



**CITY OF JACKSONVILLE BEACH  
FLORIDA**

**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 on **Monday, October 6, 2014, at 7:00 P.M. in the Council Chambers, 11 North Third Street, Jacksonville Beach, Florida.**

**Opening Ceremonies: Invocation  
Salute to the Flag**

**Roll Call**

1. **APPROVAL OF MINUTES:**

- Special City Council Meeting held September 8, 2014
- Special City Council Meeting held September 15, 2014
- Regular City Council Meeting held September 15, 2014

2. **ANNOUNCEMENTS:**

3. **COURTESY OF THE FLOOR TO VISITORS:**

4. **MAYOR AND CITY COUNCIL:**

5. **CITY CLERK:**

Adopt the Declaration of Election Results from the State of Florida, Duval County Canvassing Board, for the August 26, 2014 Primary Election

6. **CITY MANAGER:**

- (a) Approve the Non-Serviceable Fire Helmet Policy as Outlined by Fire Chief Gary Frazier in a Memo Dated September 24, 2014
- (b) Award RFP Number 12-1314 for Fourth of July Fireworks Display to **Pyro Shows, Inc.**

Memorandum, Mayor and City Council  
City Council Agenda for October 6, 2014

- (c) Award RFP 13-1314 – Professional Services for Assistance with NERC Reliability Compliance Standards for Beaches Energy Services to the Highest Ranked Respondent, **GDS Associates, Inc.**

7. **RESOLUTIONS:**

8. **ORDINANCES:**

**ORDINANCE NO. 2014-8058 – Findings of Fact**

Findings of Fact for the Denial of Ordinance No. 2014-8058, Rezoning the Property Located at 602 N. 1<sup>st</sup> Street from Central Business District: CBD to Redevelopment District: RD.

**ADJOURNMENT**

Respectfully submitted,

/s/George D. Forbes  
CITY MANAGER

GDF:njp  
10/02/14

*If a person decides to appeal any decision made by the City Council with respect to any matter considered at any meeting, such person may need a record of the proceedings and, for such purpose, 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 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, ext. 10, no later than 12:00 PM, Friday, October 3, 2014.*

**Minutes of Special City Council Meeting  
held Monday, September 8, 2014, at 6:00 P.M.  
In the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Charles Latham called the meeting to order.

**ROLL CALL:**

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman  
Tom Taylor Phil Vogelsang (*Absent*) Jeanell Wilson

Also present was City Manager George Forbes, and City Clerk Judy Bullock.

**PURPOSE OF MEETING**

Mayor Latham explained that the purpose of the meeting was to:

- Adopt a Millage Rate, Resolution No. 1935-2014, and
- Adopt an Operating Budget, Resolution No. 1936-2014 for fiscal year 2015.

Mayor Latham then read the following statement:

- The first item to be discussed is the Millage Rate.

The budget for the City of Jacksonville Beach was prepared using a millage rate of \$3.9947 mills. The rolled back rate is \$3.8994 mills. The millage rate of \$3.9947 mills is 2.4% more than the rolled back rate.

- The second item to be discussed is the Operating Budget.

The operating budget for Fiscal Year 2014-2015 is \$153,947,972.

**Public Hearing**

At this time, Mayor Latham opened a Public Hearing on the Millage Rate and Operating Budget.

**Speaker:**

- Charles Mitzel, 4083 Grande Boulevard, Jacksonville Beach  
Mr. Mitzel asked questions regarding the cost of the sign at the intersection of Osceola and South Beach Parkway, the use of bricks at Beach Boulevard and 2<sup>nd</sup> Street

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intersection; why the City has a defined benefit pension plan instead of a 401K; and he stated that he does not understand the why the City spends money on certain things. There being no one else who wished to address the Council, Mayor Latham closed the Public Hearing.

**MILLAGE RATE – FY 2015**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1936-2014, adopting the Millage Rate for fiscal year 2014-2015 of \$3.9947 mills.

**RESOLUTION NO. 1935-2014**

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, PROVIDING FOR AN EFFECTIVE DATE.”

**Discussion**

Mr. Forbes advised that the City is reducing the millage rate from \$4.0947 mills to \$3.9947 mills and is receiving less in property taxes than was received in 2008. He added that the City’s Operating Budget is 14% less than the current year’s budget and that there would be some redevelopment agency monies put back in the budget as they are approved for various projects.

Mr. Forbes also explained that most of the items questioned by Mr. Mitzel were approved by previous councils. The downtown work is part of the City’s Vision Plan, which included additional parking. There were also many meetings held and a walking tour of the area took place prior to approval of the plan. Mr. Forbes added that the City and Unions were able to work out sustainable pension plans through pension reform and that the three plans are in sound financial condition.

Roll call vote: Ayes - Doherty, Hartkemeyer, Hoffman, Taylor, Wilson, and Mayor Latham; motion carried unanimously.

**OPERATING BUDGET – FY 2014-2015**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1936-2014, adopting the Operating Budget for fiscal year 2014-2015 of \$153,947,972.

**RESOLUTION NO. 1936-2014**

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ADOPTING THE OPERATING BUDGET FOR THE FISCAL

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YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30,  
2015, PROVIDING FOR AN EFFECTIVE DATE.”

Roll call vote: Ayes – Hartkemeyer, Hoffman, Taylor, Wilson, Doherty, and Mayor Latham;  
motion carried unanimously.

**ADJOURNMENT**

There being no further business coming before the Council, Mayor Latham adjourned the  
meeting at 6:12 p.m.

Submitted by: Judy L. Bullock  
City Clerk

Approval:

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William C. Latham, Mayor

Date: October 6, 2014

**Minutes of Special City Council Meeting  
held Monday, September 15, 2014, at 6:00 P.M.  
In the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Charles Latham called the meeting to order.

**ROLL CALL:**

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer (*late*) Christine Hoffman  
Tom Taylor Phil Vogelsang Jeanell Wilson (*late*)

Also present was City Manager George Forbes, and Assistant City Clerk Nancy Pyatte.

**PURPOSE OF MEETING**

**CITY MANAGER:**

Mr. Forbes explained the proposed staff changes, as detailed in his memos, which must be approved by the City Council before becoming effective.

After Ms. Bullock's resignation on December 31, 2014, she will be placed in the position of Administrative Assistant in the City Clerk's Office, effective January 1, 2015.

Harry Royal is retiring next year on February 28, 2015. Based on previous years of service in the Finance Department and then service as Human Resources Director, along with her experience in the private sector, Mr. Royal is recommending Karen Nelson as his successor.

