

**Minutes of Regular City Council Meeting
held Monday, August 15, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

Council Member Vogelsang gave the invocation, 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(*absent*) Christine Hoffman(*absent*)
 Bruce Thomason Phil Vogelsang Jeanell Wilson

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

APPROVAL OF MINUTES

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

- Fiscal Year 2017 Council Budget Tour held on July 29, 2016
- City Council Workshop held on August 1, 2016
- City Council Budget Workshop held on August 1, 2016
- Regular City Council Meeting held on August 1, 2016

ANNOUNCEMENTS:

Mr. Vogelsang questioned Mr. Forbes if he asked the City Attorney to review the Special Events Policy. Mr. Forbes stated he had asked the City Attorney to review the Special Events Policy. Mr. Vogelsang asked if this review involved all Council Members. Mr. Forbes answered by stating not all Council Members run special events.

Mr. Vogelsang stated he and other Council Members are involved in special events. There is no investigation but a review of the policy. His role as an elected official takes precedence over any involvement in a special event. He is doing the special event to better the community and would do away with his involvement in the special event if there was an issue. He spoke with the Florida Commission on Ethics regarding his role in special events, and said that he was told that there is not an issue with his involvement.

COURTESY OF THE FLOOR TO VISITORS:

Speakers:

- Ken Marsh, 2027 Gail Avenue, Jacksonville Beach, spoke regarding oil and gum on the pavers on the streets. He addressed the City Council previously and is requesting a plan to maintain the streets once they are cleaned.
- Jim Burgener, 112 5th Avenue South, Jacksonville Beach, spoke concerning the Pokémon Go activity at Oceanfront Park. There are large groups of people in the park after dusk. He stated this causes problems for the residents in the area. He requested assistance with the large numbers of visitors to the Park.

MAYOR AND CITY COUNCIL

CITY CLERK:

CITY MANAGER:

- (a) **Item #16-433, Accept the Monthly Financial Reports for the Month of July 2016.**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, and passed unanimously, to accept the monthly financial reports for the month of July 2016, as submitted by the Chief Financial Officer.

- (b) **Item #16-434, Approve a Commercial Lease Agreement with *Vie Home Services, LLC dba TruBlue of Jacksonville Beaches* for Property at the Industrial Park.**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to authorize the City Manager and Mayor to execute a lease with *Vie Home Services, LLC dba TruBlue of Jacksonville Beaches* for property at the Jacksonville Beach Industrial Park, as described in the memorandum from the Property & Procurement Officer dated August 3rd, 2016.

Mr. Forbes explained this is for a lease in the Industrial Park for Vie Home Services dba TruBlue of Jacksonville Beach. The lease is for five years after which it can be renewed in one-year increments by the City Manager. They are being given a three-month grace period to set up water, sewer, and electric utilities.

Mr. Forbes noted two changes in the Commercial Lease Agreement. On Page 2 of the agreement, remove the words "per year" as the rent rises every year. On Page 3 of the Standard Lease Provisions, under Rental Adjustment, remove the words "of the year in which the Lease is executed" and adding "2017."

It was moved by Ms. Wilson and seconded by Mr. Vogelsang, and passed unanimously, to accept the changes as presented.

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

- (c) **Item #16-435, Authorize Funding the City's Percentage of the Beach Cities Combined Effluent Outfall Rehabilitation Project, to be Reimbursed to the City of Atlantic Beach as Construction Progresses.**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to authorize \$220,031.33 to fund the City's portion of the cost of the Beach Cities Combined Effluent Outfall Rehabilitation Project as explained in the memorandum from the Public Works Director dated August 2, 2016.

Mr. Forbes explained the three beach cities, Atlantic Beach, Neptune Beach, and Jacksonville Beach, share a system to pump treated wastewater to the permitted combined effluent outfall in the St. Johns River at Sherman Point. Jacksonville Beach will pay their share of the cost, which is 41.3%, to rebuild the pipe below ground. The Atlantic Beach Commission awarded the project to the lowest, responsible bidder, J.D. Hinson Company.

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

- (d) **Item #16-436, Approve the Purchase of a Cloud-based Recruitment and Applicant Tracking Software System from NEOGOV HRMS.**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to approve the purchase of a cloud-based recruitment and applicant tracking software system from NEOGOV HRMS as described in the memorandum from the Chief Financial Officer dated August 4, 2016.

Mr. Forbes stated this software system is an online recruitment applicant tracking software. It allows an applicant to apply online and enable the City to track the application. It is currently being used by 103 cities in the State of Florida.

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

- (e) **Item #16-437, Approve the Purchase and Installation of Access Control and Video Surveillance Systems for Beaches Energy Substations from Siemens Industry, Inc., According to the National Joint Powers Alliance (NJPA) Contract # 031913-SIE.**

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to approve the purchase and installation of access control and video surveillance systems for Beaches Energy substations from *Siemens Industry, Inc.*, according to the National Joint Powers Alliance (NJPA) Contract # 031913-SIE as described in the memorandum from the Director of Beaches Energy Services dated August 7, 2016.

