



**Agenda**  
**City Council**

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Monday, November 20, 2017

7:00 PM

Council Chambers

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**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**

17-193 Regular City Council Meeting Held November 6, 2017

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

**MAYOR AND CITY COUNCIL**

- a. 17-194 Presentation of Resolution of Esteem to Terry DeLoach
- b. 17-195 Employee of the Quarter Presentation - Phil Brown

**CITY CLERK**

**CITY MANAGER**

- a. 17-196 Accept the monthly financial reports for the month of October 2017

- b. 17-197 Authorize the City to Renew the Agreement with Other Water Utilities to Continue the Assessment of Groundwater Resource Sustainability in Northeast Florida
- c. 17-198 Approve the Purchase of One Single Drum Overhead Cable Puller, One Underground Cable Puller, and One Three Wheel Turret Trailer from Sole Source Provider Sherman + Reilly
- d. 17-199 Award Bid No. 1617-19 Golf Course Pump Station Replacement to the Lowest Responsive Bidder, Pro Pump and Controls, Inc.

### **RESOLUTIONS**

- a. 17-200 **RESOLUTION NO. 1996-2017**  
**A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.**

### **ORDINANCES**

- a. 17-201 **ORDINANCE NO. 2017-8098 (Second Reading) (PUBLIC HEARING)**  
**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, CREATING A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED FOR THE INCORPORATED AREA OF THE CITY, AS AUTHORIZED BY CHAPTER 163.3202 AND 381.986, FLORIDA STATUTES, ADDING DEFINITIONS FOR "MEDICAL MARIJUANA TREATMENT CENTER" AND "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" TO ARTICLE IV, DEFINITIONS LAND DEVELOPMENT CODE OF THE CITY; AND PROVIDING FOR CODIFICATION, MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

### **ADJOURNMENT**

### **NOTICE**

*In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

*The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.*

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

**Minutes of Regular City Council Meeting  
held Monday, November 6, 2017, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**OPENING CEREMONIES**

A moment of silence was held in honor of the recent tragedy in Sutherland Springs, Texas, followed by the salute to the flag.

**CALL TO ORDER**

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

**ROLL CALL**

Mayor: William C. Latham

Council Members: 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 Attorney Susan Erdelyi, Planning and Development Director Bill Mann, Chief Financial Officer Karen Nelson, City Clerk Laurie Scott, Director of Beaches Energy Allen Putnam, Director of Public Works Ty Edwards, Director of Parks and Recreation Jason Phitides, 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 October 12, 2017
- Regular City Council Meeting Held October 16, 2017

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

- Jamir Schryver, 525 North 3<sup>rd</sup> Street, Jacksonville Beach, addressed the conditions of the vacant lot located at 5<sup>th</sup> Avenue North and 2<sup>nd</sup> Street North and evening noise nuisance.
- Fernando Meza, 607 7<sup>th</sup> Avenue South, Jacksonville Beach, spoke in favor of increasing the pay for the Police Department.
- Lori Anderson, 800 Shetter Avenue, Jacksonville Beach, thanked the Police Department for their professionalism and rapid response during a recent shooting incident at the Mission House.

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

**CITY MANAGER**

- (a) **Item #17-187, Approve the Implementation of the Master Plan for the Golf Course Using MacCurrach Golf Construction, Inc., to Provide Construction Services, and Applied Technology Management, Inc., for Design and Construction Oversight Services**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the implementation of the master plan for the Golf Course using MacCurrach Golf Construction, Inc., to provide construction services, and Applied Technology Management for design and construction oversight services, as described in the memorandum from the Parks and Recreation Director dated October 24, 2017.

Mr. Forbes said the overall improvement plan for the golf course encompasses reconstruction of the greens, upgrading irrigation to the greens and expansion of the driving range. The changes to the course layout improve safety and promote playability. The enhanced design creates sufficient space around the clubhouse for a putting course and a practice area for chipping and putting.

The project would start in January 2018 and take plus/minus four months for construction. Thereafter, the course would remain closed for an additional four months to allow a grass re-growth period. The projected re-opening of the golf course would be toward the end of 2018.

**Speakers:**

- Thomas Franklin, 1809 1<sup>st</sup> Street North, Jacksonville Beach, supports the improvements to the golf course but preferred upkeep rather than change.
- Jerry Walters, 1018 Big Pine Key, Atlantic Beach, said he would like to see the golf course layout remain as-is with improvements to the irrigation system and greens.

**Discussion:** Mr. Doherty said the current greens are not up to the USGA standards, and the modifications to the layout are most noticeable in the last four holes. The course will be a championship par-72 course, as well as an equitable golf system, available for any playing level.

Ms. Wilson also supports the improvements to the golf course and asked if bed tax money could be utilized towards funding the improvements.

Mr. Forbes responded the bed tax monies, along with three other funding sources, would be used to finance the project.

**Roll call vote:** Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson, and Mayor Latham.

The motion passed unanimously.

**(b) Item #17-188, Authorize Installation of the Redundant SCADA Control Center at Water Plant #2 with Data Flow Systems**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize installation of the redundant Supervisory Control and Data Acquisition Control Center at Water Plant Number 2 with Data Flow Systems as sole source at a cost of \$72,002, plus a 10% contingency, for a total cost not to exceed \$79,202, as explained in the memorandum from the Public Works Director dated October 22, 2017.

**Discussion:** Mr. Forbes explained that during Hurricane Matthew and Irma, the water plant staff relocated to Water Plant #2 because it is higher in elevation than Water Plant #1.

If the SCADA control center or backup power at Water Plant #1 had been severely storm damaged, the automatic control of the water system would have been lost. As part of storm hardening, the installation of a mirrored system control center at Water Plant #2 would ensure the portable servers to be relocated in the event of a storm, as well as remote operation of the water plant during the storm.

**Roll call vote:** Ayes – Doherty, Hoffman, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham

The motion passed unanimously.

**(c) Item #17-189, Approve Purchase of Geographical Information System (GIS) Services from Power Engineers, Inc. (For a Beaches Energy Outage Management System)**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase of a Geographical Information System (GIS) services from Power Engineers, Inc., for an Outage Management System as described in a memo from Allen Putnam, Director of Beaches Energy Services, dated October 21, 2017.

**Discussion:** Mr. Forbes stated the City as a whole would have a new main operating system within the next two to four years and reviewed the outcome of implementing an Outage Management System (OMS) for Beaches Energy as follows:

- Provide up to date outage information as customers call in or report outages via a website or mobile application.
- Provide a mobile ticket dispatching system that will greatly speed up information to and from the field.

- Improve safety for field employees by showing the location and assignments of field personnel.
- Provide real-time updates to an interactive, public-facing outage map.
- Provide the ability to send notifications to customers who opt-in to receive status updates on incident and outage tickets utilizing the customer's communication preferences (email, text, etc.)

Director of Beaches Energy, Allen Putnam, added that as information has changed over time, the current Geographical Information Services (GIS) detail is not sufficient as a foundation for the updated Outage Management System (OMS).

Matt Seely, Electrical Engineering Project Supervisor for Beaches Energy, said he is confident the system would be operational in plus/minus two-years.

As requested by Ms. Wilson, Mr. Putnam clarified the cost of \$102,084 would be a one-time fee and would cover the preparations needed in the GIS system to move forward in the OMS installation process. After installation, there would still be an additional cost for an outage maintenance system provider.

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

**(d) Item #17-190, Approve the Attached Final Plat for Lots 3 and 4, Block 27, Pablo Beach North Subdivision, Supporting a Five Townhouse Residential Subdivision (614 and 624 2nd Avenue North)**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the attached Final Plat for Lots 3 and 4, Block 27, Pablo Beach North subdivision, supporting a five townhouse residential subdivision.

**Discussion:** Mr. Forbes briefly summarized the item as a platting of property into five townhouses that are currently sitting on the property.

Bill Mann, Director of Planning and Development, stated the property is currently two adjacent, fully developed properties that the owner is looking to sell individually rather than as a development.

**Roll call vote:** Ayes - Thomason, Vogelsang, Buck, Doherty, Hoffman, and Mayor Latham.  
Nays – Wilson  
The motion carried 6-1.

**RESOLUTIONS**

**ORDINANCES:**

**(a) Item #17-191, ORDINANCE NO. 2017-8098 (First Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8098, by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, CREATING A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED FOR THE INCORPORATED AREA OF THE CITY, AS AUTHORIZED BY CHAPTER 163.3202 AND 381.986, FLORIDA STATUTES, ADDING DEFINITIONS FOR "MEDICAL MARIJUANA TREATMENT CENTER" AND "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" TO ARTICLE IV, DEFINITIONS LAND DEVELOPMENT CODE OF THE CITY; AND PROVIDING FOR CODIFICATION, MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2017-8098, amending the Land Development Code by adding new definitions to Section 34-41, and adding a new Section 34-408 Prohibiting Medical Marijuana Treatment Center Dispensing Facilities from locating within the City of Jacksonville Beach.

Mr. Forbes reported while "dispensing facilities" are part of the new state regulations, the State has preempted to itself the regulation of all facilities. Mr. Forbes explained the State has only provided local jurisdictions the following two options:

1. To allow medical marijuana treatment center dispensing facilities within their jurisdictional boundaries regulated no more stringently than pharmacies, or
2. To ban medical marijuana treatment center dispensing facilities within their jurisdictional boundaries altogether.

He expressed his concerns about medical marijuana treatment center dispensing facilities opening in the City's Central Business District.

He reported that there is a high likelihood of future State legislation regarding medical marijuana and the potential for legal challenges to the current legislation as currently adopted.