(a) Approve the City Manager's Decision to Accept Judy Bullock's Resignation, and Removal from the Position of City Clerk, Effective December 31, 2014

**Motion:** It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to approve the City Manager's decision to accept Judy Bullock's resignation, and removal from the position of City Clerk, effective December 31, 2014.

Council member Wilson arrived.

**Roll call vote:** Ayes – Doherty, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham  
Motion carried unanimously.

(b) Approve the City Manager's Decision to Appoint Karen Nelson to the Position of Finance Officer, Effective March 1, 2015

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**Motion:** It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to approve the City Manager's decision to appoint Karen Nelson to the position of Finance Officer, effective March 1, 2015.

**Roll call vote:** Ayes – Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham  
Motion carried unanimously.

## **DISCUSSION**

Mayor Latham stated that Council member Vogelsang has requested time for discussion.

Council member Vogelsang wanted to discuss salary increases for the Mayor and Council, stating that the last time their salaries were addressed was in 2000. The City Manager explained, as per the Charter, to approve an increase it is accomplished by a resolution and does not become effective until after an election. Mr. Forbes stated there is no set time when council salaries are reviewed.

Council member Hartkemeyer arrived.

Discussion ensued with the Mayor and each Council member expressing their thoughts on the use of their council salaries. Based on the comments, Mr. Vogelsang said there was no need for further research.

## **ADJOURNMENT**

The meeting adjourned at 6:25 P.M.

Submitted by: Nancy J. Pyatte  
Assistant City Clerk

Approval:

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William C. Latham, Mayor

Date: October 6, 2014

**Minutes of Regular City Council Meeting  
held Monday, September 15, 2014, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Charlie Latham called the meeting to order.

**OPENING CEREMONIES:**

Invocation was by Council Member Vogelsang; followed by the Salute to the Flag.

**ROLL CALL:**

Mayor: William C. Latham

Council Members: Keith Doherty                      Steve Hartkemeyer                      Christine Hoffman  
Tom Taylor                      Phil Vogelsang                      Jeanell Wilson

Also present were City Manager George Forbes, City Attorney Susan Erdelyi, City Department Directors, and Assistant City Clerk Nancy Pyatte.

**APPROVAL OF MINUTES**

It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the following minutes, as presented:

- Regular City Council Meeting held September 2, 2014
- Special City Council Meeting held September 3, 2014

**ANNOUNCEMENTS**

Council Member Chris Hoffman –

- Ms. Hoffman congratulated the Police and Animal Control Departments on their handling of the ‘Great Bear Scandal of 2014’.

Council Member Keith Doherty –

- Mr. Doherty stated that he’s been approached by a Lacrosse and a Soccer teams about starting leagues (adult & youth) at the beach and use of fields, and the possibility of designating a public field. Discussion ensued about the popularity and growth of these sports, noting Jacksonville’s new professional soccer team, the Armada. The maintenance benefits of installing artificial turf was discussed, especially if the fields get utilized more. Mr. Forbes said the City can check with the school district about the use of some of their fields.

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Mayor Latham –

- Mayor Latham extended his appreciation to the city employees and elected officials for a great year. Under the leadership of City Manager George Forbes and Finance Officer Harry Royal, the City is once again in sound financial condition. This year's budget is 14% less than the previous year. The union contracts and pension system are sound. The millage rate will be lowered this year and our electric rates have decreased. The City will be debt free in less than six years and the future is very bright for the city and its citizens.
- Mayor Latham announced there will be a TPO meeting on Tuesday, September 23, 2014 at City Hall from 5:00 P.M. to 7:00 P.M. The Long Range Transportation Plan and Cost Feasible Plan, and the project budgets will be discussed. Public input is encouraged.
- Mayor Latham expressed his gratitude to Chief Dooley and Officer Bowman for conducting the town hall meeting with him at the Carver Center on September 11, 2014.

**COURTESY OF THE FLOOR TO VISITORS**

**Speakers:**

- Sandy Golding, 1203 18<sup>th</sup> Ave. N., Jacksonville Beach

Ms. Golding expressed her concerns about the limited amount of time for reviewing the council agenda packet prior to the meeting, especially when there are public hearing items. Currently the agenda is made available 2:00 P.M. on the Thursday before the Monday Council meeting. Ms. Golding suggested making the public hearing materials available a week before the meeting/public hearing.

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

**CITY MANAGER**

- (a) Monthly Financial Reports – Month of August 2014

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Monthly Financial Reports for the month of August 2014.

Ms. Hoffman had a question about the \$139 thousand distribution of communication services taxes received in 2013 for prior years – why delayed and would this continue?

It was explained that the tax is based on point of origin, and sometimes the state sends the money to the wrong city. The State controls that and Mr. Forbes said that there is legislation to reduce the amount of communication services taxes that we receive.

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Voice vote resulted in all Ayes; motion to approve carried unanimously.

(b) Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements (Potable Water, Sanitary Sewer, Stormwater, and Roadway and Underground Electrical Improvements) Constructed by the Developer, *ATL Coastal Properties, LLC*

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the dedication to the City and acceptance for maintenance for the Preserve at Waterway Island as described in the memorandum from the Public Works Director dated September 4, 2014.

Mr. Forbes stated this is a new subdivision for the City; the roads, water and sewer, and the utilities are completed. The motion is to accept these utilities for maintenance.

Roll call vote: Ayes - Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

(c) Approve Contracts with Florida Blue, MetLife, SunLife, Advantica and Allstate for Employee Health, Dental, Life, Vision and Supplemental Insurance

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve contracts with Florida Blue, MetLife, SunLife, Advantica and Allstate for employee health, dental, life, vision and supplemental insurance.

Mr. Forbes stated these are the same insurance policies that we have now and the only change is a 1.66% increase with Florida Blue; all the others remained the same.

Roll call vote: Ayes - Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

(d) Approve the Purchase of an Upgrade to the ArcGIS Software to be Performed by ESC Engineering, Inc.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the purchase of an upgrade of the City's ArcGIS software as described in a memorandum from the Information Systems Supervisor dated September 6, 2014.

Mr. Forbes said this is a result of the 'GIS health check' performed to determine steps to improve the system capabilities and expand the system. The upgrade will also include three mobile device applications.

A brief discussion ensued about the cost and the accessibility of the mobile apps. Kent Haines, IS Supervisor, confirmed the cost is for this upgrade and licensing. He stated that with this software vendor the City does not have to do upgrades that often. We now have GIS Version

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10.1 and will upgrade to GIS Version 10.211. The software will be on the City servers and, over time, mobile apps will be available to employees and citizens.

