors are all located in Jacksonville Beach.	4	4	4	12
Marand	Located in Jacksonville Beach at 233 3 rd St North.	4	4	4	12

Evaluation Criterion 5: Pricing

On the PROPOSAL TENDER FORM on page 30, provide a labor rate per hour and the normal time frame for response.

Provide a labor rate per hour for 24-hour response.

Provide any other information available to show pricing methods or costs for work.

VENDOR	COMMENTS	Eval. 1	Eval. 2	Eval. 3	Total
CCB	Carpenter \$55, Laborer \$40, Project Manager \$90.20, Assistant Project Manager \$74.87, General Superintendent \$84.10, Project Superintendent \$65.19.	2	3	2	7
Hufham	\$40 per hour for 1 hour emergency response, \$35 per hour for 3 hour normal response. \$35 for 24 – hour response.	4	4	4	12
Marand	\$75 per hour for normal response times, \$150 for 24 hours response.	3	3	3	9

March 28, 2017

TO: George Forbes, City Manager

FROM: Ty Edwards, Public Works

RE: Award RFP 01-1617 Environmental Sampling and Analytical Laboratory Services

ACTION REQUESTED:

Award RFP 01-1617 “Environmental Sampling and Analytical Laboratory Services” as continuous service contracts to three (3) firms for a period of five (5) years.

BACKGROUND:

The City of Jacksonville Beach operates three (3) utilities – water, wastewater and stormwater – that require analysis of liquids, sediments, and solids related to various activities associated with the utility operations. Analytical results are used for process control and regulatory compliance.

As environmental and regulatory considerations grow more stringent, the consistency and quality of the analytical testing becomes ever more critical. The impact of failed testing can be extremely serious to the City. Analytical testing results are easily impacted negatively by:

- Improper handling and type/quality of sample containers.
- Hold time constraints between sampling and laboratory hours.
- Quality control and handling during transport.
- Chain of custody from sampling through laboratory analysis.

The cost of environmental sampling, transport, and laboratory analysis is an important secondary consideration.

The objective of this RFP is to award three (3) continuing service contracts to provide high quality, professional environmental laboratory services. These services include field sampling, flow monitoring, measurement of water levels, laboratory analysis, and report preparation. Typical analysis includes:

1. Drinking water for compliance with state Department of Environmental Protection (DEP) permits and federal Safe Drinking Water Act requirements.

City of

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Operations &

Maintenance Facility

Department of Public

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2. Wastewater for compliance with the DEP permits and the federal Clean Water Act requirements.
3. Sludge for compliance with DEP and landfill requirements.
4. Stormwater for compliance with DEP and federal stormwater National Pollutant and Discharge Elimination System regulations.

Requests for proposals were sent to seven (7) vendors and we received five (5) responses. An assessment team consisting of the Water Plant Supervisor, Pollution Control Plant Operations/Training Specialist and the Water Plant Operations/Training Specialist reviewed and ranked the responses as follows:

	Qual.	Experience References	Range/ Proximity	Pricing	Total	Rank
Advanced	4	4	8	12	28.00	1
Enco	4	4	8	9.75	25.75	2
ALS	4	4	8	9	25.00	3
Diversified	4	4	6	4.5	18.50	4
Florida	4	4	4	4.5	16.50	5

Staff recommends that the City Council award RFP 01-1617, “Environmental Sampling and Analytical Laboratory Services,” as continuous service contracts for a period of five (5) years to the top three (3) ranked firms - **Advanced Environmental Laboratories, Inc., Environmental Conservation Laboratories, Inc.** and **ALS Group USA** - and authorize the Mayor and City Manager to execute the contracts.

Continuing service contracts are subject to the availability of funds.

RECOMMENDATION:

Award Request for Proposal Number 01-1617, “Environmental Sampling and Analytical Laboratory Services,” as continuous service contracts for a period of five years to **Advanced Environmental Laboratories, Inc., Environmental Conservation Laboratories, Inc.,** and **ALS Group USA** as explained in the memorandum from the Public Works Director dated March 28, 2017.