Mr. Forbes stated Mr. Mann took this before the Board of Adjustment to canvass their views. Additionally, the Planning Commission met to consider the proposed amendments to the Land Development Code on October 23, 2017, and recommended prohibiting medical marijuana treatment center dispensing facilities within the City limits.

Mayor Latham opened the Public Hearing at 7:48 P.M.

**Speaker:**

- Carrie McClain, 415 4<sup>th</sup> Avenue North, Jacksonville Beach, spoke in opposition to the agenda item.

Mayor Latham closed the Public Hearing at 7:51 P.M.

**Discussion:** Mr. Doherty and Ms. Hoffman stated that because of their civic duty to support the voters, they did not support the prohibition of medical marijuana treatment center dispensing facilities.

Mayor Latham stated he supported the prohibition. He explained City of Jacksonville Beach voters approved medical marijuana. However, they did not approve medical marijuana treatment center dispensing facilities opening near the City's neighborhoods.

**Roll call vote:** Ayes – Wilson, Buck, Thomason, Latham  
Nays – Vogelsang, Doherty, and Hoffman  
The motion carried 4-3.

(b) **Item #17-192, ORDINANCE NO. 2017-8097 (Second Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8097, by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD, PARAGRAPH (D) CONDITIONAL USES TO ADD "SINGLE FAMILY DWELLINGS CONSTRUCTED IN ACCORDANCE WITH REQUIREMENTS SET FORTH IN SECTION 34-338, RESIDENTIAL, SINGLE FAMILY: RS 3" AS SUBPARAGRAPH (9); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, Adopt Ordinance No. 2017-8097, amending the Land Development Code by Adding “Single-family dwellings constructed in accordance with requirements set forth in Section 34-338, Residential, single-family: RS-3” as a Conditional Use in the Central Business District: CBD zoning district.

Mr. Forbes said single-family residential dwellings are not currently listed as permitted or conditional uses in the Central Business District: CBD zoning district.

A handful of single-family homes are located in the Central Business District: CBD zoning district. Approving this text change would allow owners of existing non-conforming, single-family dwellings the opportunity to seek conditional use approval to bring their property into compliance with the current Land Development Code.

Mayor Latham opened the Public Hearing at 8:01 P.M.

No one wished to come forward and speak on the matter.

Mayor Latham closed the Public Hearing at 8:02 P.M.

**Discussion:** Mr. Mann, Director of Planning and Development, added any significant remodeling could not be done without the conditional use permit approval, but this ordinance would allow for the homeowners the right to apply for a conditional use to rebuild. Conditional use allows for Planning and Development to review the applications on a case by case basis and accommodates long-term area homeowners.

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

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:12 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

\_\_\_\_\_  
William C. Latham, MAYOR

Date: \_\_\_\_\_

# Resolution of Esteem

## Planning Commission

### Terry DeLoach

*Whereas*, Terry DeLoach was appointed as a member of the Planning Commission by the City Council on June 20, 1994, where he served the citizens and community until June 26, 2017, attending over 400 Planning Commission meetings and considering over 800 zoning related applications; and

*Whereas*, Mr. DeLoach took his responsibilities seriously, diligently preparing for meetings, participating hands-on, and making decisions that brought about great change to the City of Jacksonville Beach; and

*Whereas*, Mr. DeLoach was instrumental in the Planning Commission's review and consideration of the following major projects and initiatives:

- Approval of the City of Jacksonville Beach 2030 Comprehensive Plan
- PUD Rezoning for the *Marsh Landing Business Park*
- PUD Rezoning for the *Ocean Cay* subdivision
- PUD Rezoning for the *Palencia* condominiums
- PUD Rezoning for the *Paradise Key* subdivision
- PUD Rezoning for the *Bluewater* apartments
- PUD Amendment for the *Target Supercenter* expansion
- PUD Amendments for the *Home Depot* and *Trader Joes* stores
- PUD Rezoning for the *Beach Marine* mixed-use development
- Redevelopment District: RD Rezoning for:
  - *Metropolitan*
  - *Pier Point*
  - *Pablo Towers*
  - former *Dolphin Depot* property
  - former *Atlantis* Property
- Land Development Code Amendments addressing signs, outdoor restaurants and bars, permitted and conditional uses, building height limits, and microbreweries.

*Now, Therefore*, be it resolved by the City Council of the City of Jacksonville Beach, Florida:

That in recognition of the high respect, admiration, and esteem, which he has earned and, as a token of their genuine appreciation of his dedicated service to the City, the City Council hereby expresses its sincere gratitude to Terry DeLoach for a job well done!

*Authenticated this 20<sup>th</sup> day of November, A.D., 2017.*

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Charlie Latham, MAYOR

**MEMORANDUM**

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6263

Fax: 904.247.6169

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

**TO:** George Forbes, City Manager  
**FROM:** Ann Meuse, Human Resources Director  
**DATE:** November 9, 2017  
**RE:** Employee of the Quarter Award  
3rd Quarter 2017

This is to advise that the final determination for Employee of the Quarter for the 3rd Quarter of 2017 has been made. It is my pleasure to announce the following selection:

<u>Name</u>	<u>Department</u>
Phil Brown	Public Works

Please refer to the attached letter regarding his achievements.

According to our Awards Program, he should be recognized by the City Council with a personalized letter from you and the City of Jacksonville Beach Employee of the Quarter pin. I am forwarding this information to you so that a presentation can be made at the November 20, 2017, Council Meeting. The recipient will be notified to attend.

Additionally, for your information, the Department Director will be having a departmental award ceremony which will include the presentation of a check in the amount of \$100 and a personalized certificate.

Attachment



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

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

November 15, 2017

Phil Brown  
Public Works Department

Dear Phil,

It is with great pleasure that we present you this letter of appreciation for your outstanding job performance in the Public Works Department. You have been selected as an Employee of the Quarter for the 3rd Quarter of 2017.

You are being recognized for:

- Assuming additional duties and responsibilities as the Acting Pollution Control Plant Division Supervisor for the past eight months while the Supervisor was out on extended leave. Your superb performance in this role, along with your continued excellent performance in your normal duties allowed operations to continue smoothly during that time;
- maintaining operations at the wastewater treatment plant and 38 sewage lift stations during Hurricane Irma.;
- and volunteering to represent the City at the University of Florida as a trainer for the Wastewater Class C Certification review.

Please accept our sincere gratitude and thanks for your outstanding performance. It truly exemplifies the dedication and spirit, which we all strive to attain as public employees.

Sincerely,



George D. Forbes  
City Manager



City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

**MEMORANDUM**

**TO:** George D. Forbes, City Manager  
**FROM:** Karen Nelson, Chief Financial Officer  
**SUBJECT:** Monthly Financial Reports for October 2017  
**DATE:** November 10, 2017

**Action Requested**

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

**Background**

The monthly financial reports for October 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 October 2017, as submitted by the Chief Financial Officer.



City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6219

Fax: 904.247.6117

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

November 8, 2017

**TO:** George Forbes, City Manager

**FROM:** Ty Edwards, Public Works

**SUBJECT:** Authorize Renewal of Memorandum of Agreement between City of Jacksonville Beach and Other Northeast Florida Water Utilities to Assess Groundwater Resource Sustainability

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**ACTION REQUESTED:**

Authorize the City to renew the agreement with other water utilities to continue the assessment of groundwater resource sustainability in northeast Florida.

**BACKGROUND:**

In June 2009, Council first approved the City to join with other water utilities in Northeast Florida in a memorandum of agreement for working on groundwater resource sustainability and water supply planning. This agreement combined our resources for hiring a technical consultant and legal support services needed in our coordination with the St. Johns River, Santa Fe River Water Management District, and the Florida Department of Environmental Protection. The utility group is known as the Northeast Florida Utility Coordination Group. This agreement was renewed in February 2011 and July 2014. The current agreement ended on September 30, 2017. The proposed agreement is for three (3) years and will expire on September 30, 2020.

This collaborative effort has been crucial in communicating the concerns of the utilities for using the best science available and developing more accurate groundwater models. Meanwhile, other environmental and water resource pressures, such as minimum flow levels for lakes and the impact of withdrawals in adjoining regions, continue to grow in importance. In addition, other influential groups with different and varying priorities are engaging in these regional discussions and work groups.

Ultimately, it is anticipated that stricter limits for water withdrawals will be set in the future. It is imperative that our region's water utilities maintain a common voice and message as this dialogue continues.



The following water utilities have agreed to continue working together via the renewed memorandum of agreement (attached) that pays for this anticipated level of technical consultant and legal support services:

- City of Atlantic Beach
- Clay County Utility Authority
- City of Jacksonville Beach
- Gainesville Regional Utilities
- City of Neptune Beach
- Town of Orange Park
- St. Johns County
- JEA

JEA will continue as the designee to administer the contracts, utilizing their engineering and legal contracts, with costs reimbursed to JEA by the member utilities based on annual average daily flows. The City's share of the cost will be 1.62% for the renewal period. The estimated costs are:

<b><u>3-Year MOA</u></b>	<b><u>Fiscal Year</u></b>	<b><u>NFUCG Total</u></b>	<b><u>City Portion</u></b>
<b><u>Previous</u></b>	2015	\$700,000	\$10,958.96
	2016	\$700,000	\$10,958.96
	2017	<u>\$700,000</u>	<u>\$10,958.96</u>
	<b>TOTAL:</b>	\$2,100,000	\$32,876.88
<b><u>Renewal</u></b>	2018	\$500,000	\$ 8,094.00
	2019	\$500,000	\$ 8,094.00
	2020	<u>\$500,000</u>	<u>\$ 8,094.00</u>
	<b>TOTAL:</b>	\$1,500,000	\$24,282.00

Funding for this contract is available in the Water & Sewer budget. As with the previous three (3) agreements, it is recommended that the City Manager execute this agreement on behalf of the City Council.