Roll call vote: Ayes - Hoffman, Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, and Mayor Latham; motion carried unanimously.

**RESOLUTIONS**

(d) **RESOLUTION NO. 1937-2014**

Mayor Latham requested that the Clerk read Ordinance No. 2014-8057, by title only; whereupon Ms. Pyatte read the following:

“A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1937-2014 authorizing the year-end budget adjustment.

The City Manager reviewed the funds that are reserved for the replacement/upgrade of the radio systems, the business applications, and building repairs and roof replacements. Mr. Forbes explained the necessity to plan ahead for large anticipated expenses the City will incur in the upcoming years.

Mr. Forbes clarified for Ms. Wilson that the funding reserved for the Sea & Sky Spectacular is not in next years' budget.

Roll call vote: Ayes - Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, and Mayor Latham; motion carried unanimously.

**ORDINANCES**

(a) **ORDINANCE NO. 2014-8060 – Second Reading**

Mayor Latham requested the Clerk read Ordinance No. 2014-8060, by title only; whereupon Ms. Pyatte 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 PARAGRAPH (B) PERMITTED USES AND PARAGRAPH (D) CONDITIONAL USES OF SECTION 34-336 RESIDENTIAL, SINGLE-FAMILY; RS-1, SECTION 34-337 RESIDENTIAL, SINGLE-FAMILY: RS-2, SECTION 34-338 RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339 RESIDENTIAL, MULTIPLE-FAMILY RM-1, SECTION 34-340 RESIDENTIAL, MULTIPLE-FAMILY: RM-2 OF

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DIVISION 2, ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SIGN STANDARDS AND ENVIRONMENTAL STANDARDS OF ARTICLE VII. ZONING DISTRICTS TO DELETE PUBLIC AND PRIVATE PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES FROM THE LIST OF PERMITTED USES AND TO ADD PUBLIC AND PRIVATE PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES TO THE LIST OF CONDITIONAL USES IN RESIDENTIAL, SINGLE-FAMILY: RS-1, RESIDENTIAL, SINGLE-FAMILY: RS-2, AND RESIDENTIAL, SINGLE-FAMILY: RS-3 ZONING DISTRICTS AND TO DELETE PUBLIC PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES FROM THE LIST OF PERMITTED USES AND TO ADD PUBLIC PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES TO THE LIST OF CONDITIONAL USES IN RESIDENTIAL, MULTIPLE FAMILY: RM-1 AND RESIDENTIAL, MULTIPLE FAMILY: RM-2 ZONING DISTRICTS: TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2014-8060, amending the Land Development Code by changing public and private parks, playgrounds, and recreational facilities from permitted uses to conditional uses in the City’s five residential zoning districts.

Mr. Forbes summarized that this means that public and private parks, playgrounds, and recreational facilities will now have to apply to the Planning Commission for conditional use approval in order to go into residentially zoned neighborhoods.

Roll call vote: Ayes - Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, and Mayor Latham; motion carried unanimously.

**(b) ORDINANCE NO. 2014-8058 – First Reading (CONTINUANCE OF PUBLIC HEARING)**

Mayor Latham requested the Clerk read Ordinance No. 2014-8058, by title only, holding a public hearing; whereupon Ms. Pyatte read the following:

“AN ORDINANCE ESTABLISHING A *REDEVELOPMENT DISTRICT: RD* ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (602 N. 1<sup>st</sup> Street, *Mango’s bar*)”

Mayor Latham read the following for the record:

“This ordinance for the rezoning of 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 for the rezoning of 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

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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 his or her 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 rezoning 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 City Council has received a copy of the application and the staff and Planning Commission and Community Redevelopment Agency recommendations on this rezoning request. I will now open the Public Hearing on Ordinance No. 2014-8058."

**Public Hearing**

Mayor Latham opened a Public Hearing on Ordinance No. 2014-8058, and requested that the applicant or agent for the applicant make their presentation.

**Applicant/Agent:**

Steven Diebenow, One Independent Drive, Suite 1200, Jacksonville, FL 32202, stated that he was present on behalf of the applicant. Mr. Diebenow's presentation included PowerPoint slides and a printed copy was distributed to councilmembers (copy on file).

Tara Salmieri, with PlanActive Studio, was introduced and would be addressing the Council after Mr. Diebenow's presentation.

Mr. Diebenow stated that the proposed project has received, thus far, recommendations for approval from Staff, the Community Redevelopment Agency, and the Planning Commission with conditions, which provides competent and substantial evidence to support the application. Since the last meeting on this item, Mr. Diebenow stated they have made significant improvements to the application, addressing concerns expressed previously.

As outlined in the handout, Mr. Diebenow began the review of the application revisions. As noted, the total square footage has been decreased by over 1500 sq.ft. He reviewed the changes as highlighted on the handout, summary as follows:

- |                       |                |
|-----------------------|----------------|
| - Surfer Bar          | decreased 19%  |
| - Office/Retail       | increased 300% |
| - Surfer Common Space | decreased 31%  |
| - Surfer Occupancy    | decreased 35%  |

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- Exterior & Patio decreased 45%

The revised application now has only two patios, instead of three, one upstairs and one downstairs. A condition for a sound barrier (per Planning Commission) on the second floor of the building has been included in the revised application. This is to alleviate noise from the outside of the building. Televisions without sound will be allowed outside, but no amplified music or live bands outside.

Mr. Diebenow reviewed additional conditions that the applicant is suggesting and willing to place in the ordinance, summary as follows:

- Maximum occupancy load 325 patrons
- Build retail space simultaneously with Surfer
- TVs without sound on patios, but no amplified music or live bands outside
- Families with children allowed until 10 P.M. nightly
- 12 Parking spaces at 135 5<sup>th</sup> Ave. N. 5 P.M. daily; valet park Thur/Fri/Sat nights
- One space for bicycle parking
- On-site security Fri/Sat nights
- Food service available open to close (Food Truck)

Mr. Diebenow stated that the proposed project is a mixed use development and fits in with what the City is trying to achieve through the use of consultants in the Central Business District. He stated that the addition of this business would make Jacksonville Beach a *Destination*. The applicants are not asking for any incentives, or for relief from the signage code or parking requirements. In addition, the proposed project would be a tremendous improvement over what exists today.

Tara Salmieri, with PlanActive Studio, addressed the Council with a presentation including PowerPoint slides and a printed copy was distributed to councilmembers (copy on file). Ms. Salmieri reviewed her participation working with Jacksonville Beach on the Vision Plan since 2007. Since then, Ms. Salmieri stated that 29 of the 36 initiatives of the Vision Plan have already been achieved, and in a short time period.

