



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 **Tuesday, January 21, 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:**

- Regular City Council Meeting held December 16, 2013
- City Council Workshop held December 16, 2013

2. **ANNOUNCEMENTS:**

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

4. **MAYOR AND CITY COUNCIL:**

- (a) Employee of the Quarter Awards
- (b) Presentation on 26.2 with DONNA Run

5. **CITY CLERK:**

6. **CITY MANAGER:**

- (a) Monthly Financial Report – Month of December 2013
- (b) Award of RFP for Downtown Retail Recruitment
- (c) Approve Implementation Plan to Accept Credit Card Payments from Customers for Utility and Other Governmental Services.

- (d) Authorize the Execution of the Joint Defense and Common Interest Agreement with the North Florida Utilities Coordination Group.
- (e) Award Unit Price Bid #1213-14, Providing Roadway, Water, Sewer and Stormwater Improvements Along 1st Street N. (6th to 9th Ave.) and 7th Avenue N. (1st to 2nd St.), to the Lowest Qualified Bidder, *G & H Underground Construction, Inc.*

7. **RESOLUTIONS:**

8. **ORDINANCES:**

(a) **ORDINANCE NO. 2013-8040 – Second Reading**

AN ORDINANCE AMENDING CHAPTER 19.5, “OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY REPEALING IT IN ITS ENTIRETY, AND REPLACING WITH A NEW CHAPTER 19.5, “SPECIAL EVENTS AND FESTIVALS”, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(b) **ORDINANCE NO. 2013-8037 – First Reading**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 6, ‘POLICE OFFICERS’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

(c) **ORDINANCE NO. 2013-8038 – First Reading**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 7, ‘FIREFIGHTERS’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

(d) ORDINANCE NO. 2013- 8039 – First Reading

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 5, ‘GENERAL EMPLOYEES’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

(e) ORDINANCE NO. 2014-8041 – First Reading

AN ORDINANCE AMENDING CHAPTER 12, “FOOD AND FOOD PRODUCTS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A SECTION 12-33, “MOBILE FOOD VENDING” ESTABLISHING DEFINITIONS; LOCATION, PERMIT, AND SEPARATION REQUIREMENTS; SIGNAGE AND NOISE, HOURS OF OPERATION, WASTE MANAGEMENT, LICENSING AND PERMITS REQUIRED, APPLICATION SUBMITTAL REQUIREMENTS, AND ENFORCEMENT PROCEDURES FOR THE OPERATION OF MOBILE FOOD VENDING BUSINESSES IN THE CITY OF JACKSONVILLE BEACH; SETTING AN EXPIRATION (“SUNSET”) DATE FOR THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(f) ORDINANCE NO. 2014-8042 – First Reading (Public Hearing)

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 ADDING NEW DEFINITIONS AND MOBILE FOOD VENDORS AS A PERMITTED USE IN THE COMMERCIAL LIMITED: C-1, COMMERCIAL GENERAL: C-2, COMMERCIAL SERVICE: CS, CENTRAL BUSINESS DISTRICT: CBD; AND CERTAIN REDEVELOPMENT DISTRICT: RD AND PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICTS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

(g) ORDINANCE NO. 2014-8043 – First Reading

AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A NEW PARAGRAPH (6) TO SECTION 2-173, “JURISDICTION OF SPECIAL MAGISTRATE” PLACING ENFORCEMENT OF CHAPTER 12 “FOOD AND FOOD PRODUCTS” UNDER THE JURISDICTION AND AUTHORITY OF THE SPECIAL MAGISTRATE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

ADJOURNMENT

Respectfully submitted,

/s/George D. Forbes

CITY MANAGER

GDF:njp
01/16/14

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, January 17, 2014.

**Minutes of Regular City Council Meeting
held Monday, December 16, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charlie Latham called the meeting to order.

OPENING CEREMONIES:

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

ROLL CALL:

Mayor: Charlie Latham

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

Also present were City Manager George Forbes, City Department Directors and Judy Bullock, City Clerk.

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 December 2, 2013
- City Council Workshop held December 2, 2013

ANNOUNCEMENTS

Councilmember Taylor–

- Mr. Taylor expressed his appreciation to the City of Jacksonville Beach Fire Department, Police Department, and, the Beaches Energy Service employees, for volunteering their time to help prepare packages of food for the less fortunate.
- Mr. Taylor advised that he and Councilmember Wilson attended Representative Janet Adkins's holiday reception. He added that the horn section of the Fletcher High School Band played Christmas music during the reception.