**RECOMMENDATION:**

Authorize the City Manager to execute the Memorandum of Agreement between the City of Jacksonville Beach and other Northeast Florida water utilities to assess groundwater resource sustainability as described in the memorandum from the Public Works Director dated November 8, 2017.

**MEMORANDUM OF AGREEMENT  
BETWEEN  
CITY OF ATLANTIC BEACH, CLAY COUNTY UTILITY AUTHORITY, CITY OF  
GAINESVILLE, CITY OF JACKSONVILLE BEACH, JEA, CITY OF NEPTUNE  
BEACH, TOWN OF ORANGE PARK, AND ST. JOHNS COUNTY  
TO ASSESS GROUNDWATER RESOURCE SUSTAINABILITY IN NORTHEAST  
FLORIDA**

**WHEREAS**, the St. Johns River Water Management District (SJRWMD) and the Suwannee River Water Management District (SRWMD) are undertaking and continuing water supply planning processes using growth projections, groundwater and resource impact models, and other technical tools that will affect local governments and utilities throughout the region and specifically developing MFL Prevention and Recovery Plans that local governments and utilities may be a participant; and

**WHEREAS**, the City of Atlantic Beach, Clay County Utility Authority, City of Gainesville, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, and St. Johns County (hereinafter referred to as "OWNERS"), desire to jointly and collaboratively evaluate regional long-term sustainability of groundwater resources to meet future public water supply needs relative to the St. Johns River Water Management District's (SJRWMD) and Suwannee River Water Management District's (SRWMD) water supply planning processes; and

**WHEREAS**, the OWNERS support protecting and sustaining the natural systems and groundwater resources; and

**WHEREAS**, the OWNERS have a responsibility to provide cost effective public water supply alternatives; and

**WHEREAS**, it is more efficient for the OWNERS to cost share in this effort and to avoid duplication of effort; and

**WHEREAS**, the OWNERS need to engage engineering consultants and legal support services and desire to designate JEA to administer these contracts; and

**WHEREAS**, pursuant to Section 21.04(t) of the City of Jacksonville Charter, JEA is authorized to provide the services described herein; and

**WHEREAS**, the OWNERS have agreed to enter into this agreement (the "Agreement") for the purpose of setting forth the terms and conditions which will govern their mutual obligations in furtherance of the foregoing Recitals; and

**WHEREAS**, the OWNERS had previously entered into a Memorandum of Agreement Between City of Atlantic Beach, Clay County Utility Authority, City of Gainesville, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, and St. Johns County to Assess Groundwater Resource Sustainability in Northeast Florida (the "2014 MOA"). The 2014 MOA terminated on September 30, 2017.

NOW, THEREFORE, the OWNERS and JEA agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference to the same.

2. **Services.** JEA hereby agrees to administer consultant and legal services contracts for the OWNERS as described in the Scope of Services (the "Scopes"), which will be attached as consultant Exhibit A hereto, after being approved and finalized by JEA and all OWNERS, and which shall become a part hereof when attached hereto. The OWNERS and JEA understand that Exhibit A may be modified and/or additional Scopes may be added at a future date, in accordance with the provisions set forth in paragraphs 4, 6 and 8 herein. In the role of administrator of the consultant and legal contracts, JEA will (1) act as the primary contact for the contracts, (2) will relay the prioritization of tasks as set by the OWNERS, (3) coordinate progress meetings and other activities relating to project status and (4) pay the invoices submitted by the consultants, subject to the reimbursement of the costs by the other OWNERS, in the percentages as set forth in paragraph 6 herein.

3. **Limitations.** Prioritization of tasks included in the Scopes and overall direction to consultant and legal service providers will be determined jointly by the OWNERS. Decisions will require a majority vote of the OWNERS before JEA directs consultants accordingly. Each OWNER will have one vote. JEA will coordinate regular progress meetings for conference calls and meetings with consultant and legal service providers to provide OWNERS with project status updates and obtain OWNER votes, as needed.

4. **Costs.** OWNERS shall be limited to an overall, combined total cost not to exceed \$1,500,000 over the term of this Agreement (the "Total Costs Amount") as presented in Table 1. These costs are anticipated to be incurred at approximately \$500,000 per year for each of the three (3) years of the Agreement (Fiscal Years 2018, 2019, and 2020). Exhibit A contains a draft scope of services for these activities. This scope will be updated and adjusted as needed by the committee. Decisions to add additional services within the Scopes, but subject to and limited by the Total Costs Amount, will require at least a majority vote of the OWNERS. The addition of Scopes above the Total Costs Amount will require written modification of this Agreement and the approval of a majority of the OWNERS. In the event that additional Scopes above the Total Costs Amount are so approved, any dissenting OWNER may elect to withdraw from this Agreement in accordance with the requirements of paragraph 10 hereof.

5. **Effective Date.** The Effective Date of this Agreement shall be October 1, 2017.

6. **Reimbursement of Expenses.** OWNERS will reimburse JEA on up to a monthly basis and within 30 days of invoicing by JEA in consideration of this Agreement based on actual costs incurred during the preceding period. Costs to each OWNER will be paid proportionally to each utility's 2016 total annual average daily flow for the duration of this Agreement, as follows:

**Table 1: Percentage Reimbursement and Cost**

<b>Owner</b>	<b>2016 AADF (MGD)</b>	<b>Reimbursement (%)</b>	<b>Total Annual Cost</b>	<b>Total Cost Amount</b>
City of Atlantic Beach	2.36	1.44%	\$ 7,184	\$ 21,552
Clay County Utility Authority	11.75	7.14%	\$ 35,702	\$ 107,106
City of Gainesville	21.93	13.35%	\$ 66,752	\$ 200,256
City of Jacksonville Beach	2.66	1.62%	\$ 8,094	\$ 24,282
JEA	111.31	67.75%	\$ 338,745	\$ 1,016,235
City of Neptune Beach	0.91	0.56%	\$ 2,781	\$ 8,343
Town of Orange Park	0.92	0.56%	\$ 2,808	\$ 8,424
St. Johns County	12.48	7.59%	\$ 37,935	\$ 113,805
<b>Total</b>	<b>164.32</b>	<b>100.00</b>	<b>\$ 500,000</b>	<b>\$ 1,500,000</b>

JEA will not charge OWNERS any additional fees for contract administration. If any OWNER fails to reimburse JEA for its percentage share, interest shall be assessed at the rate of 8% per year. If an OWNER fails to pay its percentage share for two (2) consecutive months, this MOA shall be void as between JEA and such Defaulting OWNER. Defaulting OWNER shall thereafter cease to be a part of the OWNERS group, and shall not be entitled to attend any meetings, have any vote on matters, and obtain any information or reports prepared by consultants. The Defaulting OWNER shall continue to be liable to JEA for payment of its percentage share of the costs incurred, plus accrued interest, but the defaulting OWNER shall not be liable for any cost or expenses from the date it is no longer a part of the OWNERS group. If an OWNER defaults or separates from the group in accordance with paragraph 10, JEA shall re-allocate the reimbursement percentages set forth above, and each OWNER shall thereafter be responsible for the revised percentage of the fees.

In lieu of cost reimbursement, JEA may allow OWNERS to provide in-kind services, on a case-by-case basis, and as unanimously agreed by OWNERS when said in-kind services have or will directly support and offset costs of the Scopes within the limitations of the Total Costs Amount in paragraph 4 above and any approved additional services.

**7. Notification.** Correspondence to JEA, project administration questions, and payment, as well as any other notice, shall be directed as follows:

Tom Bartol, PE  
 JEA  
 21 W. Church St. T-8  
 Jacksonville, Florida 32202  
 (904) 665-6373  
 barttj@jea.com

Notices to and from the other OWNERS and voting shall be made by the following individuals, or a designee of each respective OWNER, at the addresses shown:

Kayle Moore Public Utilities Director City of Atlantic Beach 902 Assisi Lane Atlantic Beach, Florida 32233 (904) 270-2535 kmoore@coab.us	Leon Smith Director of Public Works City of Neptune Beach 2010 Forest Avenue Neptune Beach, Florida 32266 (904) 270-2422 dpw@nbfl.us
Tom Morris Executive Director Clay County Utility Authority 3176 Old Jennings Road Middleburg, Florida 32068 (904) 272-5999 tmorris@clayutility.org	Chuck Pavlos Public Works Director Town of Orange Park 2042 Park Avenue Orange Park, Florida 32073 (904) 264-7411 cpavlos@townop.com
Rick Hutton Supervising Engineer W/WW Division Gainesville Regional Utilities 4747 N Main Street Gainesville, FL 32609 (904) 393-1612 huttonrh@gru.com	Bill Young Utility Director St. Johns County 1205 SR 16 St. Augustine, Florida 32084 (904) 209-2700 byoung@sjcfl.us
Ty Edwards Public Works Director City of Jacksonville Beach 1460A Shetter Avenue Jacksonville Beach, Florida 32250 (904) 247-6219 edwards@jaxbchfl.net	

**8. Modification.** This Agreement may be modified only upon mutual, written agreement signed by all of the OWNERS.

**9. Additional Parties as OWNERS.** OWNERS may be added to the Agreement in the future. Decisions to add additional OWNERS will require at least a majority vote of the OWNERS. If an OWNER is added, JEA shall re-allocate the reimbursement percentages set forth in paragraph 6 above, and each OWNER shall thereafter be responsible for the revised percentage of the fees. OWNERS may also agree to allow participation of other entities in this collaborative effort without becoming an OWNER and at no cost, but only after unanimous agreement by OWNERS.