Ms. Salmieri reviewed the Community Core Values and how they link to the Five Principles used to develop the Vision Plan – Celebrate Our Assets, Complete the Streets, Mix-it Up, Be Family Friendly, and Design Matters. In summary, Ms. Salmieri stated the proposed project meets the city's objectives for redevelopment and the Vision Plan supports the mixed use of the Surfer Bar.

Mr. Diebenow returned for his closing statement to the Council. He reviewed the additional conditions and the site specific conditions, stating this is a fantastic project and not just another bar. He stated a vote against Surfer is a vote for Mango's. Mr. Diebenow said they have submitted competent, substantial evidence that supports this unique opportunity to redevelop the site.

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**Public Comment**

Mayor Latham advised that he had cards from the following persons in favor of the application, but do not wish to address the Council:

Jacksonville Beach

- Kristen Dixon, 3276 Pullian Ct., Jacksonville Beach
- Robert Dixon, 3276 Pullian Ct., Jacksonville Beach
- Michael Haan, 3832 Tropical Ter., Jacksonville Beach
- Grady Hale, 61 Fairway Ln., Jacksonville Beach
- John Johnson, 4300 South Beach Pkwy. #3301, Jacksonville Beach
- Emily Kaufmann, 525 3<sup>rd</sup> St. N. #303, Jacksonville Beach
- Mitch Kaufmann, 620 13<sup>th</sup> Ave. S., Jacksonville Beach
- Nick McMurray, 1031 S 1<sup>st</sup> St., Jacksonville Beach
- Melissa Roughan, 4300 South Beach Pkwy. #3301, Jacksonville Beach
- Holly Smith, 61 Fairway Ln., Jacksonville Beach
- Kelly Suteno, 912 8<sup>th</sup> Ave. N., Jacksonville Beach
- Richard Thompson, 408 15<sup>th</sup> Ave. S., Jacksonville Beach
- Barbara Tilka, 3584 Trident Ct., Jacksonville Beach

Outside Jacksonville Beach

- William Eastow, 1393 Beach Ave., Atlantic Beach
- John B. Knoechel, 717 Valley Forge Rd. E., Neptune Beach
- Michael Mesiano, 1375 Ocean Blvd., Atlantic Beach
- Tiffany L Oliser, 215 Plaza Dr., Atlantic Beach
- Casey Tafuri, 810 Sailfish Dr., Atlantic Beach

**Speakers -**

Mayor Latham opened the floor to persons wishing to speak to the issue:

- James Sorrell, 428 N. 10<sup>th</sup> Ave., Jacksonville Beach, spoke against
- Todd Robinson, 406 3<sup>rd</sup> Ave. N., Jacksonville Beach, spoke against
- Josiah Pritchard, 525 3<sup>rd</sup> St. N. #413, Jacksonville Beach, spoke against
- Jay Dodson, 519 McCollum Cr., Neptune Beach, spoke in favor
- Lance Folsom, 1022 23<sup>rd</sup> St. N., Jacksonville Beach, spoke against
- Sylvia Osewalt, 3 Freedom Way, Jacksonville Beach, spoke against
- Cory Nichols, 1107 S. 1<sup>st</sup> St. C, Jacksonville Beach, spoke in favor
- Kurtis Loftus, 2815 St. Maartens Ct., Jacksonville Beach, spoke in favor
- Harriet Pruette, Mayor Neptune Beach, spoke against
- Rudy Theale, 1656 Dover Hill Dr., Jacksonville, spoke in favor

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- Daniel Smith, 130 5<sup>th</sup> Ave. N., Jacksonville Beach, spoke in favor
- Mick DuRocher, 41 Millie Dr., Jacksonville Beach, spoke against
- George Candler, 507 16<sup>th</sup> Ave. S., Jacksonville Beach, spoke against

**Recess 8:55 P.M.**

Mayor Latham advised that there would be a 10 minute recess.

**Reconvene**

The meeting reconvened at approximately 9:05 P.M., Public Comment continued:

- Jon McGowan, 5 N. 17<sup>th</sup> Ave. #401, Jacksonville Beach, spoke against
- Leah Hudson, 404 3<sup>rd</sup> Ave. N., Jacksonville Beach, spoke against
- Elaine Brown, Neptune Beach, spoke in favor
- Mary Phillips, 934 10<sup>th</sup> St. N., Jacksonville Beach, spoke against
- Alan Verlander, 4233 Morena Ln., Jacksonville, spoke in favor
- Julie Malmstrom, 2042 2<sup>nd</sup> St. S., spoke against
- Ken Marsh, 2027 Gail Ave., Jacksonville Beach, spoke against
- Jim Overby, 21 Burling Way, Jacksonville Beach, spoke against
- Sandy Golding, 1203 18<sup>th</sup> Ave. N., Jacksonville Beach, spoke against
  
- John B Knoechel, 717 Valley Forge Rd. E., Neptune Beach, No show
- Nick McMurray, 1031 1<sup>st</sup> St. S., Jacksonville Beach, No show

Mayor Latham asked if anyone else in the audience would like to address the Council.

There being no further speakers, Mayor Latham asked if City Attorney Susan Erdelyi had any comments or wished to address any of the applicants or the public comments/questions. Ms. Erdelyi had no comments or questions.

Mayor Latham asked Planning and Development Director Steve Lindorff if he would like to address any of the discussion. Mr. Lindorff had no comments or questions.

**Rebuttal of Applicant or Agent**

Mr. Diebenow stated that the Community Redevelopment Agency voted four to one that the proposed project meets the City's requirements and the Planning Commission voted three to two for approval of the proposed project. He stated they received guidance and approval from Staff for the proposed project. Mr. Diebenow stated they have provided competent and substantial evidence to support the application.

Mr. Diebenow reviewed the application and reiterated that this is for a mixed-use project for a two story building with a bar, food service, and office/retail space. He said it is not just a bar; Mango's is just a bar. Mr. Diebenow expressed that there is large support for this project as demonstrated by the correspondence and petition that were submitted by email. He

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appreciated all the dialogue and comments provided and closed stating this is a great opportunity.

**Close Public Hearing**

There being no further speakers, Mayor Latham closed the Public Hearing.

***Ex Parte Communications***

Mayor Latham 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 the persons and the substance of any *ex parte* communications. 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.”