Evaluation Committee Collective Score Sheet and Summary Notes

Scoring Scale:

- 4 = Excellent: The proposal successfully addresses all relevant aspects of the criterion. Any shortcomings are minor.
- 3 = Above Average: The proposal addresses the criterion well but a small number of shortcomings are present.
- 2 = Average: The proposal broadly addresses the criterion, but there are significant weaknesses.
- 1 = Below Average: The criterion is inadequately addressed or cannot be assessed due to missing or incomplete information.

Advanced Environmental Laboratories, Inc. (Advanced)

ALS Group USA. (ALS)

Diversified Environmental Laboratories, Inc. (Diversified)

Environmental Conservation Laboratories, Inc. (Enco).

Florida Spectrum Environmental. (Florida)

Vendor	Qual.	Exp/Ref	Range/ Proximity	Pricing	Total	Rank
Advanced	4	4	8	12	28.00	1
ALS	4	4	8	9	25.00	3
Diversified	4	4	6	4.5	18.50	4
Enco	4	4	8	9.75	25.75	2
Florida	4	4	4	4.5	16.50	5

Score Weight	1	1	2	3
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Total Weighted Scores

Advanced	4	4	4	4	16	
ALS	4	4	4	3	15	
Diversified	4	4	3	1.5	12.5	
Enco	4	4	4	3.25	15.25	
Florida	4	4	2	1.5	11.5	

Evaluation Criterion 1: Qualifications:

Provide copies of DOH laboratory certification, with a list of approved analyses, methods and matrices.

Provide evidence that laboratory meets current NELAP requirements.

Describe major components of the QA/QC plan and program.

VENDOR	SCORE
Advanced	4
ALS	4
Diversified	4
Enco	4
Florida	4

All Vendors provided the required qualification documents.

Evaluation Criterion 2: Experience and References:

Provide number of years the laboratory has been in business.

Provide a reference list of up to five (5) public sector entities within the state of Florida for which similar services have been provided.

Include the contact person, telephone number, and services and analyses typically performed for each reference.

VENDOR	SCORE
Advanced	4
ALS	4
Diversified	4
Enco	4
Florida	4

All Vendors provided sufficient public sector references within the State of Florida.

All Vendors provided business history exceeding 20 years.

City of Jacksonville Beach

RFP #: 01-1617

Title: Environmental Sampling and Analytical Laboratory Services

Evaluation Criterion 3 and 4: Proximity and Range of Services:

Provide information on whether sample containers can be delivered, and whether daily sample pick-up from the City is available.

Include a list of flow monitoring, rainfall measurement, and sampling methods and equipment available.

The Respondent should indicate analyses that may be subcontracted to another laboratory.

Provide the location of the laboratory's home office (corporate headquarters).

Provide the location where analyses will be conducted and samples delivered.

Routine and responsive interaction will be important in servicing the City's needs in performing this continuing contract.

VENDOR	COMMENTS	SCORE
Advanced	Local vendor. Current incumbent contractor	4
ALS	Local vendor.	4
Diversified	Did not provide adequate information regarding the methods or equipment to be utilized.	3
Enco	Local vendor.	4
Florida	Required overnight shipping which is not acceptable. Fecal samples have a limited hold time of 6 hours and therefore would not work.	2

Evaluation Criterion 5: Pricing:

Quote in writing the unit price rates, fees, or charges for each type of analysis, based as UNIT PRICE per type ANALYSIS. (Complete with all associated costs) as listed in the Technical Specifications under paragraph 3 Analyses Matrices and Regulations and on the UNIT PRICE TENDER FORM.

Include costs for field work, sampling, provision of sampling containers, sample pickup and/or sample container drop-off, as applicable.

The cost of report preparation and coordination with City staff should be included in costs for analyses.

Provide any other information available to show pricing methods or costs for work.