**10. Separation.** Any OWNER may withdraw from this Agreement before termination by giving not less than 30 days' written notice to all OWNERS. In the event of withdrawal, the withdrawing OWNER shall be responsible for its share of all services up to the date of termination plus its remaining share of active phase(s) of work being performed under the Scopes. Payment in full for the remaining balance shall be due within thirty (30) days of separation. The withdrawing OWNER will not be responsible for costs associated with any phases of the Scopes not yet started and future costs for phases not yet started will be redistributed among the remaining OWNERS within the limitations of the Annual Cost and Total Cost Amount OWNER allocation described above.

**11. Execution.** This Agreement may be executed in multiple counterparts, each of which shall be considered an original document for all purposes.

**12. Termination.** This Agreement shall terminate on September 30, 2020 or upon the completion of the Scopes, whichever shall first occur, unless terminated earlier by the procedures set forth herein. In the event of termination before completion of the Scopes, the OWNERS shall be responsible for their respective shares of services performed to the date of termination, and no compensation previously paid for services performed in accordance with this Agreement shall be refundable by JEA.

**AGREED TO** on this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Memorandum of Agreement to assess groundwater resource sustainability in Northeast  
Florida

Signature Pages Follow

**DATE:**

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**CITY OF JACKSONVILLE BEACH**

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George D. Forbes  
City Manager  
City of Jacksonville Beach  
11 North Third Street  
Jacksonville Beach, Florida 32250



BEACHES ENERGY  
SERVICES

## MEMORANDUM

**TO:** George D. Forbes  
City Manager

**FROM:** Allen Putnam  
Director of Beaches Energy Services

**DATE:** November 8, 2017

**SUBJECT:** Purchase of Overhead and Underground Cable Puller and a Three Wheel Turret Trailer for Beaches Energy Services

---

### ACTION REQUESTED:

Approve the purchase of one (1) PT-3000 Single Drum Overhead Cable Puller, one (1) DDHXA-75 Underground Cable Puller, and one (1) TRT-384/60 Three Wheel Turret Trailer from sole source provider Sherman + Reilly in the amount of \$289,926.

### BACKGROUND:

Cable pullers are necessary to pull cable through underground conduit or overhead poles. Beaches Energy Services uses various pieces of specialized equipment to install and maintain its electrical infrastructure. In spite of high usage, proper care and maintenance has allowed this equipment to last in the range of between twenty (20) to forty-three (43) years.

Replacement parts for the current equipment are very hard to locate or no longer available as is the case for the Underground and Overhead cable pullers. The current wire reel trailer does not meet current Florida Department of Transportation (FDOT) standards and is not rated to handle the weight of present day cable reels.

Beaches Energy Services specified Sherman + Reilly due to its CANbus operating system which utilizes on-board computers and sensors that allows the equipment to perform multiple functions simultaneously. For example, this industry leading safety feature allows for the monitoring of tensioning force, cable pulling speed, and tension levels continuously. No other manufacturer can offer these features. In addition, the proposed Three Wheel Rotating Turret Trailer is the only cable reel trailer on the market which allows for 360 degree turret rotation.

Equipment Type	Purchase Price
PT-3000, Single Drum Overhead Cable Puller	\$99,122.00
DDHXA-75, Underground Bullwheel Cable Puller	\$147,540.00
TRT-384/60, Three Wheel Rotating Turret Trailer	\$58,364.00
Less Trade Value (for old equipment)	(\$9,000.00)
Less Multi-unit Discount	(\$6,100.00)
<b>TOTAL</b>	<b>\$289,926.00</b>

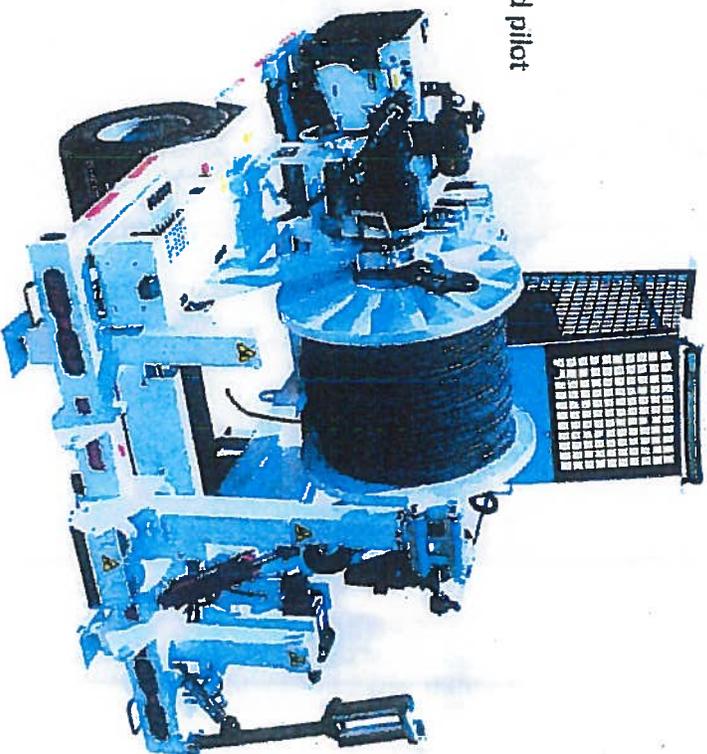
These replacements were budgeted in the 2018 Capital Improvement Plan. Total funds budgeted for the replacement of these three (3) pieces of heavy equipment is \$342,000.

**RECOMMENDATION:**

Approve the purchase of one (1) PT-3000 Single Drum Overhead Cable Puller, one (1) DDHXA-75 Underground Cable Puller, and one (1) TRT-384/60 Three Wheel Turret Trailer from sole source provider Sherman + Reilly, as described in a memo from Allen Putnam, Director of Beaches Energy Services dated November 8, 2017.

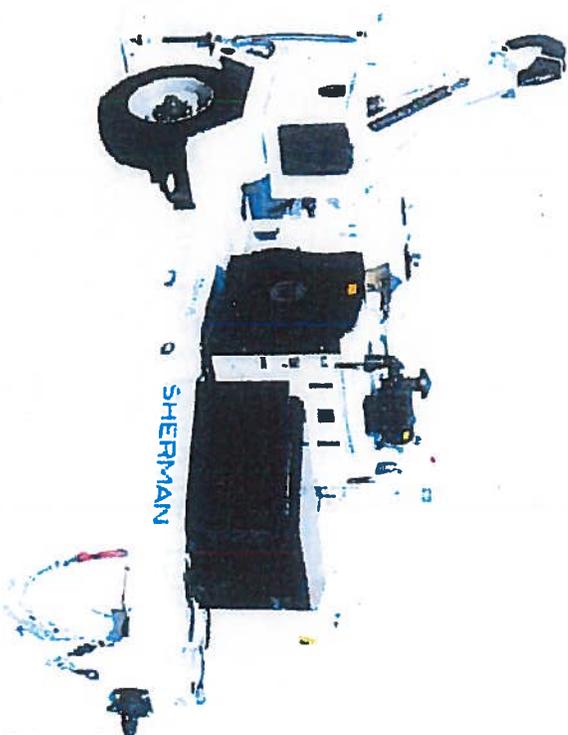
# PT-3000 Puller Tensioner

- Hydraulic direct drive system
- Pulling Capacity minimum 3000lb ToD
- Tensioner Capacity minimum 2000lb ToD
- Underground pulling capacity minimum 7500lb ToD
- CanBus operating system with centralized controls for Overhead, underground, and pilot line modes.
- Data logging capability via USB flash drive
- Real-time diagnostics for payout speed, pulling speed and force/tension levels.
- Pillow block reel mounting system
- Telescoping dual purpose overhead/underground levelwind
- Cab operated -16" Pay out brake
- Spline actuated motor engagement
- 36" LED light bar
- USB phone charger, 12V charger, audible horn
- Compatible with:
  - Spider Pilot Line system w/integrated levelwind (backward compatible)
  - Pad Mount Transformer Boom Attachment
  - Underground drum (backward compatible)
  - Reconductoring reels (backward compatible)



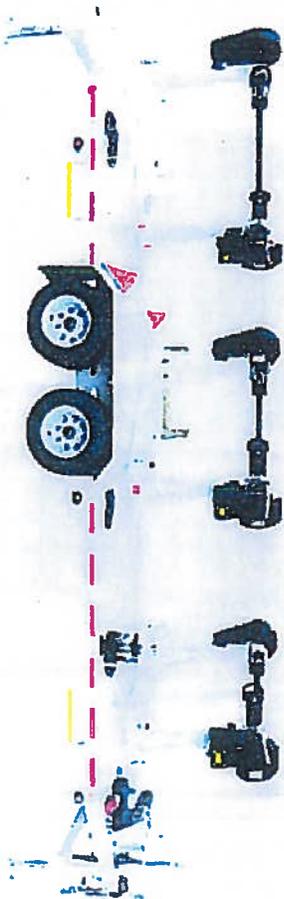
# DDHX-75 Underground Puller

- CANbus operating system, enabling electronic footage counter as well as pulling and tension load
- Data logging capability via USB flash drive
- Triple redundancy operation with onboard control box and manual retriever
- 4 Axis boom with swivel head
  - 60° Swing Arc, Left / Right
  - 90° Vertical Arc, Up / Down
  - 24" Telescoping, In / Out
  - 10" Sheave with 30° swivel head
- Wireless remote with digital display, controlling all features of puller (100 ft+ range)
- 3 gears each with on demand pay out/pull in functionality
  - Gearbox & Line Speed:
    - 1<sup>st</sup> gear 0-60 fpm @ 7,500 lb. w/demand payout
    - 2<sup>nd</sup> gear 0-120 fpm @ 3,500 lb. w/demand payout
    - 3<sup>rd</sup> gear: 0-280 fpm @ 1,500 lb. w/ demand payout
- Onboard storage of sheave and air adaptor accessories
- USB phone charger, 12V charger, and on-board battery charger
- Hydraulic tool circuit - 7 gpm @ 2,000 psi, auxiliary for hand tools, pumps, etc.
- Optional air compressor configuration, BOSS air systems