Mayor Latham -

- Received email communications (addressed to Mayor & Council) which are available from the City Clerk’s Office as a public record
- July 28 & August 28, 2014 Mayor Latham spoke with Steve Diebenow, Greg Saig, and City Manager George Forbes - about location
- September 3, 2014, spoke with Sandy Golding, Beaches Watch - agenda availability
- September 15, 2014, spoke with Mayor Pruette - opposing proposal

Mayor Latham requested that the Clerk ask each Councilmember if they had any *ex parte* communications.

Councilmember Doherty –

- Received same email communications as Mayor and other Council members
- Before first meeting July 21, 2014, spoke with Greg Saig and Bob Tilka – about plans
- September 15, 2014, spoke with Sandy Golding – about proposal concerns

Councilmember Hartkemeyer –

- Received same emails communications as Mayor and Council members

Councilmember Hoffman –

- Received same emails communications as Mayor and Council members
- July 25, 2014, spoke with Bob Tilka and Greg Saig – about changes to proposal
- September 14, 2014, spoke with Steve Diebenow – to confirm receipt of email

Councilmember Taylor –

- Received same emails communications as Mayor and Council members
- September 15, 2014, spoke with Sandy Golding – about proposal concerns & agenda

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- Susan Erdelyi, City Attorney, provided audio for missed July 21, 2014 council meeting

Councilmember Vogelsang –

- Received same e-mails communications as Mayor Council members
- September 14, 2014, spoke with Steve Dibenow to confirm receipt of email

J Councilmember Wilson –

- Received same e-mails/messages as received by other Council members.
- After last meeting July 21, 2014 phone call from David Smith

At this time, Mayor Latham requested a motion on Ordinance No. 2014-8058.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2014-8058, establishing a *Redevelopment District: RD Zoning District* to allow the redevelopment of the property at 602 North 1<sup>st</sup> Street into a mixed use Concept Bar/Commercial use center. (Applicant – *Surf Works, LLC, c/o Robert Tilka*)

Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating that the basis upon which such facts were determined and how the decision was made.”

Mayor Latham opened the floor to the Council for discussion.

Mayor Latham began with a summary of the speaker cards, as follows:

September 15, 2014:

Outside Jacksonville Beach	4 in favor	1 against
Jacksonville Beach	3 in favor	14 against

July 21, 2014:

Outside Jacksonville Beach	8 in favor	1 against
Jacksonville Beach	7 in favor	9 against

Mayor Latham stated this is not just about replacing an old bar with a new one; if it were, he said he would enthusiastically support the project. This is a request to rezone property to RD zoning that is steeped with ‘exceptions’ that other establishments were forced to comply with.

Over the last twenty years many council members, board members, and staff before us drafted several templates to turn our blighted city into one of the most beautiful beach communities in the country. Those templates included the Haskell-Sleiman Plan, the Vision

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held Monday, September 15, 2014**

Plan, the Comprehensive Plan, and the Land Development Code. With all of that success why would we now feel confident making potentially dangerous exceptions to waive additional parking and proximity to other bars.

Mayor Latham said he can support the applicant if they can work within the established zoning requirements, but he can't support changing the rules to allow, under the argument of 'mixed-use', the applicants current application.

Amended

Motion: An amended motion was made by Mr. Vogelsang to adopt Ordinance No. 2014-8058, with the addition of the applicant's additional conditions [listed on page 2 of Mr. Diebenow's handout] item b, 1 through 9.

Motion failed due to lack of a second.

Mr. Vogelsang stated that he is in favor of the application, as presented, and didn't think that using parking or stating it is bar are valid reasons to turn it down. The proposed application shows improvements to the property that will tie into our beach community, they are offering food service, and building the office/retail space. Mr. Vogelsang expressed the positives are tenfold over the two negatives.

Ms. Wilson extended her appreciation to the applicants/developers for their presentation and interest in our community. She added that she has visited the location in Hawaii, and it is part of a very large resort, with a full restaurant, and nearby golf course, and it is a destination for surfers. Ms. Wilson stated that she concurred with Mayor Latham statements. Ms. Wilson said that she is not against this project in our City. She stated that she wasn't sure this location is right for the proposed project.

Ms. Hoffman advised that she is in favor of the location and agrees with a lot of what Mr. Vogelsang has stated. She extended thanks to Ms. Salmieri for her input and revisiting the Vision Plan, which showed that City has invested in the downtown area. Now it's time for businesses to invest in our city, and take it to the next level. Ms. Hoffman stated parking has been and will continue to be a problem and the City needs to address that, but not use parking as a reason to deny this application. This project is an opportunity to make an improvement to this area.

Mr. Hartkemeyer advised that he also has many of the same concerns as the Mayor. He added that parking is definitely an issue in the downtown area and is creating problems west of Third Street in the residential neighborhoods. Mr. Hartkemeyer stated that the design is very appealing, however it is a bar, and he could not support the project as it is not consistent with the Vision Plan. Mr. Hartkemeyer said he didn't think our citizens want to see another bar.

Mr. Taylor expressed his appreciation to the applicants/developers for their presentation and interest in our community. He also agrees this type of project could bring more businesses to our city but he questioned why it has to be affiliated with a bar. He said his definition of

**Minutes of Regular City Council Meeting  
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family friendly does not include a bar. Mr. Taylor agrees with Ms. Hoffman, that parking has been and will continue to be a problem and the City needs to address that. Mr. Taylor does not agree that we should permit something that will create more parking problems.

The City Manager wanted to clarify for the Council that adoption of this ordinance includes the City's current Mobile Food Vending regulations in the application's Project Narrative, into the RD rezoning ordinance. If the current 'pilot program for Mobile Food Vending' goes away, the Food Truck will be allowed at the Surfer Bar because that is part of their RD zoning.

Mr. Doherty stated that he would be abstaining from the discussion and vote, due to a conflict of interest.

Roll call vote: Doherty – Abstain  
Hartkemeyer – Nay  
Hoffman – Aye  
Taylor – Nay  
Vogelsang – Aye  
Wilson – Nay  
Mayor Latham - Nay

Motion to adopt failed with a vote of 4 Nays, 2 Ayes, and 1 Abstain.

The City Manager stated the findings of fact on the matter will be brought back at the next council meeting for approval.

**ADJOURNMENT**

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 10:15 p.m.