Price Scoring	Item A	Item B	Item C	Total	Average
Advanced	4	4	4	12	4
ALS	3	3	3	9	3
Diversified	1	1	2	4	1.5
Enco	3.5	3.5	2.5	9.5	3.25
Florida	1	2	1	4	1.5

City of Jacksonville Beach

RFP #: 01-1617

Title: Environmental Sampling and Analytical Laboratory Services

ITEM A: Waste Water Analysis – Pollution Control Division

Analysis Type	Qty.	Advanced	ALS	Diver.	Enco	Florida
		Total Cost				
Enterococci	60	2,700	1,500	3,000	2,580	2,700
CBOD (5 day)	156	2,496	5,460	3,588	2,340	3,276
Total Sus. Solids	469	3,752	6,566	6,097	3,283	7,035
Fecal Coliform	417	5,004	7,506	8,757	6,255	8,757
Copper	14	140	168	196	112	196
Mercury	4	80	72	96	60	108
Nickel	4	40	48	56	32	56
Ammonia, as N	8	120	200	200	120	152
Organic Nitrogen, as N	8	0	0	280	0	232
Kjeldahl Nitrogen	8	136	240	240	160	168
Nitrate plus Nitrite as N	8	120	120	176	80	112
Nitrogen, as N	8	0	0	320	0	272
Phosphorus, as P	8	120	200	160	120	200
Orthophosphorus, as P	8	120	160	160	120	160
Cyanide as CN	24	840	840	1,176	432	852
Treated Sludge	1	550	519	895	525	809
Arsenic	1	10	6	14	8	19
Barium	1	10	6	14	8	19
Cadmium	1	10	6	14	8	19
Chromium	1	10	6	14	8	19
Lead	1	10	6	14	8	19
Mercury	1	20	18	24	8	19
Selenium	1	10	6	14	8	19
Silver	1	10	6	14	8	19
Giardia	2	700	550	1,100	590	1,680
Cryptosporidium	2	700	550	1,100	590	0
Primary Drink	1	860	843	1,975	1,975	1,808
Secondary Drink	1	125	148	250	142	211
Quarterly Ground Water	4	316	0	600	320	496
Grand Total		\$ 19,009	\$ 25,750	\$ 30,544	\$ 19,900	\$ 29,427
Subcontractor "Yes"		2	2	9	3	6

City of Jacksonville Beach

RFP #: 01-1617

Title: Environmental Sampling and Analytical Laboratory Services

ITEM B: Stormwater Analysis

Analysis Type	Qty.	Advanced	ALS	Divers.	Enco	Florida
		Total Cost	Total Cost	Total Cost	Total Cost	Total Cost
Cadmium	14	140	168	196	112	196
Lead	14	140	168	196	112	196
TKN	28	476	840	812	560	588
Total Coli Form	44	396	792	924	660	924
Fecal Coli Form	12	144	216	252	180	252
Particle Size	14	-	-	-	-	-
Aluminum	14	140	168	196	112	196
Zinc	14	140	168	196	112	196
Turbidity	32	256	320	480	320	240
Copper	14	140	168	196	112	196
Biochem Oxygen	28	448	980	644	420	588
Chem Oxygen	28	280	700	700	420	476
Total Sus. Solids	28	224	392	364	196	420
Total Dissolved	28	224	308	420	196	420
Dissolved Solids	32	256	352	640	224	480
Total Solids	32	256	352	480	224	480
Recover Metals	28	420	672	1,568	896	1,568
Orthophosphorus	28	420	420	560	420	560
Phosphorus	28	420	700	560	420	700
Nitrate/Nitrite	28	420	420	560	280	392
Total Nitrogen	28	-	-	1,232	-	952
Oil & Grease	28	1,260	1,260	1,960	1,260	1,540
Total Phenols	N/A	40	20	44	15	26
Methylene Blue	N/A	35	35	48	28	34
Ammonia	N/A	12	25	28	12	19
Salinity	N/A	12	12	22	25	11
Total Hardness	N/A	15	24	20	10	14
Total Chromium	N/A	10	12	14	7	14
Iron	N/A	10	12	14	7	14
Total phosphorus	N/A	15	25	20	15	25
TOTALS		\$ 6,749	\$ 9,729	\$ 13,346	\$ 7,355	\$ 11,717
Subcontractor "Yes"		0	0	8	0	4