Minutes of Regular City Council Meeting
held Monday, December 16, 2013

Mayor Latham –

- Mayor Latham stated that he had the honor of flying out to the USS New York, riding with and welcoming the crew to the ship's new homeport at Mayport Naval Station.
- The 19th Street Charities had an amazing year with over \$15,000 in donations and over 100 bicycles, helmets and locks and presents for distribution.
- Mayor Latham advised that he had attended the Downtown Revitalization and Homeless Workshop held by Jacksonville Council President Bill Gulliford on December 10, 2013. He added that the group is continuing to work with Cindy Funkhouser (Salzbacher Center) on alternative ways to deal with the homeless issue.
- He announced that he had attended Sterling Joyce's Birthday/Toys for Tots celebration at the Casa Marina on December 11, 2013.
- Mayor Latham advised that he attended the monthly meeting on Thursday with the Avalon Subdivision residents and thanked Police Chief Dooley and Officer Bowman for their assistance.
- He toured Mayport's Marine Science Center on December 13, 2013, while attending a meeting called by Jacksonville Council President Gulliford. Also in attendance were City Mayors, UNF, JU, Paul Astelford, Dr. Vitti, FEL Lee, and others. The purpose of the meeting was to review the best way to capitalize the Center as a way to further advance Mayport as a destination point for visitors.
- Mayor Latham extended his appreciation to the "Feed the Hungry" volunteers who helped to prepare over 150,000 meals to be sent to families in Haiti. He expressed a special thank you to Tom Taylor, Phil Vogelsang, Keith and Gra Doherty, Pat and Cathy Dooley, Gary and Shelly Frazier, and heartfelt thanks to Roy Trotter and Harry Royal for the participation by Beaches Energy Services and Customer Support Staff.

Councilmember Wilson –

- Ms. Wilson advised that there is another opportunity to attend Sterling Joyce's party tonight at the Casa Marina. The admission to the event is a toy and a food item. She added that the donations would go to BEAM.

COURTESY OF THE FLOOR TO VISITORS

No one came forward to address the Council.

MAYOR AND CITY COUNCIL

- (a) Presentation by Jacksonville Transportation Authority (JTA) for the Proposed Implementation of a Bus Rapid Transit System Connecting the Downtown Area with Jacksonville Beach.

The presentation was canceled, as no one from JTA was in attendance.

CITY CLERK

CITY MANAGER

- (a) Monthly Financial Reports – Month of November 2013

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to accept the Financial Reports for the month of November 2013.

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

- (b) Approve the *Revised Special Events Policy* for the City of Jacksonville Beach

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the *Revised Special Event Policy*, dated December 4, 2013.

Mr. Forbes advised that based on the Council's direction at the December 2, 2013, Workshop, recommended changes have been made to the Policy. Mr. Forbes went on to review the following changes:

- During the months of November, December, January, and February, a *Special Event* can take place up to three days, but cannot exceed a total of twenty hours. This would allow an event to be held on Friday night, Saturday, and Sunday. Mr. Forbes explained that normally, a *Special Event* is from noon to ten on Saturday and Sunday, but it could be held on Friday night during the four-month period, as long as they do not exceed the twenty-hour limit.
- Facility Rental Areas have been amended to clarify that the municipal parking lot abutting Latham Plaza can only be rented during the months of November, December, January, and February. Mr. Forbes advised that there is an exception allowing use of the parking lot during the *Springing the Blues* event and the *Airshow*.

He added that the other months of the year are “peak” months and the parking lot is necessary for the local businesses.

- Mr. Forbes advised he is also going to request that Council repeal Section 10, in its entirety (pages 27-30). He explained that Councilmember Hoffman had requested that the document be checked for redundancy and it was found that pages 27–30 contained fees, which have been removed and are established by Resolution.

Mr. Forbes explained that he had received questions/comments from Councilmember Hoffman. He handed out her e-mail, for the record, to all Councilmembers, and responded to her questions.

He advised that she was concerned about the limitation of one *Special Event* per weekend. He responded that an event could be held for more than one day, so there should not be any problems. Mr. Forbes further explained that the City has many *Special Events*, such as a volleyball tournament on the beach, and added that Latham Plaza is also used for events, as long as the grassy areas are not damaged.

Mr. Forbes explained that Ms. Hoffman also asked for a status on Food Trucks. He stated that the food truck ordinance should go before the Planning Commission in January 2014, and then to the Council at their January 21, 2014, meeting.

A request was also received from Sam Veal regarding the *Great Atlantic Seafood Festival*. It will be the 25th Anniversary of the festival and he requested an exception to allow the *Festival* to be held over a two-day period, beginning on March 15, 2014. Mr. Veal also requested use of the Latham Plaza parking lot.

Mr. Forbes stated that the *Seafood Festival* should continue to be for one day and advised the Council that they could make an exception for use of the parking lot. He added that the *Great Atlantic Seafood Festival* had utilized the parking lot in prior years.

Ms. Wilson commented that Council had discussed the November to February change and that it would be a pilot program or sunset date. She added that making changes to the policy later would be more difficult without a sunset date.

Mr. Forbes advised that Council has the ability to make changes to the policy if needed, which would make a pilot program or sunset date unnecessary. [Due to this being a Policy, not an Ordinance.] He added that the Council would also consider repealing the 1979 Ordinance, since it was made obsolete many years ago when Council adopted a *Special Events Policy*.

Mr. Vogelsang requested that the month of October be added, to allow for a family-friendly *Halloween Festival* or *Oktoberfest*.

Mr. Doherty asked where the food vendors set up during summer events?