Mr. Forbes explained the City is working to rebuild the substations. This action is to purchase and install access control and video surveillance systems for Beaches Energy Substations in accordance with Industry Best Practices.

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

(f) Item #16-438, Approval to Execute a Continuing Services Contract with Voya Financial in Response to RFP No. 06-1516 Carrier Request for Group Accident, Group Critical Illness, and Major Medical Complement Coverage.

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to award RFP Number 06-1516, entitled Carrier Request for Group Accident, Group Critical Illness, and Major Medical Complement Coverage to Voya Financial for a period of two years with an option to renew for an additional two-year term, as explained in the memorandum from the Director of Human Resources dated August 13, 2016.

Mr. Forbes stated that these coverages are optional for the employees and not paid for by the City. The coverages include group accident, group critical illness, and major medical complement coverage. An RFP was sent out for a voluntary insurance benefits carrier to six vendors and three RFPs were received. After analysis of the responses by an evaluation committee, Voya Financial was selected meeting the City's requirements.

Mr. Thomason stated his concern about the wording "an option to renew for an additional two-year term." He commented it does not state who should be making that decision. He recommended an amended motion to add the words after "for an additional two-year term," the words "if approved by the City Manager."

It was moved by Mr. Vogelsang and seconded by Ms. Wilson, and passed unanimously, to amend the motion as recommended by Mr. Thomason.

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

(g) Item # 16-439, Authorize Amendment #2 to the City's South Beach Park Skate Park Design-Build Contract for Construction of Part B (Concrete Skate Park) and Part C (General Park Amenities)

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to authorize Amendment #2 to the City's South Beach Park Skate Park Design-Build Contract for construction of Part B (Concrete Skate Park) and Part C (General Park Amenities), as described in the memorandum from the Public Works Director dated August 13, 2016.

Mr. Forbes explained there are two parts to this action, Part B is the skate park and Part C contains the general park amenities. Part A was the site preparation. Tim Payne, representing Team Pain, the contractor for the design-build of the skate park, briefly described the skate park and amenities that will be completed.

Mayor Latham asked about the entrance and sign that were on the conceptual design. Mr. Payne stated he designed the skate park portion and was not involved in that process.

Robin Smith, Public Works Engineer, stated that through several concept meetings with City Staff, the Parks and Recreation Director and the public, it was decided not to include a sign or have any branding. He stated the covered shade areas create an entryway effect without having a sign. Mr. Smith stated there is also a large shade structure that would cover a portion of the adjacent playground area. There are two large picnic areas, bike racks, and benches included in the skate park. The landscaping will be concrete dunes with planting in the middle, similar to the medians on 3rd Street. These will not be used as a skateboarding feature. The trees were specifically selected so they can be easily maintained.

Mr. Forbes commented this was not just a skate park. It also includes amenities and commended Mr. Payne on designing the skate park to blend in with the existing park.

Mr. Buck asked if there was lighting. Mr. Forbes confirmed it was intended to be a daytime only park.

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

(h) Item # 16-440, For Unit Price Bid # 1516-11, Stormwater Pipe Cleaning, Sheet Pile Channel & Related Improvements Project in Vicinity of South Beach Parkway & Jacksonville Drive.

1. Award Bid Part A, Stormwater System Pipe Cleaning, Televising and Disposing of Debris

2. Reject bids for Part B, Sheet Pile Channel Improvement

Motion #1: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, as described in the memorandum from the Public Works Director dated August 11, 2016, to award Part A of Unit Price Bid Number 1516-11, titled "Stormwater Pipe Cleaning, Sheet Pile Channel and Related Improvements project in vicinity of South Beach Parkway and Jacksonville Drive" to *Jax Utilities Management, Incorporated*, and authorize Construction Administration Services with the project's design firm, *Jones Edmunds and Associates*.

Mr. Forbes explained this action is to proceed with Part A, Stormwater System Pipe Cleaning, Televising and Disposing of Debris and to reject Part B, Sheet Pile Channel Improvements. The price for Part B came in higher than expected and will come before the Council again after City Engineers research options and rebid the project. This entire project is important to the City as it drains the stormwater system from Jacksonville Drive to the South Stilling Basin.

Ty Edwards, Public Works Director, stated they will look at other options for Part B, Sheet Pile Channel Improvements, and put it out for bid with different contractors for more competitive pricing. He emphasized the importance of being able to clean out the channel and make improvements in this area for the long term.

Mr. Thomason asked how long the process of rebidding Part B would take. Mr. Forbes stated it could take up to a year as several redesign options are being reviewed and will then be put out for bid.

Mr. Buck stated his concern for the delay. Mr. Forbes answered it was a decision made by the Community Redevelopment Agency to have alternates prepared.

Mr. Buck asked if there was an alternative to the original plan. Mr. Edwards stated he, the engineers, and his staff will look at what is best for the City because it does drain much of the southern area of the City.

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

Motion #2: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to reject the bids for Part B of Unit Price Bid Number 1516-11.

Mr. Thomason stated his concern that waiting a year would result in the same numbers or higher numbers. Mr. Forbes answered that was possible, but the CRA asked staff to review the project for more cost effective options.