City of Jacksonville Beach

RFP #: 01-1617

Title: Environmental Sampling and Analytical Laboratory Services

ITEM C: Drinking Water Analysis

Analysis Type	Qty.	Advanced	ALS	Divers.	Enco	Florida
		Total Cost				
Inorganic	2	350	266	600	280	524
NITRATE	2	30	36	50	40	28
Total Trihalo	80	3,200	3,200	5,600	4,000	4,400
Haloacetic	20	1,700	1,600	3,300	1,600	2,750
Volatile Organic	2	150	140	260	160	220
Synthetic Organic	2	1,200	1,280	2,100	2,500	1,864
Secondary Drink	4	500	592	1,000	552	842
Coliform	480	4,320	8,640	7,200	7,200	10,080
Radionuc	16	3,200	3,200	4,400	4,640	4,144
Asbestos	7	875	1,400	980	1,400	1,400
Copper	100	1,000	1,200	1,300	1,000	1,400
Lead	100	1,000	1,200	1,600	1,000	1,400
GRAND TOTAL		\$ 17,525	\$ 22,754	\$ 28,390	\$ 24,372	\$ 29,052
Subcontractor "Yes"		2	2	8	3	3

City of
Jacksonville Beach
1460A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6226
Fax: 904.270.1639

www.jacksonvillebeach.org

TO: George Forbes, City Manager
FROM: Jason Phitides, Property and Procurement Officer
DATE: April 5, 2017
RE: Award Bid No.1516-16 Lighting Replacements for Oceanfront Park

ACTION REQUESTED:

Award Bid Number 1516-16 Lighting Replacements for Oceanfront Park to the lowest qualified bidder, ***B & G Refrigeration Inc.***

BACKGROUND:

The lighting at Oceanfront Park is in need of replacement. A majority of the bollards are not working and are not repairable. Because of the proximity to the ocean, there are strict limits on the type of light fixtures that can be used.

This bid required the selected contractor to replace thirty (30) bollards in Oceanfront Park with new fixtures that fully comply with the City's Sea Turtle Protection Regulations and be installed with FDEP approved protective shields. Each fixture will include energy saving LED lamps and be able to withstand wind speeds up to 140 MPH. The warranty period is five (5) years.

Bid invitations were mailed to fourteen (14) bidders and four (4) responses were received. Following is the bid tabulation:

	Bidder	Amount
1	B&G Refrigeration	\$ 98,287
2	Vanguard	\$ 106,342
3	American Electrical	\$ 109,885
4	Thompson Electrical	\$ 124,900

Funding for the Oceanfront Park Renovation project, which included this lighting replacement, was approved by the Community Redevelopment Agency on April 26, 2016. The project budget included \$120,000 for lighting improvements.

RECOMMENDATION:

Award Bid Number 1516-16 Lighting Replacements for Oceanfront Park to the lowest qualified bidder, ***B & G Refrigeration Inc.***



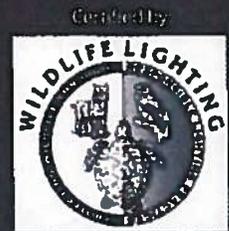
Current bollards in Ocean Front Park:



S.S. Turtle Bollard



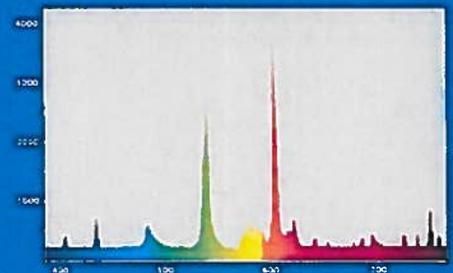
Model: MBT-24
Size: Custom Height, 6.62" Diameter
Type: Series 316 Stainless Steel
Lamp: LED
Optics: Beach Side Shield



According to the Florida Department of Environmental Protection, Sea Turtle populations have experienced massive Worldwide declines. These declines may only be reversed by managing the effects of human populations on our shorelines. One significant detriment is light pollution on nesting beaches because it alters the Sea Turtles nighttime behaviors when they lay eggs, where they choose nests, and how the hatchlings make their way back to the sea, or even are able to find the sea after hatching.