Mr. Forbes responded that First Street could be utilized since it would be closed in the festival area.

Mr. Doherty remarked he would like to see "*Deck the Chairs*" grow into an event that is more Christmas focused.

Mayor Latham commented that the changes are also to help bring more businesses into the downtown.

Mr. Hartkemeyer voiced his concerns with the "20 hour limitation" and suggested that time limits be defined, such as 6:00 p.m. to 10:00 p.m. on Friday, 12:00 p.m. to 10:00 p.m. on Saturday, and 12:00 p.m. to 6:00 p.m. on Sunday.

Mr. Forbes referred Councilmembers to page 3 (d) of the policy, which reads:

"The length of a festival is limited to one day. The only exceptions to the one-day limit are *Springing the Blues* and the *Sea and Sky Spectacular*, which are three days. Other exceptions are festivals that are scheduled for November, December, January, and February, which may not exceed 20 hours as follows, Friday 7 – 10 p.m., Saturday 12 Noon – 10 p.m., Sunday 12 Noon – 7 p.m."

Ms. Wilson asked if the amended policy would affect the *Better Jacksonville Beach Art Walk and Dining* held on Tuesday evenings.

Mayor Latham and Mr. Forbes advised that the policy would not have any impact on those activities.

Motion to Amend No. 1: It was moved by Mr. Vogelsang, seconded by Ms. Wilson, to add the month of October to Page 3(d) of the proposed *Special Events Policy*, to allow for an *October Festival*, which would not exceed the twenty hour limitation.

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

Motion to Amend No. 2: It was moved by Wilson, seconded by Mr. Taylor, to amend *Section 10* of the *Special Events Policy* in its entirety, by deleting it in its entirety, the *Definition of Fees, Changes, for Festivals and Special Events held on City Facilities*, which would eliminate pages 27 to 30 of the *Policy*.

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

Original Motion: To approve the *Revised Special Event Policy*, dated December 4, 2013, [with the two approved amendments] made by Mr. Taylor and seconded by Mr. Hartkemeyer.

Conflict of Interest

Councilmember Doherty declared a Conflict of Interest and advised that he would be abstaining from the vote.

Roll call vote: Ayes - Vogelsang, Wilson, Hartkemeyer, Taylor, and Mayor Latham. Councilmember Doherty abstained from the vote. The motion carried.

RESOLUTIONS

(a) **RESOLUTION NO. 1926-2013**

Mayor Latham requested that the City Clerk read Resolution No. 1926-2013 by title only; whereupon Ms. Bullock read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING FEES FOR SPECIAL EVENTS.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1926-2013 establishing rates and fees for *Special Events*.

Mr. Forbes advised that the Resolution simplifies the fees and he reviewed changes that have been made since the workshop meeting:

- Reduce the fee for use of the Latham Parking Lot from \$2,000 to \$1,000, which reflects that the parking lot can only be rented during the non-peak months.
- Reduce the rates for beach events to \$100, to reflect the minimal staff time needed for events held on the beach.

Mr. Forbes added that Council might wish to consider Mr. Veal's request to use the Latham Parking Lot for the *Great Atlantic Seafood Festival* in March 2014. He also advised that Mr. Veal has used the parking lot for the seafood festival in past years.

Ms. Wilson asked about non-profit and for-profit fees, and if the reduced *Beach Events* fee was adequate to cover the City's expenses for staff and cleanup.

Mr. Forbes responded that Parks and Recreation Director Gary Meadors advised that only one for-profit event has been held over the years. As to the reduction for beach events, cleanup would be a separate fee and Mr. Meador's had assured him that beach type events take very little staff time.

Amended Motion: It was moved by Ms. Wilson, seconded by Mr. Taylor, to add the *Great Atlantic Seafood Festival* in March 2014 to page 3 of the Resolution, which will read (*additions underlined*):

"Latham Plaza Parking Lot – (Only available during the months of November, December, January, and February, except for *Springing the Blues*, *The Great Atlantic Seafood Festival* in March, and the *Air Show*." [The month of October was added as a clarification since it was added to the Special Event Policy, for multi-day events.]

Conflict of Interest

Councilmember Doherty declared a Conflict of Interest and advised that he would be abstaining from the vote.

Roll call vote: Ayes - Wilson, Hartkemeyer, Taylor, Vogelsang, and Mayor Latham. Councilmember Doherty abstained from the vote. The motion to amend carried.

Original Motion: To adopt Resolution No. 1926-2013 establishing rates and fees for *Special Events*, [with the approved amendment] made by Mr. Taylor and seconded by Mr. Hartkemeyer.

Conflict of Interest

Councilmember Doherty declared a Conflict of Interest and advised that he would be abstaining from the vote.

Roll call vote: Ayes - Hartkemeyer, Taylor, Vogelsang, Wilson, and Mayor Latham. Councilmember Doherty abstained from the vote. The motion to adopt with the amendment carried.