# TRT-384/60 Reel Trailer

- (3), 84" flange, 60" width maximum reel size
- Tubular steel frame C-Channel cross member construction
- Appex A-frame design for load optimization
- 8,000lb capacity per reel
- Dual axle — Dual Tire suspension
- (4) manual outriggers/stabilizers
- Pillow block reel mounting system
- Front hydraulic jack
- Turrets are removable
- 360 degree turret rotation
- 16 in. ventilated Al-bronze disc tension brake
- Hydraulic retriever
- 8 roller configuration per turret

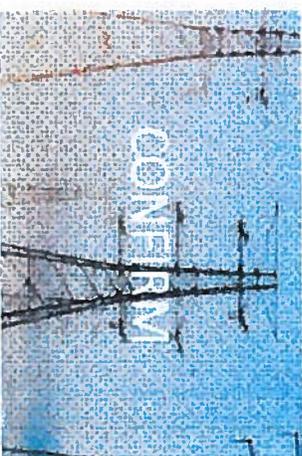
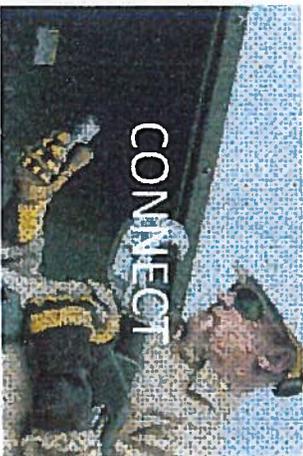
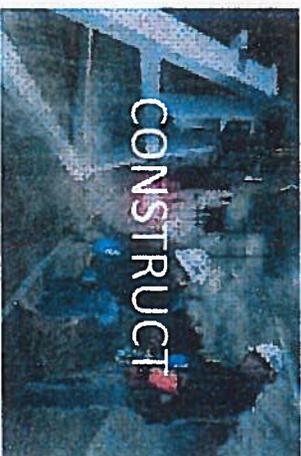




- Sherman Reilly is the sole source for the following models of wire/cable installation equipment.
  - PT-3000, Single Drum Puller
  - DDHXA-75, Underground Bullwheel Puller
  - TRT-384/60, Three Reel Turret Trailer
- All units are produced in Chattanooga, Tennessee

Ryan A Berg  
Directory or Product Management - Sherman+Reilly, a Textron Company

A handwritten signature in black ink that reads 'Ryan A Berg'.



City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

**TO:** George Forbes  
City Manager

**FROM:** Jason Phitides  
Parks and Recreation

**DATE:** November 9, 2017

**RE:** Bid No. 1617-19 Golf Course Pump Station Replacement.

**ACTION REQUESTED:**

Award Bid No. 1617-19 Golf Course Pump Station Replacement to the lowest responsive bidder, Pro Pump and Controls, Inc., in the amount of \$161,212.

**BACKGROUND:**

The pump station located on the Golf Course is used for irrigation throughout the course, as well as the ball fields at Wingate Park, the Central Stormwater Basin park area, the O&M and Police Department, both cemeteries, South Beach Park, and the medians along Jacksonville Drive and South Beach Parkway. The station pumps between 400,000 to 500,000 gallons of reuse water per day.

The typical lifespan of similar pump stations is about fifteen (15) years. This pump station is sixteen (16) years old and is in need of replacement.

Bid number 1617-19 was issued for the purchase and installation of a new pump station. Eligible bidders were required to be experienced State licensed electrical contractors, having performed a minimum of fifty (50) similar sized pump installations.

Bid invitations were sent to two (2) pump station manufacturers, and we received two (2) bid responses. Following is the bid tabulation:

Bidder	Amount
Pro Pump and Controls, Inc.	\$ 161,212
Landirr, Inc.	\$ 254,250

Pro Pump Controls is the lowest responsive bidder. The bid amount includes the Manufacturer's purchase price, shipping and delivery costs, site work, removal of the old system, and installation of the new system on the existing pump building slab.

The pump station will take ten (10) weeks to manufacture and shipping and installation another two (2) weeks, for total project time of approximately twelve (12) weeks. The existing irrigation system will be maintained as operable throughout the project and will not be abandoned for any longer than 48 hours in the event of a required shutdown.



The Manufacturer will provide a five (5) year warranty on the equipment and the Contractor will provide a warranty on workmanship and materials for a period of five (5) years from the date of final acceptance of the project.

The bid award is \$161,212 plus a 10% contingency, bringing the total cost to \$177,333. Funding will be provided by the Water and Sewer Fund and was included in the 2017 Capital Improvements Plan in the amount of \$186,000.

**RECOMMENDATION:**

Award Bid No. 1617-19 Golf Course Pump Station Replacement to the lowest responsive bidder, Pro Pump and Controls, Inc., in the amount of \$161,212, as described in the memorandum from the Parks and Recreation Director dated November 9, 2017.

Existing pump station with three 75 horse power vertical turbine motors:



Pump Station building at the Golf Course:





**MEMORANDUM**

City of  
Jacksonville Beach  
Property and  
Procurement Division  
1460A Shetter Avenue  
Jacksonville Beach  
FL 32250  
Phone: 904.247.6229  
Email: [purchasing@jaxbchfl.net](mailto:purchasing@jaxbchfl.net)  
[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

**TO:** George D. Forbes,  
City Manager  
**FROM:** Luis F. Flores,  
Property and Procurement Officer  
**DATE:** November 7, 2017  
**SUBJECT:** Sale of Surplus Property

**ACTION REQUESTED:**

Adopt Resolution No. 1996-2017 providing for the sale of surplus property online.

**BACKGROUND:**

Periodically, the City accumulates vehicles and equipment that are no longer useful to the City, and the City Council must declare the items surplus to authorize their sale at public auction. The Property and Procurement Division plans to advertise the auction on the City's website and in the Beaches Leader.

GovDeals, a company that provides online auction and website services, will be conducting the auction for the City. GovDeals has over 270,000 qualified, registered bidders, a user-friendly website, good customer service, and a quick payment turnaround time. There is no charge to the City for their services. Successful bidders pay a 12.5% buyer's premium. The premium is included in the total cost of each auction item.

We have attached a current list of surplus City property with Resolution No. 1996-2017. This resolution allows for the addition or subtraction of surplus items from the attached list due to reassignment or other changes occurring prior to the public auction.

**RECOMMENDATION:**

Adopt Resolution No. 1996-2017: A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.

Attachments



Introduced by: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**RESOLUTION NO. 1996-2017**

**A RESOLUTION PROVIDING FOR THE  
SALE OF SURPLUS PROPERTY ONLINE**

**WHEREAS**, it is hereby declared that certain personal property owned by the City of Jacksonville Beach, particularly described on the attached list, is in excess of the foreseeable needs of the public. For this reason, it is in the best interest of the City that the same be put up for public online auction and sold to the highest bidder(s), after providing the required public notice. Items reassigned to a City department or additional items that become surplus prior to the Bid Process may be added to the surplus item list with the approval of the City Manager or Chief Financial Officer.

**WHEREAS**, sufficient time will be provided the public to inspect the surplus property, prior to commencement of the public online auction.

**WHEREAS**, the City reserves the right to reject any and all bids.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF JACKSONVILLE BEACH AS FOLLOWS:**

**Section 1.** After providing proper public notice, the attached list of surplus items will be disposed of by conducting an online auction open to the public.

**Section 2.** All items shall be sold in, as is, where is, condition and without warranty.

**Section 3.** This resolution shall take effect upon its passage and publication as required by law.

**AUTHENTICATED** this \_\_\_\_ day of \_\_\_\_\_ A.D., 2017.

\_\_\_\_\_  
William C. Latham, MAYOR

\_\_\_\_\_  
Laurie Scott, CITY CLERK

**City of Jacksonville Beach Auction List 2017**

<b>LOT #</b>	<b>Tag #</b>	<b>Asset #</b>	<b>Asset Description</b>	<b>Serial Number</b>
6254			Weldex (Monitor)	WDR902409200949US
6422			Chair	
6423			Christmas Decorations	
6424	9030		Stage w/rails, steps and pleat skirting)	
6425			Fax Machine Brothers 4750E	U60283E9J929571
6426			Fax Machine Brothers 4750E	
6427			Fax Machine Brothers	U60298D3J383046
6428			Pump Myers .5 HP	WHRS-11C
6429			Pump Myers 7.5 HP	68812178GE
6430			Pump Myers 7.5 HP	68812178GE
6431			Pump Hydromatic 3 HP	518946
6432			Pump Hydromatic 3 HP	518945
6434	8125		Typewriter IBM w/ cartridges	13416603069970
6442			Metal Bookcase	
6448			Conference Table	
6449			Safe 18"x18" Dial Tumbler	4456
6450	8027		Diagnostic Scanner Snap-on Modis Elite	EEMS300C02
6451	3615		Scanner Deluxe Snap-On	MT25962995
6452	7279		Genesis Auto Analyzer	CHP6MQ1
6455			Television 27" w VHS & DVD Player	
6456			Radios Motorola (66) pdf list	See pdf in shared folder
6458			Filing Cabinet (4)	
6461			Truck Toolbox Diamond Plated	
6462			Chairs (9)	
6463			Bicycles Police (4)	sold during bike auction
6464			Bicycles Fire (2)	sold during bike auction
6465			Fan Electric	
6466			Hose (2)	
6467			Phones	
6468			Phone AT&T cordless	
6475			Email Filter Bloxx	X0332026
6476			Email Filter Bloxx	BCXM42
6497	7692		Mail Machine Pitney Bowes DM550	27338 & 7331