Millerbernd Lighting's MBT-24 Bollard is a cost-effective solution for this special environmental need. By installing amber LEDs in our existing bollard designs and upgrading the housings to 316 stainless steel for exceptional corrosion resistance in coastal areas, the MBT-24 received the Wildlife Lighting Certification from the Florida Fish and Wildlife Conservation Commission.

Our "Turtle-Friendly" stainless steel bollards not only meet the strict regulatory requirements, but can truly enhance the coastal areas they are installed and hopefully save many turtles lives.



As you can see, the Amber LED only creates wavelengths in the 580 - 640nm visible spectrum. Therefore, the Amber LED works better at eliminating the wavelengths of light that disorient the sea turtle hatchlings in lieu of a color filter or gel on a lamp or fixture.

For more information on our Turtle-Friendly lighting, visit www.turtle.millerberndlighting.com or call 320.485.2685

Superior Electrical

Superior Mechanical

Superior Performance



BEACHES | ENERGY
SERVICES

MEMORANDUM

To: George D. Forbes, City Manager
From: Allen Putnam, Director of Beaches Energy Services
Date: March 29, 2017
Re: New Vehicle Purchases for Construction & Maintenance Division

ACTION REQUESTED:

Approve the purchase of two (2) Aerial Bucket Trucks from **Altec Industries** according to GSA Contract # GS-30F-1028G.

BACKGROUND:

Beaches Energy Services currently operates a fleet of two (2) Aerial Bucket Trucks to upgrade, repair and maintain the transmission and distribution lines throughout the electrical system. Due to age, these are budgeted for replacement this year. Truck # 223 is a 65' Aerial Bucket Truck that was purchased in 2006 while truck # 229 is a 100' High Aerial Bucket truck purchased in 1988.

Beaches Energy can purchase new replacement trucks from two (2) manufacturers: **Altec Industries** or **Ring Power**. We requested pricing from each of these manufacturers to include trade in values for the old vehicles. **Altec Industries** provided pricing according to GSA Contract # GS-30F-1028G. **Ring Power** is not associated with GSA and does not currently provide government contract pricing.

Following is a pricing summary including trade-in for each purchase:

	Altec Industries	Ring Power
Aerial Bucket Truck 4x4	\$ 227,800	\$ 240,366
Less: Trade-in	\$ (8,000)	\$ (17,000)
Purchase Price	\$ 219,800	\$ 223,366
High Aerial Bucket Truck	\$ 426,943	\$ 434,329
Less: Trade-in	\$ (19,500)	\$ (21,000)
Purchase Price	\$ 407,443	\$ 413,329
Grand Total	\$ 627,243	\$ 636,695

These replacements were budgeted in the 2017 Capital Improvement Plan and funding will be provided by Beaches Energy Services Operating Revenues.

RECOMMENDATION:

Approve the purchase of two Aerial Bucket Trucks from ***Altec Industries*** according to GSA Contract pricing in the amount of \$627,243.



65' Aerial Bucket Truck



100' High Aerial Bucket Truck

City of
Jacksonville Beach
Police Department
101 Penman Road, South
Jacksonville Beach
FL 32250
Phone: 904.247.6343
Fax: 904.247.6342

www.jacksonvillebeach.org

To: George D. Forbes, City Manager
From: Susan S. Erdelyi, City Attorney
Subject: Proposed amendments to Chapter 5 “Animals and Fowl” of the Code of Ordinances of the City of Jacksonville Beach, Florida, by amending section 5-24, “Dangerous dogs” and section 5-24.1 “Attack or bite by dangerous dog.”
Date: April 7, 2017

ACTION REQUESTED

Adoption of Ordinance #2017-8088 amending section 5-24, “Dangerous dogs” and section 5-24.1 “Attack or bite by dangerous dog” of Chapter 5 “Animals and Fowl” of the Code of Ordinances of the City of Jacksonville Beach, Florida.

BACKGROUND

Sections 5-24 and 5-24.1 of the City’s Code of Ordinances specifies the time allowed to the owner of a dog that has been declared dangerous to appeal the classification and any orders of the special magistrate to county court. The current ordinance allows 10 business days to file an appeal. In 2016, state law was modified to now allow a person to utilize the Florida Rules of Appellate Procedure when filing an appeal. These rules allow 30 days. In addition, the appellant will file their appeal with the Circuit Court, and not the County Court.