ORDINANCES

(a) ORDINANCE NO. 2013-8040 – FIRST READING

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8040, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 19.5, “OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY REPEALING IT IN ITS ENTIRETY, AND REPLACING WITH A NEW CHAPTER 19.5, “SPECIAL EVENTS AND FESTIVALS”, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8040 that requires the City to regulate *Special Events and Festivals*, through a *Special Events Policy*, adopted by the City Council.

Mr. Forbes advised that the Ordinance would repeal a lengthy ordinance adopted in 1979 on *Outdoor Music, Entertainment, and Festivals*, which has been obsolete for the past 10 years.

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

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham closed the meeting at 7:41 p.m.

Recognition of Fletcher Students

Mayor Latham requested that the students from Fletcher in attendance for their Civics Requirements to stand. He added that there will be a Town Hall Meeting in January 2014, where

Minutes of Regular City Council Meeting
held Monday, December 16, 2013

the Civics Teacher will bring a Junior Council for feedback on how they would make Jacksonville Beach more family friendly.

ADJOURNMENT and RECESS

At this time, Mayor Latham adjourned the meeting and called a five-minute recess before convening the Council Workshop.

Submitted by: Judy L. Bullock
City Clerk

Approval:

William C. Latham, Mayor

Date: January 21, 2014

Minutes of City Council Workshop
Monday, December 16, 2013 – 7:45 P.M.
City Council Chambers

Mayor Latham called the workshop to order at 7:45 P.M.

The following City Council members were in attendance:

Mayor Charlie Latham

Keith Doherty
Chris Hoffman (absent)
Steve Hartkemeyer

Tom Taylor
Phil Vogelsang
Jeanell Wilson (absent)

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

Purpose of Workshop

Mayor Latham explained that the Council has workshops so that issues can be discussed. He stated that they would not be seeking citizen input at this meeting, but everyone is welcome to stay for the workshop.

Pension System Investments

Discuss recommendation by Pension Boards to increase the allowable investment in equities from 50% to 70%, change the measurement of the percentage invested from a cost basis to a market basis, and allow the investment in real estate.

Mr. Forbes advised that the City of Jacksonville Beach has three Pension Plans: Firefighters', General Employees' and Police Officers' and three Boards of Trustees to oversee investment of the funds and earn target return of 8% percent. He added that the employee pension benefits are based on the return of 8%.

He explained that the financial consultants with the Bogdahn Group, has recommended amendments to the Pension System's Investment Policy to further diversify the portfolio so that the 8% rate of return is attainable. Mr. Forbes reviewed the proposed amendments, as follows:

- Change the measurement of maximum investment equities to market value instead of the current cost value.
- Increase the maximum investment in equities from 50% to 70%, with a target of 60%; Mr. Forbes advised that there is also an alternate amendment to allow a maximum investment in equities of 60%, which is less risk.
- Allow investment in Real Estate; Mr. Forbes stated that the current investment policy does not allow this type of investment.

Minutes of City Council Workshop
held on Monday, December 16, 2013

- Recommended maximum investment in real estate is 10% with a target of 5%; however, Mr. Forbes advised that there is also an alternate amendment to allow a maximum investment of 5%.

Troy Brown and Dan Johnson of the Bogdahn Group were in attendance to answer any questions or provide information on the recommendations.

Mr. Brown provided an overview of the recommended changes to the Pension Investment Policy. He explained that with the current limitations on investments, the 8% actuarial rate of return will not be attainable. Mr. Brown advised that the proposed ordinance would allow a 70% maximum investment in equities; however, the investment policy would have a target of 60%.

In today's market, investment in real estate is a profitable venture and an advantageous way to further diversify the portfolio. Mr. Brown explained that the ordinance would have a maximum investment of 10%, with a 5% target in the investment policy. Mr. Brown further stated that the investment into real estate would be transferred from the fixed income portfolio.

Mr. Forbes distributed a chart showing the total portfolio growth and cash flow, as of September 30, 2013. Mr. Brown provided an in depth explanation of the chart and advised that the plan has actually earned more than the 8% actuarial rate of return since 1987.

Following a brief discussion, Councilmembers concurred that they would be comfortable with 65% investment in equities and 10% in real estate.

Over the Counter Credit Card Payments

Discuss the implementation of the plan to accept over the counter credit card payments for utilities and other governmental services.

Mr. Forbes advised that they have been working to implement over the counter credit card payments for the past 10 years. He explained that the Supreme Court recently rendered a decision that allows a utility or government to collect a convenience fee to offset the credit card fees that the City would incur.

He stated that payment by credit card would be utilized for utility payments, building permits, local business tax, etc.

Glenda Wagner, Beaches Energy Services Customer Service Supervisor, explained the current process for over the counter payments. When a customer comes to the counter to pay a deposit or their monthly bill and they wish to pay by credit card, the customer is advised that they can only pay by cash or check. This requires the customer to leave and come back to conduct business with the City. Ms. Wagner also advised that there is a two-day delay on the E-Check process and that there is no charge to the customer if they use an e-check.