Mr. Thomason inquired if the work required in Part A would be ongoing while Part B is being reviewed. Mr. Forbes confirmed that it would be.

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

RESOLUTIONS:

ORDINANCES:

(a) Item #16-441, ORDINANCE NO. 2016-8078 (First Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8078 (First Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT; PUD ORDINANCE NO. 2013-8026, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (Amends the Ordinance to allow two additional signs for the BluWater Apartments located on the north side of Beach Boulevard, between 6th Street North and 9th Street North)

Mayor Latham read the following statement for the record:

“This ordinance to amend the PUD zoning regulations of a property is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an application to amend the zoning regulations governing a property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on a zoning amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application, and the staff and Planning Commission reports on this PUD zoning amendment request.”

Public Hearing

Mayor Latham opened the public hearing on Ordinance No. 2016-8078 and asked if the applicant or their agent was present and if they would like to make a presentation.

Speakers:

Wyman R. Duggan, 1301 Riverplace Boulevard, Suite 1500, Jacksonville, of Rogers Towers Law Firm, representing the owner and applicant stated the change is to add two signs to the BluWater Apartments. One would be a wall-mounted sign above the entrance to the leasing office on Beach Boulevard. The second would also be a wall-mounted sign on 8th Street North over the garage entrance. The reason for the request is to help direct traffic to the leasing office and parking garage.

Mr. Duggan stated the original application as submitted provided for wall signage that was approximately 54 square feet in area. That has now been revised to reduce both signs to approximately 45 and 47 square feet in area. The Beach Boulevard sign would be internally illuminated and since Planning Commission approval, the 8th Street sign would also be illuminated. The proposed illumination would be LED lights known as reversed channel halo lit signs. They do not shine out but against the building to create a halo effect around the channel letters. He also stated the original PUD ordinance always allowed for an illuminated sign on 8th Street North and is now proposed to be wall-mounted and not monumental. The Beach Boulevard sign will face a major commercial corridor and the 8th Street North sign will face another part of BluWater Apartments and be caddy corner to the Moose Lodge. He commented the signs should not affect any other residential areas.

Mayor Latham exited the meeting at 8:00 P.M., and Mayor Pro Tem Wilson began presiding.

There were no speakers in favor of or in opposition to the ordinance.

Mr. Forbes stated he was concerned this was not the same application approved by the Planning Commission because he has received two more revisions since they approved the change. He recommended sending it back to the Planning Commission for review.

Mr. Duggan stated the application that was submitted had conceptual elevations and were expressly labeled including in the written description. The sign company refined

their plans resulting in smaller signs. The revisions were submitted so the City knows what is getting approved rather than something conceptual.

Mayor Pro Tem Wilson closed the Public Hearing.

Ex-Parte Communications

Mayor Pro Tem Wilson read the following statement for the record:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record *both the names of persons and the substance* of any *ex-parte* communications regarding this application. An *ex-parte* communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

There were no ex-parte communications from the Council.

Mayor Pro Tem Wilson asked for a motion to approve the ordinance as read by title.

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Buck, to adopt Ordinance No. 2016-8078, amending Ordinance No. 2013-8026, governing the BluWater multifamily Planned Unit Development to authorize two additional project identification wall signs on the main building on Parcel A.

Discussion:

Mr. Vogelsang asked if the leasing office was opened at night and why does it need to be lit up. Mr. Duggan stated he did not know and would find out.

Mr. Thomason commented he agreed with Mr. Forbes as multiple modifications have been made since the Planning Commission reviewed the application. He is not in favor of approving the ordinance tonight as it needs to go back to the Planning Commission.

Mr. Buck stated he had the same concerns as Mr. Thomason.

Mayor Pro Tem Wilson commented her concerns were setting a precedent if approved. She also stated she understands the need for signs, but the illuminated Beach Boulevard sign is right above or below the window to one of the apartments and would shine in the window. She also stated she was unaware of the 8th Street North sign being illuminated until tonight and would not support that proposal.

Mayor Latham returned to the dais at 8:15 P.M.

Mr. Forbes asked Bill Mann, Planning and Development Director, for clarification of the dimensions of the signs. The sign on Beach Boulevard would be 260" wide by 24.5" tall and the sign on the garage would be 142" wide by 47" tall. Mr. Mann confirmed the dimensions.

Mr. Vogelsang questioned if the only changes from the Planning Commission approval were the dimensions and the garage sign being illuminated. Mr. Duggan stated he is willing to abandon the request to illuminate the garage sign. Mr. Vogelsang asked Council if they wanted to vote tonight or send it back to the Planning Commission.

Mr. Buck asked Mr. Mann if approving the ordinance would set a precedent. Mr. Mann said it would not due to the location and because there have been sign concessions for two major commercial PUDs.

Amended Motion: It was moved by Mr. Vogelsang and seconded by Mr. Buck, and passed unanimously, to amend the motion to exclude the illuminated sign over the garage.

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

Mr. Forbes reminded the audience this was the first reading of the ordinance and the second reading would be in three weeks.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:25 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date:

9/6/16