Changes to Section 5-24 and 5-24.1 are being proposed to follow state law and allow 30 days to file an appeal. Additional changes were made to assure that the sections comply with the Florida Statutes that govern dangerous dog issues and to remove the ability of the dog owner to submit written statements in lieu of attendance at a hearing. This change was made to assure due process at special magistrate hearings and to give interested parties the right to cross-examine dog owners.

The proposed additions are redlined and deletions have strikethroughs. Generally the changes:



1. Provide for consistency with state law.
2. Provide for appeal to circuit court in 30 days in conformance with the Florida Rules of Civil Procedure and state law.
3. Eliminate the right of dog owners to provide written statements to the Special Magistrate in lieu of attending the hearing as this precludes cross-examination of witnesses and impacts due process rights of the interested parties.

RECOMMENDATION

Adopt City Ordinance #2017-8088 amending specified sections of Chapter 5, Section 5-24, “Dangerous dogs” and Section 5-24.1 “Attack or bite by dangerous dog.”

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

ORDINANCE 2017-8088

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE II. – DOGS AND CATS, DIVISION 1. – IN GENERAL, SECTION 5-24 "DANGEROUS DOGS," SECTION 5-24.1 "ATTACK OR BITE BY DANGEROUS DOG." SECTION; AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY COURT, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Sec. 5-24. "Dangerous dogs."; of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code Ordinances of the City of Jacksonville Beach, Florida is amended and shall henceforth read as follows:

Sec. 5-24. Dangerous dogs.

(a) Procedures for designating a dog as dangerous and actions following a designation are:

The Animal Control Officer shall investigate reported incidents involving any dog that may be dangerous and, ~~shall~~, if possible, shall interview the owner and require a sworn affidavit from any person including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

- (1) Any animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by the Animal Control Officer if the Animal Control Officer believes such impoundment is in the best interests of public safety due to the severity or number of attacks. If the dog has bitten a human being or domestic animal causing a break in the skin, or has in any manner appeared to have transferred bodily fluids such as saliva to the skin of a human being, or the skin or hair of a domestic animal, as determined by the Animal Control Officer, the dog may be impounded and placed in quarantine for the proper length of time. The owner shall be responsible for payment to the City of Jacksonville Beach of all boarding costs and other fees as may be required to keep the animal in a safe and humane manner pending expiration of any quarantine period and/or the outcome of the investigation and resolution of any hearings related to the dangerous dog classification, unless the animal is ultimately determined not to be a dangerous dog.
- (2) Any animal that is the subject of a dangerous dog investigation that is not impounded by the Animal Control Officer shall be humanely, safely, and securely confined by the owner indoors or in a securely fenced or enclosed area pending the

outcome of the investigation and resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The address of where the animal resides shall be provided to the Animal Control Officer. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings or appeals related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.

- (3) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, who while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
 - (4) If the investigation by an Animal Control Officer finds sufficient cause to classify a dog as dangerous, the Animal Control Officer shall forward a report to the Special Magistrate with a recommendation that the dog be designated a dangerous dog. The Special Magistrate shall provide written notification of the sufficient cause finding to the owner by ~~registered~~ certified mail return receipt requested, certified hand delivery, or service in conformance with the provisions of Chapter 48 of the Florida Statutes relating to service of process. The owner may file a written request for a hearing within seven (7) calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than thirty (30) calendar days and no sooner than five (5) calendar days after receipt of the request from the owner. In rendering its decision, the Special Magistrate may consider information and/or documentation including, but not necessarily limited to, written or verbal reports and/or statements, medical reports, if available, photographs, and/or other facts or details that the Special Magistrate, in its sole discretion, determines will assist in its decision. If the owner fails to timely request a hearing, or fails to appear for the hearing after requesting it, the Special Magistrate shall render a decision based upon information and/or documentation provided by the Animal Control Officer and any victim(s) or witness(es). ~~The owner may provide a written statement to the Special Magistrate in lieu of attending the hearing.~~ The Special Magistrate shall render a decision within fourteen (14) calendar days of the conclusion of the hearing.
 - (5) If a dog is classified as a dangerous dog by the Special Magistrate, the Special Magistrate shall provide a written final order notification to the owner by ~~registered~~ certified mail return receipt requested, certified hand delivery or service in conformance with the provisions of Chapter 48 of the Florida Statutes relating to service of process, within seven (7) calendar days after a decision is rendered. The owner may ~~file a written request for a hearing in the county court to~~ appeal the classification, penalty, or both, within ~~ten (10)~~ thirty (30) business days to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. ~~a written determination of a dangerous dog classification and, i~~ If the dog is not impounded, the owner must securely confine the animal indoors or in a securely fenced or enclosed area pending a resolution of the appeal.
- (b) Within fourteen (14) calendar days after a dog has been classified as dangerous by the Special Magistrate, or a dangerous dog classification is upheld by the county circuit court on appeal, the owner of the dog must obtain a certificate of registration for the dog from