Minutes of City Council Workshop
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Mr. Forbes advised that a fee of 2% is recommended, to cover the credit card transaction costs incurred by the City. Currently, if a customer pays by credit or debit card on line, they pay a convenience fee of \$4.95 per a \$500 transaction. Mr. Forbes added that the customers would be made aware of the 2% fee and the other payment methods available would be explained.

Mr. Doherty recommended that the City limit the use of credit cards to Visa, MasterCard, and Discover Card, due to the higher fees charged by the other credit card companies.

Mr. Vogelsang asked how many customers actually pay by e-check.

Mr. Forbes responded that 2,343 customers paid by e-check in November 2013.

Council members advised that they had no objections to implementation of the credit card process.

Mr. Forbes stated that they would delineate which credit cards will be accepted and that would become part of the policy. He added that the plan is to bring the program to Council for consideration in January 2014.

Discuss the North Florida Utilities Group Joint Defense and Common Interest Agreement

Mayor Latham advised that the next item is to authorize additional cooperation with the City's Partners in the North Florida Utilities Coordination Group Agreement.

Mr. Forbes explained that several years ago the group, North Florida Utilities Coordination Group, was formed. It currently consists of eight members: the City of Atlantic Beach, City of Neptune Beach, City of Jacksonville Beach, JEA, Clay County Utility Authority, St. Johns County Utilities, Gainesville Regional Utilities, and the Town of Orange Park.

The group was formed as a result of the numerous state regulations regarding water usage. According to a scientific study, it is claimed that the water withdrawals from North Florida [from the Aquifer] are negatively affecting the flow of the Suwannee River and the Upper Sante Fe River Basin. The concern is that there will be additional regulations placed on the cities in the group. The regulations would be to reduce the flow of water taken out of the ground, which could translate into higher costs to provide water to customers.

Mr. Forbes advised, at this point the cities need scientific data, consultants, and legal representation to protect our interests. The utilities coordination group is preparing for a legal challenge, if it becomes necessary in early 2014.

Mayor Latham stated that a representative is required to look out for your interests, that you cannot do it as an individual. He advised that his own company retains a consulting firm to monitor legislation. Mayor Latham said that he feels this is a good investment and the City needs to move forward with the issue.

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Mr. Forbes advised that the City sent a letter to the Department of Transportation [DOT] requesting that Jacksonville Beach be included in their five-year master plan to upgrade the drainage system. He added that he plans to utilize a company like *Public Affairs Consultants*, to assist the City's interests just before and during the upcoming legislative session.

Mr. Forbes stated that the fee would be approximately \$10,000 for three to four months assistance. He added that the City does have monies available in the legal and legislative fee budget.

The workshop adjourned at 8:40 p.m.

Submitted by: Judy L. Bullock
City Clerk

Approved:

William C. Latham, Mayor

Date: January 21, 2014

MEMORANDUM

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6263
Fax: 904.247.6169

TO: George Forbes, City Manager
FROM: Carol Neith, Administrative Assistant *cn*
DATE: December 16, 2013
RE: Employee of the Quarter Award
3rd Quarter of 2013

www.jacksonvillebeach.org

This is to advise that the final determinations for Employee of the Quarter for the 3rd Quarter of 2013 have been made. It is my pleasure to announce the following selections:

<u>Name</u>	<u>Department</u>
Jennifer Howe	Fire
Dallis Hunter	Fire
Michael Abate	Police

Please refer to the attached letters on their achievements.

According to our Awards Program, these individuals 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 January 21, 2014 Council Meeting. The recipients will be notified to attend.

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

/cn

Attachment



JACKSONVILLE BEACH

OFFICE OF CITY MANAGER

City of

January 21, 2014

Jacksonville Beach

City Hall

11 North Third Street

Ms. Jennifer Howe
Fire Department

Jacksonville Beach

FL 32250

Phone: 904.247.6268

Fax: 904.247.6276

Dear Jennifer,

It is with great pleasure that we present you this letter of appreciation for your outstanding job performance in the Fire Department. You have been selected as an Employee of the Quarter for the 3rd Quarter of 2013.

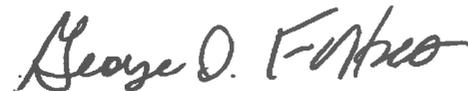
www.jacksonvillebeach.org

You are being recognized for:

- ensuring that all Fire Department employees are well informed of upcoming events or schedules;
- your pleasant demeanor and willingness to work with other departments; and
- for finding time to take several FEMA classes, complete a review of the Fire Department's operating orders, assist with the new history book and update the department's web page.

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

Sincerely,



George D. Forbes
City Manager

GDF:cn



JACKSONVILLE BEACH

OFFICE OF CITY MANAGER

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

January 21, 2014

Mr. Dallis Hunter
Fire Department

Dear Dallis,

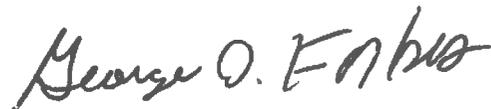
It is with great pleasure that we present you this letter of appreciation for your outstanding job performance in the Fire Department. You have been selected as an Employee of the Quarter for the 3rd Quarter of 2013.