Submitted by: Nancy J Pyatte  
ASSISTANT CITY CLERK

Approval:

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

Date: October 6, 2014



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

Keith Doherty, hereby disclose that on September 15, 20 14 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, NICOLA LYNCH ;
- inured to the special gain or loss of my relative, NICOLA LYNCH (SISTER) ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

FAMILY MEMBER WHO IS ALSO MY EMPLOYER HAS STATED A DESIRE TO APPLY FOR RE-ZONING SIMILAR TO THAT OF CURRENT APPLICANT. THIS PLACES ME IN A SITUATION WHICH MAY BE CONSIDERED AS A CONFLICT OF FINANCIAL INTEREST AS A LEGAL PRECEDENT MAY BE ESTABLISHED SHOULD I CHOOSE TO VOTE FOR THE PROPOSAL. WITH THIS BEING SAID, IT IS BEST THAT I ABSTAIN FROM VOTING ON THE MATTER.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

09/22/2014  
Date Filed

[Signature]  
Signature

**NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.**



September 23, 2014

City of

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**MEMORANDUM**

**TO:** The Honorable Mayor and  
Members of the City Council

**FROM:** Judy L. Bullock, City Clerk *JLB*

**SUBJECT:** *Declaration of Election Results for the August 26, 2014, City of Jacksonville Beach Primary Election*

**ACTION REQUESTED:**

Adopt the declaration of election results from the State of Florida, Duval County Canvassing Board, for the August 26, 2014 Primary Election.

**BACKGROUND:**

Attached is the Election Declaration by the City Clerk and the Official Certificate of the Duval County Canvassing Board certifying the results of the City of Jacksonville Beach Primary Election, held on August 26, 2014.

The City Council has the ministerial function of adopting the City Clerk's Declaration of Election Results for all City of Jacksonville Beach Municipal Elections.

**RECOMMENDATION:**

Adopt the Election Declaration by the City Clerk of the official election results of the City of Jacksonville Beach Primary Election, held on August 26, 2014.

/jlb

Attachments



**ELECTION DECLARATION BY THE CITY CLERK  
CITY OF JACKSONVILLE BEACH, FLORIDA  
FOR THE PRIMARY ELECTION OF AUGUST 26, 2014**

**STATE OF FLORIDA  
COUNTY OF DUVAL  
CITY OF JACKSONVILLE BEACH**

The Clerk for the City of Jacksonville Beach, Florida, has received the attached Certificate of County Canvassing Board ("the Certificate") which constitutes the official results of votes cast at the August 26, 2014, Primary Election, from the City of Jacksonville/Duval County Canvassing Board. Based on this Certificate, the undersigned City Clerk announces the results for the following position, which includes all municipal officers who were eligible to be elected by the electors of the City of Jacksonville Beach at the Primary Election. Pursuant to the results provided, **IT IS DECLARED** that the votes cast in the Primary Election were as follows:

**CANDIDATES**

The following named candidates for the office of Council member Seat 6, District 3, received the number of votes set opposite their respective names, as listed below:

**Council Seat 6, District 3**

Lee "Beach" Buck	481
John Galarneau	292
Lloyd Hyatt	227

As a result, of the attached Certificate, the Clerk declares that the following candidates will be placed on the November 4, 2014, General Election ballot for election to the office of Council Seat 6, District 3:

Lee "Beach" Buck

John Galarneau

**WITNESSED** this 23rd day of September 2014, by Judy Bullock, City Clerk.

  
\_\_\_\_\_  
Judy L. Bullock, CITY CLERK

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

**Duval County**

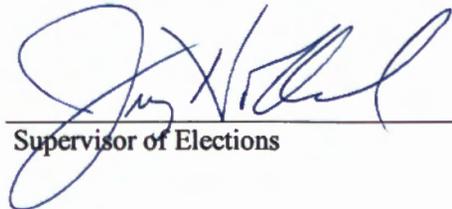
I, the undersigned,    Jerry Holland   , Supervisor of Elections, constituting the Board of County Canvassers in and for Jacksonville Beach, FL, do hereby certify that on the    26th    day of August, A.D., 2014, and proceeded publicly to canvass the votes given for the office and persons herein specified at the **Council Election** held on the 26th day of August, A.D., 2014, as shown by the returns on file in the office of the Supervisor of Elections. I do hereby certify from said returns as follows:

For City Council Seat 6, District 3, City of Jacksonville Beach the whole number of votes cast was    1,000    of which number

Lee "Beach" Buck received    481    votes

John Galarneau received    292    votes

Lloyd Hyatt received    227    votes

  
\_\_\_\_\_  
Supervisor of Elections



City of

Jacksonville Beach

Fire Department

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**MEMORANDUM**

**TO:** George Forbes, City Manager  
**FROM:** Gary Frazier, Fire Chief  
**DATE:** September 24, 2014  
**SUBJECT:** Non-Serviceable Fire Helmet Policy

**ACTION REQUESTED:**

Approve the policy as outlined below by the Fire Chief to allow members to purchase their own non-serviceable fire helmets at a cost of \$25.00, except for those members retiring from service. In that case, the retiring member will receive their helmet and badge at no charge.

**BACKGROUND:**

NFPA standard 1851 recommends that structural firefighting gear, including fire helmets, be destroyed or disposed of and replaced after ten years of service. At that point, the fire helmets are not eligible for service by any other fire department and could only be used for nostalgia purposes. While most protective gear is destroyed and worn out after the ten year period, most firefighters are attached to their helmet and would like to keep it as a keepsake in remembrance of the many calls they have been on. Their current leather helmet shield will be used on the new helmets.

We are replacing a third of our helmets this year and the other fire helmets in the next two years. When checking with other nearby fire departments on their policies for fire helmets, it varies. St Johns County Fire allows their firefighters to keep their old helmet. Orange Park Fire allows members to buy their retired helmet at a cost of \$25.00. The other option is to sell them in the City's Surplus property sale. In the past, when a member retired, he or she was presented with their helmet and badge.

My recommendation is to allow members to purchase their own non-serviceable fire helmets at a cost of \$25.00, except for those members retiring from service. In that case, the retiring member will receive their helmet and badge at no charge.

**RECOMMENDATION**

Approve the non-serviceable fire helmet policy as outlined by Fire Chief Gary Frazier in a memo dated September 24, 2014.



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

**FROM:** Jason Phitides  
Purchasing Administrator

**DATE:** September 23, 2014

**RE:** Award RFP for Fourth of July Fireworks Display (RFP# 12-1314)

**ACTION REQUESTED:**

Award RFP Number 12-1314 for Fourth of July Fireworks Display to **Pyro Shows, Inc.**

**BACKGROUND:**

To produce the annual 4<sup>th</sup> of July fireworks display, the City requires the services of an experienced pyrotechnic company. The contract with the current vendor, Pyro Shows, ended after the 4<sup>th</sup> of July fireworks display this year.