**City of Jacksonville Beach Auction List 2017**

6498	9138	Mail Machine Pitney Bowes DI950	2201213
6499	8350	Remittance Processor NCR	53-3804905
6500	8347	Check Encoder - Drive Up	04087807N
6501		Chair	
6503		Dry Erase Board	
6504		Desk Glass Top Metal Frame	
6518	11695	Meter Bench Tester RFL 5800	595
6532		Bookcase (2)	
6533	2742	Antifreeze Recycler Solar 5010	F565115
6534		Skye Transjet Service Equipment	91038110
6535	group with 6536	Kal Equipment Scanner OBDII	OBDII26554
6536	group with 6536	Tool Taskmaster Scanner Mac	BSM10763764
6543		Fax Machine	
6544	10213	Radio Satellite MSAT Hughes G2	ESN 16415018
6545	10214	Radio Satellite MSAT Hughes G2	ESN 16415201
6547	664	Loadlogger w/case Rochester	B647
6547	648	Loadlogger w/case Rochester	B648
6548	663	Loadlogger w/case Rochester	B592
6549		Uninterruptible Power Source	FE10K01464
6550		Uninterruptible Power Source	
6551		Transformer GE Bypass	9T21B1030G04
6552		UPS External Transfer Switch	BPE-04-BBM-1A
6553		AC Power Source Safety Switch GE	THN3362
		Pavers (est 4000 108/pallet)	
	Stock		
	00380	Air Insulated Stainless Steel Type 9	

**City of Jacksonville Beach Auction List 2017  
Computers, Printers, Scanners, & Servers**

<b>Lot #</b>	<b>Asset #</b>	<b>Asset Description</b>	<b>Serial Number</b>
6370	none	HP Compaq 6005 USDT	MXL1381WZ0
6371	none	HP Compaq 6005 USDT	MXL13907ZQ
6372	9904	Dell Tablet Latitude XT2 XFR	4RV7XL1
6373	9898	Dell Tablet Latitude XT2 XFR	CSVHPQ1
6374	10028	Dell Laptop Latitude E5520	8RQM4S1
6375	9839	HP ProBook 6555b	CNU1101JON
6376	10013	Cymphonix	1140A230492
6377	10012	Cymphonix	1140A230491
6378	8737	Desktop	D4QB4C1
6379	8647	Desktop	DW49WB1
6380	8648	Desktop	7W49WB1
6381	10021	Laptop	8RQ15S1
6382	9838	Laptop	5B285008K
6383	9592	Laptop	6A089371
6384	10019	Laptop	8RQL4S1
6385	9039	Laptop	6PCQKF1
6386	9848	Laptop	9RRDWM1
6387	9761	Laptop	5MD2YN1
6388	9767	Laptop	4D71G12
6389	9766	Laptop	61F2YN1
6390	9826	Laptop	C2QFYN1
6391	9763	Laptop	FWH2YN1
***	6392	9765 Laptop	CJC2YN1
***	6393	9909 Laptop	GSLJPQ1
***	6394	7668 Switch	
***	6395	9760 Laptop	CZC2YN1
***	6398	9597 HP Z600 Workstation	2UA0310DJN
***	6399	9917 HP Z600 Workstation	2UA1221HCD
***	6400	9936 HP Z600 Workstation	2UA1200FDC
***	6401	9916 HP Z600 Workstation	2UA115206B
	6402	9915 HP Z600 Workstation	2UA1152069
	6403	HP Compaq 6005 Pro USDT	MLX12924G5
	6404	Dell Flat Panel Monitor 2009W	CN-0G433H-7445-97K-GXTL
***	6405	9933 HP Probook 6555	4CZ1290W24
***	6406	9906 HP Probook 6560B	4XZ12710MR

**City of Jacksonville Beach Auction List 2017  
Computers, Printers, Scanners, & Servers**

<b>Lot #</b>	<b>Asset #</b>	<b>Asset Description</b>	<b>Serial Number</b>
***	6407 9932	HP Probook 6555	4CZ1290W02
***	6408 9882	HP Probook 6555	CNU10608LF
***	6409 9934	HP Probook 6555	4CZ1290W4N
	6410	WatchGuard Firebox T2BE8	909501899-948C
	6411 7666	Dell Power Connect 5212	4Y7JY21
	6412 10383	HP Gen8 DL 160E5-2603 Svr	MXQ31506D6
	6413	HP LCD Display 17"w	CNC902P7X9
***	6414 9894	HP Probook 6560B	4CZ1280WYR
***	6415 9840	HP Z600 Workstation	2UA1221MFW
***	6416 9891	HP Pro 3130Mt	MXL1281HDH
***	6417	HP Probook 6005P	MXL12924GD
***	6418	HP Probook 6005	MXL1292VRV
***	6419	HP Probook 6005	MXL1090PJV
	6420	HP Office Jet 5610	CN71NDE31D
	6421	HP Printer C6436	MY19J1V0HD
***	6435 8879	HP Workstation	2UA70618PJ
***	6436 9833	HP Laptop Probook 4720S	3CE1031MJY
***	6437 9291	HP Laptop Compaq 6830S	CNU9035KSK
***	6438	Optquest Flat Panel	QCW083504215
***	6439 10023	Dell Latitude E5520	8RQP4S1
***	6440 9892	HP Elitebook 856W	4CZ1310958
***	6441 8586	Panasonic Toughbook CF51	6FTYA92558
	6443 8911	HP LaserJet 4700dn	JP4LB01263
***	6445	Dell PowerEdge 830	78FWWB1
	6446	Dell Monitor E153 LCD	CN-0C5369-6418-461-BSNH
	6447	HP Compaq 6005 Pro SFF	2UA1040GNM
***	6453 9956	Dell Laptop Latitude E5520	GPH6MQ1
***	6454 10373	Dell Laptop Latitude E5530	B3PHRY1
***	6459 8629	Dell Laptop Latitude D820	263BQB1
	6470 7463	HP LaserJet 2200dn	JPGGR25303
	6471 9947	Dell Power Connect 6248 Switch	4KL47M1
	6472 9946	Dell Power Connect 6248 Switch	9BL47M1
	6473 9950	Dell Power Connect 6248 Switch	3BL47M1
	6474 9948	Dell Power Connect 6248 Switch	FGL47M1
	6477 9940	Dell Power Connect 6224 Switch	JS847M1

**City of Jacksonville Beach Auction List 2017  
Computers, Printers, Scanners, & Servers**

<b>Lot #</b>	<b>Asset #</b>	<b>Asset Description</b>	<b>Serial Number</b>
6478	9941	Dell Power Connect 5212	BS847M1
6478	9941	Dell Power Connect 6224 Switch	BS847M1
6479		Dell Power Connect 5212	25MQFH1
6480	7658	Dell Power Connect 5212 Switch	3W7JY21
6481	9937	Dell Power Connect 6224 Switch	FX847M1
6482	9939	Dell Power Connect 6224 Switch	84847M1
6483		Dell Power Connect 6224 Switch	5QFFFH1
6484	9951	Dell Power Connect 6248 Switch	GCL47M1
6485		Dell Power Connect 6224 Switch	4HQ2SB1
***	6486	Dell Dimention 3100	DV0LHB1
***	6487	Dell Laptop Latitude E5530	HQN5ZW1
	6488	Dell Laptop Latitude E5530	FXS5ZW1
***	6489	Dell Desktop Optiplex 790	HRNHYR1
	6490	Xerox Scanner DocuMate 152	821CN1085N5C1300301
	6491	Dual Monitors w/stand	3CQ9100JBY 3CQ8222817
**	6492	HP Computer Server Proliant ML150	445345-001
	6493	HP Laserjet P2055dn	CNB9633709
	6494	Printer	
	6495	Printer Canon	
	6496	9137 Printer Ricoh	
***	6506	Dell Desktop Optiplex 790	HRNFYR1
***	6507	Dell Desktop Optiplex 790	BD7L4V1
***	6508	Dell Desktop Optiplex 790	HRPCYR1
***	6509	Dell Desktop Optiplex 790	1DWDQW1
***	6510	Dell Desktop Optiplex 790	HRNBYR1
***	6511	Dell Desktop Optiplex 790	HRNNYR1
***	6512	Dell Desktop Optiplex 790	HRNJYR1
***	6513	Dell Desktop Optiplex 790	HRNKYR1
***	6514	Dell Desktop Optiplex 790	HRPDYR1
***	6515	Dell Desktop Optiplex 790	HRN9YR1
***	6516	Dell Desktop Optiplex 790	HRMQYR1
***	6517	Dell Desktop Optiplex 790	HRNGYR1
***	6519	Dell Desktop Optiplex 790	HRPBYR1
***	6520	Dell Desktop Optiplex 790	BD8H4V1
***	6521	Dell Desktop Optiplex 790	BD7K4V1