You are being recognized for:

- painting the logo on City Hall before and after normal work hours to keep from impacting the daily schedule;
- volunteering on the Fire Department's yearbook committee; and
- assisting with both the Training Officer and Fire Marshal's offices.

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

Sincerely,



George D. Forbes
City Manager

GDF:cn





City of

January 21, 2014

Jacksonville Beach

City Hall

11 North Third Street

Mr. Michael Abate
Police Department

Jacksonville Beach

FL 32250

Phone: 904.247.6268

Fax: 904.247.6276

Dear Michael,

It is with great pleasure that we present you this letter of appreciation for your outstanding job performance in the Police Department. You have been selected as an Employee of the Quarter for the 3rd Quarter of 2013.

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You are being recognized for:

- having a positive attitude, being courteous to the public, treating suspects, witnesses and victims with respect;
- always being willing to assist fellow officers before being asked and regularly volunteering for additional duties; and
- frequently taking items to and from various other agencies for co-workers even though it is out of your way.

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

Sincerely,

George D. Forbes
City Manager

GDF:cn





City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

www.jacksonvillebeach.org

TO: George D. Forbes
City Manager

FROM: Gary Meadors
Recreation & Parks Director

DATE: January 4, 2014

SUBJECT: Presentation of the 26.2 with Donna Marathon scheduled for February 23, 2014

ACTION REQUESTED:

Receive information on the annual 26.2 with Donna Marathon.

BACKGROUND:

The 7th annual 26.2 with Donna national marathon to raise funds for breast cancer research is scheduled for February 23, 2014. The event will once again begin at the Players Championship parking lot in St. Johns County. The race starts at 7:30 am. The route will take runners through Ponte Vedra Beach, Jacksonville Beach, Neptune Beach, and Atlantic Beach before concluding at Mayo Clinic via crossing the JTB bridge. The route through Jacksonville Beach will begin on Ponte Vedra Blvd, continue on the beach, and exit at 20th Avenue North for the full marathon runners. The half marathon runners will exit the beach at Beach Blvd. (as listed).

There will be entertainment (live bands) throughout the route during the run. Entertainment will not start before 8:00 am. Sound and decibel levels must be in compliance with the City's noise ordinance. Entertainment locations are:

- 37th Ave. S. & A1A (in grassy area),
- 1st St. S. & 25th Ave. S.,
- 1st St. N. & 5th Ave. N.,
- 1st St. N. & 1st Ave. N.,
- 1st St. N. & Beach Blvd.,
- 1st St. N. & 5th Ave. S.,
- 1st St. S. and 16th Ave. S.



While the event may create some delays for residents and businesses along the route, City employees and marathon officials will work to keep problems to a minimum. As in previous marathons, intersections along the route will be controlled by a combination of barricades, police officers, police volunteers and marathon volunteers. The route will be closed on the morning of the race and will re-open by approximately 4 PM. The police will monitor and allow people to exit as safely as possible. The marathon volunteers and City will inform citizens who may be affected by the race by the following methods:

- ✓ Door to Door street team
- ✓ Reverse 911 call prior to race
- ✓ Map on web site

RECOMMENDATION:

Discuss and ask any informational questions on the marathon.

26.2 with Donna Marathon

Sunday, February 23, 2014

Start Time: 7:30 AM

Route through Jacksonville Beach

Out Route (north)

North on Duval Dr. at "Y" in road
Right on 37th Ave. S.
North on Ocean Dr. to 25th Ave. S.
West on 25th Ave. S. to 1st St. S.
North on 1st St. S. to 22nd Ave. S.
East on 22nd Ave. S. to Ocean Dr.
North on Ocean Dr. to 16th Ave. S.
East on 16th Ave. S. to the beach
North on the beach to 20th Ave. N.
West at 20th Ave. N. (exit beach)
North into Neptune Beach

Return Route (south)