the City of Jacksonville Beach, and the certificate shall be renewed annually. The City of Jacksonville Beach shall issue such certificates of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present to the City of Jacksonville Beach sufficient evidence of:

- (1) A current certificate of rabies vaccination for the dog;
 - (2) A proper enclosure for a dangerous dog, as defined in Sec. 5-23(4) of this ordinance, and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property; and
 - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- (c) An annual fee of fifty dollars (\$50) shall be paid to the City of Jacksonville Beach by the owner of a dangerous dog before issuance of a certificate of registration.
- (d) The owner shall immediately notify the Animal Control Officer or the Jacksonville Beach Police Department when a dog that has previously been declared dangerous is loose or unconfined (dangerous dog at large) either off the owner's property or outside a securely fenced or enclosed area on the owner's property. The Animal Control Officer shall attempt to locate and, if found, immediately impound the dog, and document the circumstances in a report to the Special Magistrate. The Special Magistrate shall conduct a hearing on a complaint of a dangerous dog at large following notification procedures as set forth in Sec. 5-24(a)(34) of this article. Pending any hearing before the Special Magistrate, the owner shall be responsible for payment to the City of Jacksonville Beach of all boarding costs and other fees as may be required to keep the impounded animal humanely and safely. If the owner of the dangerous dog at large fails to appear for the hearing, the Special Magistrate shall render a decision based upon information and/or documentation provided by the Animal Control Officer and any witness(es). ~~The owner may provide a written statement to the Special Magistrate in lieu of attending the hearing.~~ The Special Magistrate shall render a decision within seven (7) calendar days of the conclusion of the hearing and issue a finding upholding or rejecting the complaint of a dangerous dog at large. If the Special Magistrate issues a finding upholding the dangerous dog at large complaint, the owner shall be guilty of a non-criminal offense, punishable as provided in Sec. 5-24.2 of this article. If a dog that has previously been declared dangerous and has previously been declared by the Special Magistrate to be a dangerous dog at large becomes loose or unconfined a second time, either off the owner's property or outside a securely fenced or enclosed area on the owner's property, the Animal Control Officer shall attempt to locate and, if found, immediately impound the dog, and document the circumstances in a report to the Special Magistrate. The Special Magistrate shall conduct a hearing on a second complaint of a dangerous dog at large following notification procedures as set forth in Sec. 5-24(a)(34) of this article. Pending any hearing before the Special Magistrate, the owner shall be responsible for payment to the City of Jacksonville Beach of all boarding costs and other fees as may be required to keep the impounded animal humanely and safely. If the owner of the dangerous dog at large fails to appear for the hearing, the Special Magistrate shall render a decision based upon information and/or documentation provided by the Animal Control Officer and any

witness(es). ~~The owner may provide a written statement to the Special Magistrate in lieu of attending the hearing.~~ The Special Magistrate shall render a decision within seven (7) calendar days of the conclusion of the hearing and issue a finding upholding or rejecting the complaint of a dangerous dog at large. If the Special Magistrate issues a finding upholding the dangerous dog at large complaint for the second time, the dog shall be held for ~~ten-business~~ thirty (30) days after the owner is given written notification as provided in Sec. 5-24 (a)(~~4~~5) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~10-day~~ 30-day time period shall allow the owner to appeal request a hearing in the county circuit court as provided in Sec. 5-24(a)(~~4~~5). The owner shall be responsible for payment of all boarding costs and other fees as may be required to keep the animal humanely and safely during any appeal procedure.