**City of Jacksonville Beach Auction List 2017  
Computers, Printers, Scanners, & Servers**

<b>Lot #</b>	<b>Asset #</b>	<b>Asset Description</b>	<b>Serial Number</b>
***	6522	Dell Desktop Optiplex 790	HRN6YR1
***	6523	Dell Desktop Optiplex 790	HRHDYR1
***	6524	Dell Desktop Optiplex 790	BD6P4V1
***	6525	Dell Desktop Optiplex 790	HRNQYR1
***	6526 9895	Dell Desktop Optiplex 790	CC73WN1
***	6527 9899	Dell Tablet Latitude XT2 XFR	1SVHPQ1
***	6528 9901	Dell Tablet Latitude XT2 XFR	99XHPQ1
***	6529 10074	Dell Laptop Latitude E5520	9KW5CT1
***	6530 10029	Dell Laptop Latitude E5520	8RQL5S1
***	6531 10308	Dell Laptop Latitude E5530	GLX5ZW1
	6537 10773	Monitor Acer	2440378592
	6538	Printer Epson Workforce 435	N8EP072859
	6539 10773	Computer & Monitor Security Sys	CN41151CFS / MXL240K25
	6541	Printers PKI Microline 420	AK31029011EO
	6542	ACS Front End Processor	
	6546	Computer & Monitor and Scanners	
	6554	Printer HP CB495A	CNDSB01817
	6557 6957	Dell Lapton Inspiron 8100	CN-03N642-12961-239-6644

- \* non-operation
- \*\* no hard drive
- \*\*\* non-operation & no hard drive

## City of Jacksonville Beach Police Confiscated Goods 2017

LOT #	Asset Description
LEF2017-1	Watches qty 3
LEF2017-2	Watches qty 4
LEF2017-3	Watches qty 6
LEF2017-4	Watches qty 2
LEF2017-5	Watches qty 2
LEF2017-6	Watches qty 2
LEF2017-7	Watches qty 4
LEF2017-8	Watches qty 4
LEF2017-9	Watches qty 3
LEF2017-10	Watches qty 2
LEF2017-11	Watches qty 4
LEF2017-12	Charm Silver Dollar
LEF2017-13	Costume Misc Rings & Earrings
LEF2017-14	Costume Necklaces qty 3
LEF2017-15	Costume Misc Gold Jewelry
LEF2017-16	Costume Misc Silver Jewelry
LEF2017-17	Misc Gold Jewelry-Charms, necklaces Bracelets
LEF2017-18	Silver & Gold Rings qty 9
LEF2017-19	Ipod 3 Apple
LEF2017-20	MP3 Sony & Zune
LEF2017-21	Sunglasses qty 2 pair
LEF2017-22	Radios 2 way
LEF2017-23	Camera
LEF2017-24	Cell phones qty 2
LEF2017-25	Tom Tom
LEF2017-26	Bicycles lot of 5
LEF2017-27	Bicycles lot of 5
LEF2017-28	Bicycles lot of 5
LEF2017-29	Bicycles lot of 5
LEF2017-30	Bicycles lot of 5
LEF2017-31	Bicycles lot of 6

Proceeds are posted into LEF

**City of Jacksonville Beach Auction List 2017**

**Verizon Cell Phones**

<b>Lot #</b>	<b>Asset Description</b>	<b>MEID</b>
6558	IPhone 5S	356965060476342
6558	IPhone 5S	358821054134942
6558	IPhone 5S	356962062027272
6558	IPhone 5S	35200106633164
6558	IPhone 5S	356962062202925
6558	Iphone 5S	35200306487476
		6
6558	IPhone 6	358370065406733
6558	IPhone 6	354411069800341
6558	IPhone 6	
		3
6558	IPhone 6S	353801082935416
6558	IPhone 6S	353801082804430
		2
6558	Kyocera used (Verizon)	99000421698238
6558	Kyocera used (Verizon)	99000421696231
6558	Kyocera used (Verizon)	99000421694032
6558	Kyocera used (Verizon)	99000421714202
6558	Kyocera used (Verizon)	99000421692263
6558	Kyocera used (Verizon)	99000421694015
6558	Kyocera used (Verizon)	99000421673844
6558	Kyocera used (Verizon)	99000421692257
6558	Kyocera used (Verizon)	99000421696238
6558	Kyocera used (Verizon)	99000421696235
6558	Kyocera used (Verizon)	99000421696229
6558	Kyocera used (Verizon)	99000421696232
6558	Kyocera used (Verizon)	99000421710919
6558	Kyocera used (Verizon)	99000421696230
6558	Kyocera used (Verizon)	99000421696025
6558	Kyocera used (Verizon)	99000421692266
6558	Kyocera used (Verizon)	99000421692275
6558	Kyocera used (Verizon)	99000421696009
6558	Kyocera used (Verizon)	99000421696228
6558	Kyocera used (Verizon)	99000610521833

**City of Jacksonville Beach Auction List 2017**

**Verizon Cell Phones**

<b>Lot #</b>	<b>Asset Description</b>	<b>MEID</b>
6558	Samsung Galaxy S4	990004830381533
6558	Samsung Galaxy S4	990004830398529
6558	Samsung Galaxy S4	990004830227645
6558	Samsung Galaxy S4	990004830398271
6558	Samsung Galaxy S4	990004830381582
6558	Samsung Galaxy S4	990004830398321
6558	Samsung Galaxy S4	990004830381319
6558	Samsung Galaxy S4	990004830398438
6558	Samsung Galaxy S4	990004481507691
6558	Samsung Galaxy S4	990004830398313
6558	Samsung Galaxy S4	990004830381244
6558	Samsung Galaxy S4	990004830381608
6558	Samsung Galaxy S4	990003430398644
6558	Samsung Galaxy S4	990004830398362
6558	Samsung Galaxy S4	990004830381475
6558	Samsung Galaxy S4	990004830381350

16

6558	Samsung Galaxy S5	990004839813742
6558	Samsung Galaxy S5	990007370432806
6558	Samsung Galaxy S5	990006969659068
6558	Samsung Galaxy S5	990004835122510
6558	Samsung Galaxy S5	990004835051313
6558	Samsung Galaxy S5	990006969659076
6558	Samsung Galaxy S5	990004835158100

7

6558	Samsung Galaxy S6	990007045087878
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1

6558	Samsung Galaxy SIII	99000351366783
6558	Samsung Galaxy SIII	

2

6558	Samsung Covoy 3	A0000048E299BA
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1

**City of Jacksonville Beach Auction List 2017**

**Verizon Cell Phones**

<b>Lot #</b>	<b>Asset Description</b>	<b>MEID</b>
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**Sprint - Cell Phones Locked**

	<b>Asset Description</b>	<b>MEID</b>
6558	IPhone 5C	35853905570118
6558	IPhone 5C	357996052043393
		2
6558	IPhone 5S	352003066148014
6558	IPhone 5S	352001066331648
		2
6558	Blackberry Motorala	
<b>Total</b>		1
<b>Total used</b>		67

Kyocera - New 35

**Total units 102**

## VEHICLES

City of Jacksonville Beach Auction List 2017						
Lot / Door #	Asset	Dept	YEAR	Make / Model	Mileage	Vin
<b>City Vehicles</b>						
005	8937	Police	2008	Chevy Impala	99,377	2G1WB55K489212941
010	8953	Police	2008	Chevy Impala	98958	2G1WB55KX89213642
047	8558	Police	2006	Chevy Impala	79,120	2G1WS551569271453
060	8745	Police	2007	Chevy Impala	74,397	2G1WS55R779183219
061	8746	Police	2007	Chevy Impala	85,232	2G1WS55R179239199
084	8970	Police	2008	Chevy Impala	117,739	2G1WS553589218563
247	7794	Beaches Energy	2004	GMC Sierra Pickup	107,882	1GTEC14V54Z244687
294	796	Beaches Energy	2001	Chevy1500 Pickup	102,133	1GCEC14W41Z167007
312	8327	Finance	2005	Ford F350 Pickup	149,989	1FDWF36Y75EC97152
507	15011	Public Works	2000	Ford F250 Pickup	88,548	1FDNF20L0YEE26078
517	5327	Public Works	2001	Dodge Pickup		1B7HC16X41S766677*
522	9438	Public Works	1994	Chev Van	5,312	1GCCGG35Z4RF126956
533	7502	Public Works	2003	Ford		1FDNF20L03ED27897
572	7834	Public Works	2004	Ford F250 Pickup	110,338	1FTNF20L24EB85252
594	8009	Public Works	2004	Ford F250 Pickup	71,848	1FTNF20LX4ED81472
716	5792	Fire	2001	Ford 1/2 Ton Pickup	95,515	1FTRW08W51KB85599
<b>Wrecked Vehicles</b>						
041	8556	Police	2006	Chev Impala	81,888	2G1WS551369265716
0953	9230	Police	2009	Chev Impala		2G1WS57M091182772
<b>Confiscated Vehicles</b>						
LEF11	N/A	Police	1998	Merc Sedan - Blown Engine	70,257	2MEFM75W1WX621454
LE13	N/A	Police	2004	Chev Sedan Monte	85,204	1G1ZT52854F110861

City of

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# MEMORANDUM

**To:** George D. Forbes, City Manager

**From:** Heather Ireland, Senior Planner 

**Re:** **Ordinance No. 2017-8098**, amending the Land Development Code by adding new definitions to Section 34-41, and adding a new Section 34-408 Prohibiting Medical Marijuana Treatment Center Dispensing Facilities from locating within the City of Jacksonville Beach.

**Date:** October 20, 2017

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## ACTION REQUESTED:

**Adopt Ordinance No. 2017-8098**, amending the Land Development Code by adding new definitions to Section 34-41, and adding a new Section 34-408 prohibiting Medical Marijuana Treatment Center Dispensing Facilities from locating within the City of Jacksonville Beach.