In August 2014, the City issued an RFP to enter into a contract with a qualified, experienced pyrotechnic company to provide the fireworks display for July 4<sup>th</sup> 2015. Important selection criteria in the RFP included at least five (5) years of experience in providing fireworks displays, experience with shooting fireworks from an ocean pier, a dedicated project manager and dedicated event shooter.

The contract is for one (1) year with an option to renew annually for each of the succeeding three (3) years. Renewal is based on availability of funds and the approval of the City Manager.

The Purchasing and Procurement Division advertised the RFP and mailed invitations to nine (9) companies and the only response received was from Pyro Shows Inc. Their proposal included a fireworks display lasting between twenty to twenty-five minutes at a total cost of \$25,000. The cost remains unchanged from previous years.

**RECOMMENDATION:**

Award RFP Number 12-1314 for Fourth of July Fireworks Display to **Pyro Shows, Inc.** with the option to renew annually for the succeeding three (3) years based on the availability of funds and the approval of the City Manager.



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

**FROM:** Jason Phitides  
Purchasing Administrator

**DATE:** September 19, 2014

**RE:** Award RFP 13-1314 – Professional Services for Assistance with NERC Reliability Compliance Standards for Beaches Energy Services.

**ACTION REQUESTED:**

Award RFP 13-1314 – Professional Services for Assistance with NERC Reliability Compliance Standards for Beaches Energy Services to the highest ranked respondent, **GDS Associates, Inc.**

**BACKGROUND:**

The North American Electric Reliability Corporation (NERC) governs the development of regulatory standards for electric utilities to insure the reliability of the North American bulk power system. Since 2007, NERC has defined, mandated and enforced standards governing critical physical infrastructure, as well as cyber security. These standards have been updated regularly since inception and NERC has declared that Beaches Energy Services will be audited during the last week of June 2015.

For this reason, in August 2014 Beaches Energy Services issued a Request for Proposal (RFP) to provide the following professional services:

- Evaluate Beaches Energy Services operating procedures & standards in order to conduct a Gap Analysis that would identify deficiencies to the required NERC defined standards, and
- Develop recommendations for corrective measures to be implemented in preparation for the audit in June 2015.

The RFP was advertised and twenty-one (21) invitations were issued to qualified firms. Responses were received from eleven (11) firms. Three (3) employees



from Beaches Energy Services were selected to individually evaluate each response.

Evaluations were score-ranked based on five (5) criteria:

- |  |     |
|--|-----|
| 1. Response to the RFP format, content and scope of work           | 10% |
| 2. Consultant's experience in successfully performing similar work | 30% |
| 3. Rate and Expenses   | 20% |
| 4. Project Timeline  | 20% |
| 5. Approach and methodology to the project                         | 20% |

Following is a summary of the combined scoring results:

Rank	Respondent	Score	Pricing
1	GDS Associates, Inc.	1,380	\$ 35,000
2	SOS Intl., LLC	1,250	\$ 54,600
3	Burkard and Associates, LLC	1,065	\$ 16,900
4	Enervision	1,055	\$ 58,875
5	NAES Corporation	980	\$ 44,405
6	McGavran Engineering, Inc.	965	\$ 45,000
6	Siemens Industry, Inc.	965	\$ 163,000
8	Proven Compliance Solutions	915	\$ 83,635
9	McCall-Thomas Engineering	890	\$ 35,000
10	Selah Group, Inc.	885	\$ 62,546
11	Abidance Security, LLC	870	\$ 39,860

GDS Associates, Inc. was the highest scoring respondent and was also the unanimous high scorer in each of the independent evaluations.

Funding for this project is budgeted in the FY 2015 Beaches Energy Services Operating Budget.

**RECOMMENDATION:**

Award RFP 13-1314 – Professional Services for Assistance with NERC Reliability Compliance Standards to the highest ranked respondent, **GDS Associates, Inc.**, as explained in the memorandum from the Purchasing Administrator dated September 19, 2014.

Evaluation Ranking - Assessment Summary

RFP No. #13-1314

Professional Services for Assistance with NERC Reliability Compliance Standards for Beaches Energy Services

**Suggested Scoring Scale:**

- 5 = Excellent
- 4 = Above Average
- 3 = Average
- 2 = Below Average
- 1 = Poor
- 0 = No Response

Evaluation Factor																	
<u>1.</u>			<u>2.</u>			<u>3.</u>			<u>4.</u>			<u>5.</u>					
Response to RFP Content & Scope			Similar projects NERC stds and compliance			Rate and Expenses			Project Timeline			Approach & methodology to project			Total Score	Rank	

Evaluator: A B C A B C A B C A B C A B C

Respondent:

Abidance Security, LLC	1	2	1	1	2	1.5	4	4	4.25	5	5	5	2	3	2.5	870	11
Burkard and Associates, LLC	2	3	3.5	3	2	2.5	5	5	5	5	5	4.75	2	3	3	1,065	3
Enervision	3	4	4.5	4	3	3	2	4	2.5	5	5	3.5	4	3	3	1,055	4
<b>GDS Associates, Inc.</b>	<b>5</b>	<b>5</b>	<b>4.5</b>	<b>5</b>	<b>5</b>	<b>4.5</b>	<b>4</b>	<b>4</b>	<b>4.5</b>	<b>5</b>	<b>5</b>	<b>3.8</b>	<b>5</b>	<b>5</b>	<b>3.8</b>	<b>1,380</b>	<b>1</b>
McCall-Thomas Engineering Co.	3	4	2.5	3	3	1	4	4	4.5	2	5	2.5	2	3	2.25	890	9
McGavran Engineering, Inc.	3	4	3	3	3	2.5	3	4	3.75	5	5	1.25	3	3	2.5	965	6
NAES Corporation	3	4	3	2	3	2	3	4	2.5	5	5	4.75	4	3	2.25	980	5
Proven Compliance Solutions, Inc	4	4	3.5	3	3	2.5	2	3	1	2	5	4.25	4	3	3	915	8
Selah Group, Inc.	3	3	3	2	2	1.5	2	4	3.25	5	5	2.5	3	3	3.75	885	10
Siemens Industry, Inc.	4	4	4.5	4	4	3	1	2	1	5	5	1	5	3	2.5	965	6
SOS Intl., LLC	4	4	4	5	5	4	2	4	4.75	5	5	4	4	4	2.75	1,250	2

Weight per Category

<b>10</b>	<b>30</b>	<b>20</b>	<b>20</b>
-----------	-----------	-----------	-----------

Evaluator A = Steve Lancaster

Evaluator B = Don Cuevas

Evaluator C = Kevin Stewart

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## **MEMORANDUM**

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

**From:** Susan Erdelyi, City Attorney

**Re:** Findings of Fact for the denial of Ordinance No. 2014-8058, rezoning the property located at 602 N. 1st Street from *Central Business District: CBD* to *Redevelopment District: RD*.