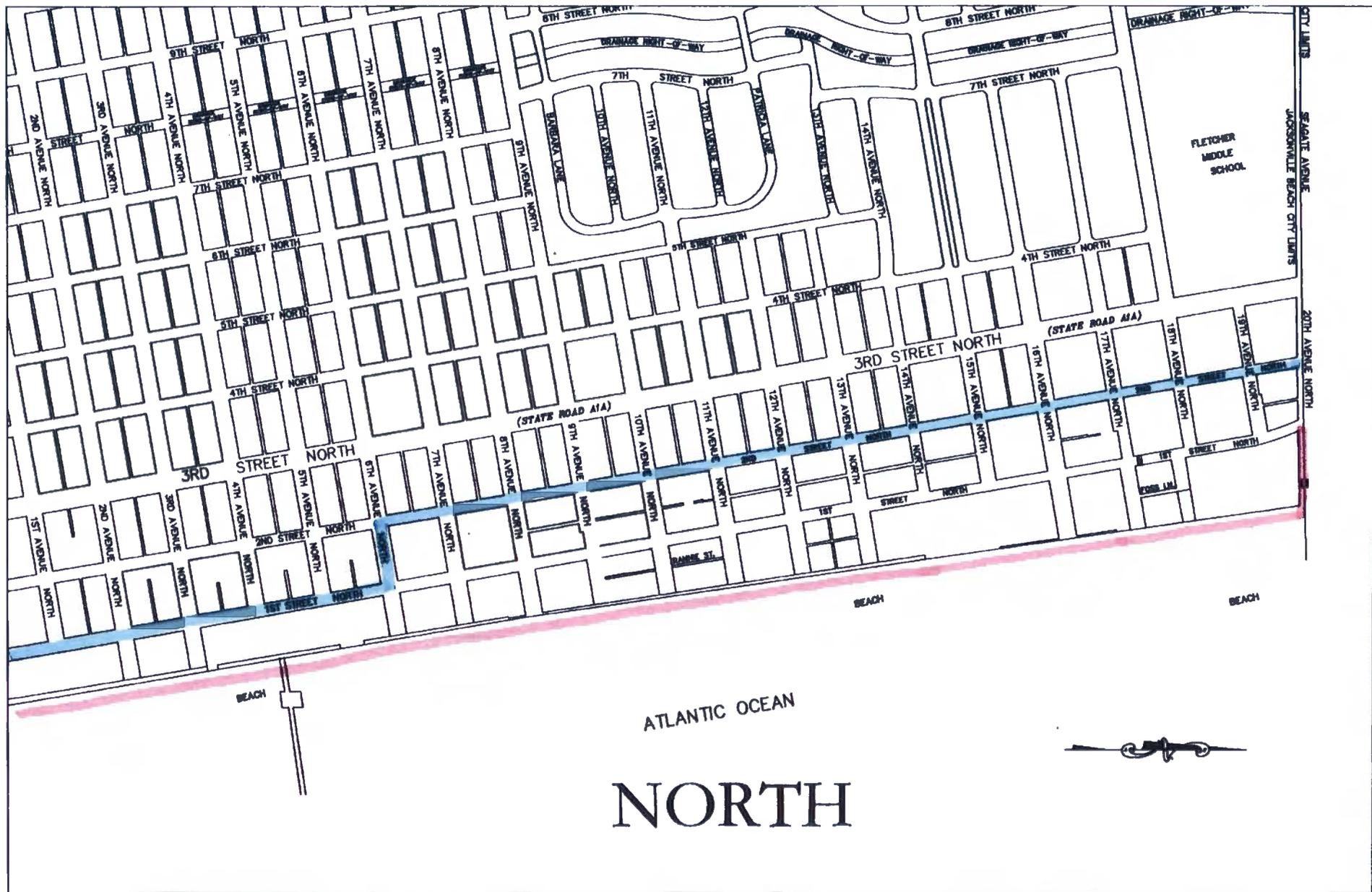
South on 2nd St. N. to 6th Ave. N.
East on 6th Ave. N. to 1st St. N.
South on 1st St. S. to 35th Ave. S.
West on 35th Ave. S. to A1A
South on A1A to JTB circle ramp
East on JTB across Intracoastal Waterway

Return route for ½ marathon runners

Exit beach at Beach Blvd.
West on Beach Blvd. to 1st St. S.
South on 1st St. S. to 35th Ave. S.
West on 35th Ave. S. to A1A
South on A1A to JTB circle ramp
East on JTB across Intracoastal Waterway