- (e) The owner shall immediately notify the Animal Control Officer or the Jacksonville Beach Police Department when a dog that has been classified as dangerous:
- (1) Has bitten a human being or attacked another animal;
 - (2) Is sold, given away, or dies; or
 - (3) Is moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Animal Control Officer. The new owner must comply with all of the requirements of applicable Florida Statutes and this article, even if the animal is moved from one local jurisdiction to another within the state.

- (f) The Animal Control Officer or the Jacksonville Beach Police Department must be notified by the owner of a dog classified as dangerous under another jurisdiction's ordinances, or under provisions of Florida Statutes 767.11, 767.12, or 767.13, that the dog has been brought into the City of Jacksonville Beach. The owner, whether bringing said dangerous dog into the City of Jacksonville Beach temporarily, or for purposes of establishing residency within the City, shall comply with the provisions of this article.
- (g) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure, or off the owner's property on either public property or private property of another, or while being transported in a vehicle, unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight, and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
- (h) An Animal Control Officer shall immediately impound a dangerous dog if the owner fails to comply within the timeframes set forth in this article with any of the requirements for maintaining a dangerous dog. A dangerous dog impounded under this section may be redeemed by the owner upon the owner's compliance with all applicable provisions of

this article and upon payment of impound fees, boarding fees, and applicable veterinary or other medical expenses. If the owner fails to comply with all applicable provisions and redeem the dangerous dog within fourteen (14) calendar days of the date the dog was impounded, the dog shall be destroyed in an expeditious and humane manner.

- (i) This section does not apply to dogs used by law enforcement officials for law enforcement work.

SECTION 2. That Sec. 5-24.1. "Attack or bite by dangerous dog.", Subsection 5-24.1 (2) of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code Ordinances of the City of Jacksonville Beach, Florida is amended and shall henceforth read as follows:

Sec. 5-24.1. Attack or bite by dangerous dog.

- (a) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by an Animal Control Officer, placed in quarantine, if necessary, for the proper length of time, or held for ~~ten~~ **thirty** (~~130~~) **business** days after the owner is given written notification as provided in Sec. 5-24(a)(~~45~~) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~130~~-day time period shall allow the owner to request a hearing in the ~~county~~ **circuit** court as provided in Sec. 5-24 (a)(~~45~~). The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
- (b) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by an animal control officer, placed in quarantine, if necessary, for the proper length of time, or held for ~~ten~~ **thirty** (~~130~~) **business** days after the owner is given written notification as provided in section 5-24(a)(~~45~~) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~ten~~ **thirty** day time period shall allow the owner to request a hearing in the ~~county~~ **circuit** court as provided in section 5-24(a)(~~45~~). The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
 - (1) If the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in Florida Statutes 775.082 or 775.083.
 - (2) If the owner of the dog had no prior knowledge of the dog's dangerous propensities, the owner of the dog shall not be guilty
- (c) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in Florida Statutes 775.082, 775.083, or 775.084. In addition, the dog shall be immediately confiscated by an animal control officer, placed in quarantine, if necessary, for the proper length of time, or held for ~~ten~~ **thirty** (~~130~~) **business** days after the owner is given written notification as provided in section 5-24(a)(~~54~~) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~thirty~~ **en** (~~130~~) day time period

shall allow the owner to request a hearing in the circuit county court as provided in section 5-24(a)(54) of this article. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

- (d) If the owner files a written appeal in the circuit county court as provided in section 5-24(a)(54) of this article, the dog must be held and may not be destroyed while the appeal is pending.
- (e) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this article.

SECTION 3. If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases shall remain in effect.

SECTION 4. That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

SECTION 5. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is authorized and directed.

SECTION 6. This ordinance shall take effect upon its adoption.

AUTHENTICATED THIS __ DAY OF _____, 2017.

William C. Latham, Mayor

Laurie Scott, City Clerk