**Date:** September 29, 2014

---

### **ACTION REQUESTED:**

**Approval of Findings of Fact for the denial of Ordinance No. 2014-8058, establishing a *Redevelopment District: RD* zoning district within the City of Jacksonville Beach, Florida, as provided under Chapter 34 - Land Development Code of the Jacksonville Beach Code of Ordinances. (Applicant – *Surf Works, LLC, c/o Robert Tilka*)**

### **BACKGROUND:**

Following the close of the September 15, 2014 City Council public hearing on Ordinance No. 2014-8058, the City Council voted four to two to deny the ordinance. Attached for your approval are proposed Findings of Fact prepared relative to that decision, based on the standards contained in the Jacksonville Beach Land Development Code.

### **RECOMMENDATION:**

Approve the Findings of Fact dated October 6, 2014 for the denial of Ordinance Number 2014-8058, rezoning the property located at 602 N. 1st Street from *Central Business District: CBD* to *Redevelopment District: RD*.



# FINDINGS OF FACT- Ordinance No. 2014-8058

October 6, 2014

**SUBJECT:** Ordinance No. 2014-8058, rezoning a .49 acre property located at 602 N. 1<sup>st</sup> Street (currently *Mango's bar*) from Central Business District ("CBD") to Redevelopment District ("RD") to allow the redevelopment of the property into a mixed-use "concept" bar and commercial establishment. (Rezoning Application PC#15-14)

## 1. Summary of the information presented before the decision-making body. LDC Sec. 34-156(b)(1)

On July 21, 2014, the applicant, Surf Works, LLC, ("the Applicant") presented its rezoning application for property located at 602 N. 1<sup>st</sup> Street in the city's Central Business District: CBD zoning district to be redeveloped from the current use as the Mango's Bar to a proposed redevelopment project for the property that would contain a two-story, 7,889 square foot "concept bar" (alcoholic beverage establishment) building, together with a separate one or two story building with up to 3,000 sf of leasable commercial space.

At the end of the July 21, 2014 meeting, the city council voted to allow the Applicant a continuance until August 18, 2014, to address the concerns raised in the meeting by the council members and citizens.

On the Friday before the Monday, August 18, 2014 city council meeting, the Applicant exercised its right to a continuance of the public hearing or meeting under Land Development Code (LDC) Sec. 34-155(c)(4). The Applicant's representative, attorney Steve Diebenow appeared at the August 18, 2014 city council meeting and represented that the Applicant would be making further revisions to the proposed project. The hearing was rescheduled for the September 15, 2014 city council meeting at the request of Mr. Diebenow because he was not available for the September 2, 2014 city council meeting.

On September 15, 2014, the Applicant presented a revised application.

## 2. Summary of documentary evidence provided to the City Council. LDC Sec. 34-156(b)(2)

The city council was presented with the following documentary evidence:

### July 21, 2014 City Council Meeting

- a) Memorandum dated July 7, 2014 from Senior Planner Bill Mann to City Manager George Forbes;
- b) Proposed Ordinance No. 2014-8058;
- c) Rezoning/Text Amendment Application 15-14 with supportive documents
- d) May 19, 2014 Authorization Letter
- e) Surf Works LLC RD Rezoning – Project Narrative dated June 19, 2014 with attachments:

- Attachment 2 – Aerial Photo Vicinity Map
- Attachment 3 – Existing Elevation Photo
- Attachment 4 – Surfer Magazine history
- Attachment 5 – Preliminary Floor Plans
- Attachment 6 – Illustrative Building elevations

- f) Correspondence from citizens
- g) Power point presentation by Applicant

August 18, 2014 City Council Meeting

The Applicant appeared at the August 18, 2014 city council meeting along with a significant number of citizens who wished to be heard on the continued public hearing. A brief presentation of the proposed changes to the application was given by Mr. Diebenow; however, no public hearing was held due to the Applicant's requested continuance.

September 15, 2014 City Council Meeting

- a) Memorandum dated September 9, 2014 from Senior Planner Bill Mann to City Manager George Forbes;
- b) Proposed Ordinance No. 2014-8058;
- c) Rezoning/Text Amendment Application 15-14 with supportive documents
- d) May 19, 2014 Authorization Letter
- e) Surf Works LLC RD Rezoning – Project Narrative dated September 15, 2014 with attachments:
  - Attachment 1 – Property Survey
  - Attachment 2 – Aerial Photo Vicinity Map
  - Attachment 3 – Existing Elevation Photo
  - Attachment 4 – Surfer Magazine history
  - Attachment 5 – Floor Plans
  - Attachment 6 – Illustrative Building Perspective and Elevation Drawings
  - Attachment 7 – Mobile Food Vending Regulations
- f) Preliminary Redevelopment Plan Drawings dated September 15, 2014
- g) Correspondence from citizens
- h) Power point presentation by Applicant
- i) Seating Plan Drawings

**3. Findings of Fact. LDC Sec. 34-156(b)(3)**

Based on a review of the above listed materials, staff report, public correspondence, Applicant presentation and submissions and public testimony received at the public hearing on Application PC#15-14, the city council finds that the application is denied for the following reasons:

- a) The application does not meet the provisions of the Land Development Code that require a 500 foot separation between alcohol beverage establishments. *See* LDC Sec. 34-393.
- b) The application significantly exceeds the amount of outdoor seating that is allowable under the Land Development Code. *See* LDC Sec. 34-407(b).

- c) The application called for a significant increase of the intensity of the use of the property in both physical size and capacity from a current capacity of 84 patrons to 325 patrons which would lead to an increased demand for the already strained supply of public parking spaces in the area. According to public testimony, area residents and business owners reported problems with parking spillover into adjacent residential areas, increased noise in adjacent residential areas and increased alcohol related nuisances in adjacent residential and business areas that included late night shouting, urinating, trash and other secondary effects related to the already intense alcoholic beverage consumption in the area as well as an increased need for law enforcement patrol.
- d) The evidence established that the proposed development replaced a smaller bar with a larger bar with a food truck and a small but unspecified retail space area. Ultimately, the proposed development could constitute a more aesthetically pleasing but more intense use of a similar business rather than a creative mixed use alternative that could lead to a family friendly, safe, desirable environment in the surrounding area. Based on the totality of the evidence the proposed development does not meet the criteria for the proposed RD zoning district classification.