## BACKGROUND:

On November 8, 2016, voters adopted an amendment to the Florida Constitution (Amendment 2) that legalizes the use of medically certified marijuana in the State of Florida and authorizes the cultivation, processing, distribution and sale of related products by licensed "Medical Marijuana Treatment Centers" (MMTCs). In December of 2016, City Council adopted a temporary one-year moratorium on MMTCs and dispensing organizations to allow time for the State to draft enabling legislation. The State drafted legislation during a special session in 2017. The moratorium will expire on December 5, 2017.

While "dispensing facilities" are part of the new state regulations, the State has preempted to itself the regulation of all facilities. The State has decided that local jurisdictions can choose from only two available options for local regulation of medical marijuana treatment center dispensing facilities:



- 1) Medical marijuana treatment center dispensing facilities can be regulated no more stringently than pharmacies are regulated, OR
- 2) Medical marijuana treatment center dispensing facilities can be banned altogether. Pharmacies currently are permitted in C-1, C-2, and CBD zoning districts, and also in commercial PUD zoning districts. (The City currently has a moratorium on dispensaries in place until December 5, 2017).

Staff feels that there is a high likelihood of future State legislation regarding medical marijuana and the potential for legal challenges to the current legislation as currently adopted. For example, future constitutional amendments and legislation may further expand the legal use of cannabis in Florida. A prohibition on medical marijuana treatment center dispensing facilities at this time would allow time for the State to make any changes to the current statutes, and for the City to respond accordingly and appropriately.

The City wants to ensure that in the event of a change to the State regulations that would strike or alter any local ban on dispensaries, that applications can be processed in a reasonable timeframe after consideration is given to the application process. The proposed draft ordinance language provides new associated definitions, and serves to prohibit any medical marijuana treatment center dispensing facilities within the City limits.

This prohibition allows the City time to develop procedures, if necessary, to process applications, in the event that the State changes the adopted legislation to prohibit dispensing facility bans, or a court of law enters a final order striking or altering the authority of local jurisdictions to ban dispensing facilities.

The Planning Commission met to consider the proposed amendments to the Land Development Code on October 23, 2017 and voted to recommend approval of the amendments by City Council.

***RECOMMENDATION:***

**Adopt Ordinance No. 2017-8098**, amending the Land Development Code by adding new definitions to Section 34-41, and adding a new Section 34-408 Prohibiting Medical Marijuana Treatment Center Dispensing Facilities from locating within the City of Jacksonville Beach.

Introduced by: Council Member Wilson  
1st Reading: November 6, 2017  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2017-8098**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, CREATING A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED FOR THE INCORPORATED AREA OF THE CITY, AS AUTHORIZED BY CHAPTER 163.3202 AND 381.986, FLORIDA STATUTES, ADDING DEFINITIONS FOR “MEDICAL MARIJUANA TREATMENT CENTER” AND “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY” TO ARTICLE IV, DEFINITIONS LAND DEVELOPMENT CODE OF THE CITY; AND PROVIDING FOR CODIFICATION, MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE:**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

**WHEREAS**, The Marijuana Policy Group has published a memorandum called “Municipal Dispensary Allocation: Florida,” which evaluated the market need for medical marijuana dispensing facilities and the harmful consequences and secondary effects of over-saturation of medical marijuana dispensing facilities within the market place; and

**WHEREAS**, The Marijuana Policy Group determined that Florida should have no more than one dispensing facility for each fifty-thousand residents and the optimal ratio is one dispensing facility per 67,222 residents, and the City of Jacksonville Beach has a population (approximately 24,000) well below such ratios; and

**WHEREAS**, the State has provided local jurisdictions only two options: 1) to allow medical marijuana treatment center dispensing facilities within their jurisdictional boundaries regulated no more stringently than pharmacies, or 2) to ban medical marijuana treatment center dispensing facilities within their jurisdictional boundaries altogether; and

**WHEREAS**, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

**WHEREAS**, potential adverse impacts on the health, safety, and welfare of residents and businesses from secondary effects associated with the sale and distribution of marijuana exist, potentially including: offensive odors, trespassing, theft, fire hazards, increased crime in and about the medical marijuana dispensing facility business, robberies, negative impacts on nearby residences, businesses, nuisance problems; and

**WHEREAS**, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by medical marijuana dispensing facility businesses in obtaining banking services necessitating such to operate on a cash basis; and

**WHEREAS**, the City Council believes there is a high likelihood of future State legislation regarding medical marijuana and the potential for legal challenges to the State legislation already adopted; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of cannabis in Florida; and

**WHEREAS**, Section 381.986(11), Florida Statutes, authorizes a county or municipality to “ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality”; and

**WHEREAS**, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

**WHEREAS**, Section 381.986, Florida Statutes severely limits, through State preemption, the City’s control over the zoning and permitting of medical marijuana dispensaries, thereby substantially restricting the City’s ability to protect surrounding land uses for which dispensaries may not be compatible; and

**WHEREAS**, given, among other things, the potential negative secondary land use effects of medical marijuana dispensing facilities, The Marijuana Policy Group’s analysis of optimal population ratios (residents per dispensing facility), and the statutory restrictions on local government authority to regulate number and location of dispensing facilities if not banned, there is a rational basis for the City to exercise its authority under Section 381.986(11), Florida Statutes to ban dispensing facilities within the boundaries of the City; and

**WHEREAS**, the City finds that this Ordinance is in the interests of the public health, safety, and welfare; and

**WHEREAS**, the City desires to ensure that in the event of any change, whether legislative, judicial, or administrative, to the authority of the City to prohibit medical marijuana treatment center dispensing facilities within its jurisdictional boundaries, the city has sufficient time to consider and adopt any standards or regulations that are consistent with Florida law at that time to protect the health, safety, and welfare of the citizens, businesses, and visitors; and

**WHEREAS**, accordingly, the City Council of the City of Jacksonville Beach has found it necessary to include in this Ordinance a moratorium on the processing of any applications for the operation of a medical marijuana treatment center dispensing facility that would last 180 days from the effective date of any

legislative change or final court order that strikes or otherwise alters the statutory authority of local governments to ban medical marijuana treatment center dispensing facilities within their jurisdictional boundaries; and

**WHEREAS**, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance prohibiting the operation of Medical Marijuana Treatment Center Dispensing Facilities and has presented its recommendation to the City Council;

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

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

**SECTION 2. Amendment of City Code.** That Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order, new definitions for *Medical Marijuana Treatment Center* and *Medical Marijuana Treatment Center Dispensing Facility* as follows<sup>1</sup>:

**Section 34-41. General**

*Medical Marijuana Treatment Center* means a facility licensed by the Florida Department of Health that can cultivate, process, transport, or dispense marijuana or marijuana related products.

*Medical Marijuana Treatment Center Dispensing Facility* means a facility or business operated by a Medical Marijuana Treatment Center (MMTC), or other organization or business holding all necessary state licenses and permits and where marijuana and products derived therefrom are dispensed at retail in accordance with all other applicable local, state and federal laws.

**SECTION 3.** That Section 34-408, Division 2, of Article VIII of the City of Jacksonville Beach Code or Ordinances or Land Development Code is hereby amended to add the following new provisions:

**Section 34-408 – Medical Marijuana Treatment Center Dispensing Facilities Prohibited.**

- a) Pursuant to Section 381.986(11)(b), Florida Statutes, which creates a limited exception to the preemptive authority asserted by the State as to Medical Marijuana Treatment Centers and which authorizes local jurisdictions to ban Medical Marijuana Treatment Center Dispensing Facilities within their jurisdictional boundaries, Medical Marijuana Treatment Center Dispensing Facilities are prohibited within the jurisdictional boundaries of the City of Jacksonville Beach.
- b) In the event there is any change by legislation or rule to the exception to the preemptive authority asserted by the State as to Medical Marijuana Treatment Centers or the authority of local jurisdictions to ban Medical Marijuana Treatment Center Dispensing Facilities within their jurisdictional boundaries, or in the event a court of competent jurisdiction enters a final order striking or otherwise altering the authority recognized in Section 381.986 Florida Statutes for local jurisdictions to ban Medical Marijuana Treatment Center Dispensing Facilities within their jurisdictional boundaries, no application for a development order, zoning approval,

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<sup>1</sup> (~~strikethrough~~ text indicates deletions, underline text indicates additions).

change of use, or other permit which would authorize Medical Marijuana Treatment Center Dispensing Facilities within the City shall be processed for a permit for 180 days following the effective date of such legislative change or judicial action.

**SECTION 4.** A prohibition is imposed on the operation of Medical Marijuana Treatment Center Dispensing Facilities within the city limits of the City of Jacksonville Beach. While the prohibition is in effect, the City shall not accept, process or approve any application relating to the operation of Medical Marijuana Treatment Center Dispensing Facilities. Nothing in this dispensing facility prohibition shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Fla. Stat. §381.986 or other Florida law.

**SECTION 5.** During the prohibition it is unlawful and a violation of this ordinance for any person or entity to open or cause to be opened any cannabis dispensing facility within the City. It is also unlawful and a violation of this ordinance for any person or entity to relocate or cause to be relocated any cannabis dispensing facility within the City or to be expanded in the City.

**SECTION 6.** That this ordinance shall take effect upon its adoption by the City Council.

**SECTION 7.** That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 8.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the city or any of its officials that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2017.**

\_\_\_\_\_  
William C. Latham, Mayor

\_\_\_\_\_  
Laurie Scott, City Clerk