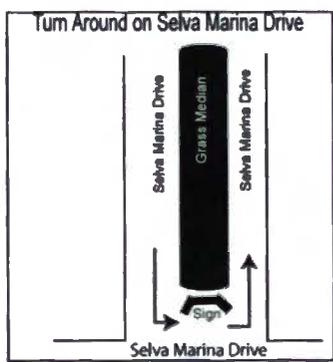
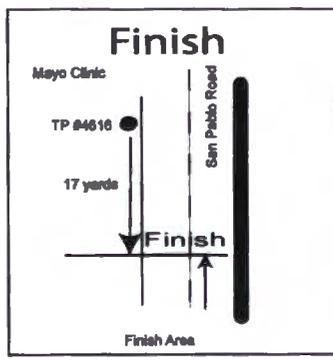
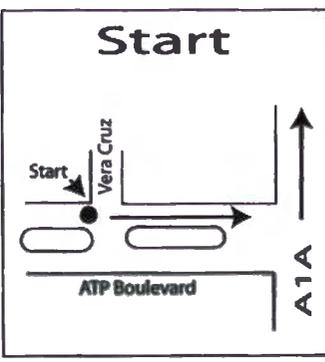
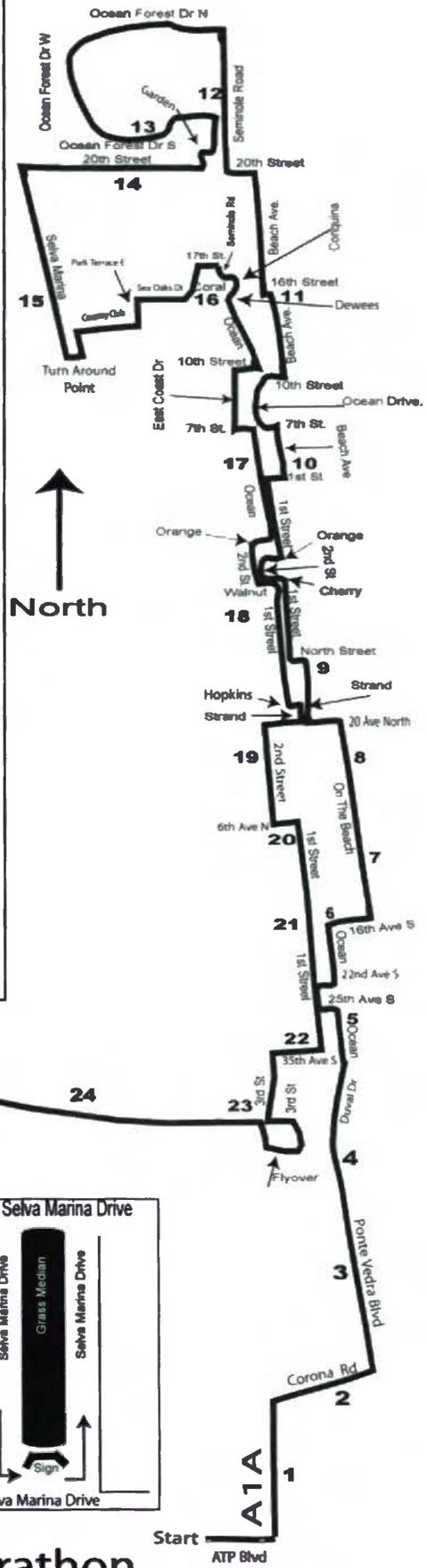


2014 Course Map -
26.2 with Donna.pdf



Start-Even with stop sign in line with the man hole cover on west corner of vera cruz and ATP BLVD

- 1 Mile- 71 Yards north of the double 45 mph speed limit signs on A1A. Just past bike arrow. Just across the street from oakbridge golf course hole.
- 2 Mile- Between the 10th and 11th post on the guard rail on the bridge just past the intersection of Corona and Sea Wind. Mark is on the north side of the road.
- 3 Mile- Even with the mailbox at 350 Ponte Vedra BLVD
- 4 Mile Just before 2nd driveway of 131 Ponte Vedra Blvd
- 5 Mile- Right after you turn onto Ocean in line with electrical box 3696
- 6 Mile- 30 yards west of beach access on 16th ave. in the middle of 4th parking spot on south side of beach access.
- 7 Mile-N edge of 1 storey green house N of 6 story condos between 1st and 2nd
- 8 Mile - even with walkway at 13th Avenue North
- 9 Mile- The middle of the front door on 102 North Street
- 10 Mile 10 Yards south of TP 167 on Beach Ave just before 2nd St
- 11 Mile 7 Yards north of house 1502 Beach Ave(Before the Turn onto 16th street)
- 12 Mile- At the entrance of Ocean Village Apartments at 2233 Seminole RD
- 13 Mile- At the end of the driveway of 2234 Ocean Walk Dr
- 13.1- Just past the Driveway of 353 Ocean Walk Drive South
- 14 Mile- Just past the driveway of 462 20th St (right before the intersection of Vela North and 20th st
- 15 Mile- Even with the flagpole of the Selva Marina Golf Club on selva marina Drive 20 yards north the entrance of selva marina golf club
- Turn around (at the very south end of Selva Marina just south of the entrance sign)
- 16 Mile- 50 feet north of intersection of Seminole and Coral
- 17 Even with the white Gazebo at 590 Ocean Blvd. Just past the intersection of Ocean and 6th
- 18 5 feet past 823 1st (Just before the intersection of Pine and 1st St)
- 19 In the middle of the stairway at 1816 2nd st.
- 20 The corner of 1st and 3rd ave (Where Macools used to be) no mark
- 21 Just past 1107 1st Street
- 22 At the south corner intersection of 1st St and 33rd Ave S
- 23 on Butler Blvd. on the west end of the A1A overpass west edge of 3rd St.
- 24 on Butler Blvd 100 feet before start of Mash Landing parkway.
- 25 on Butler Blvd at the start of the main bridge over the Intercoastal Waterway east side
- 26 on San Pablo at south edge of Butler Blvd overpass.
- Finish - 17 yards south of TP 4616 on San Pablo Road just south of Kangaroo gas



26.2 With Donna Breast Cancer Marathon

City of

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www.jacksonvillebeach.org

January 6, 2014

MEMORANDUM

**TO: George D. Forbes
CITY MANAGER**

**FROM: Harry E. Royal
FINANCE OFFICER**

RE: Monthly Financial Reports - Month of December 2013

The Monthly Financial Reports for the month of December are being furnished for your information and perusal. These reports can be found on the "Reports and Information" portion of this Agenda.

If you have any questions concerning these reports, please give me a call.

Sincerely,



Harry E. Royal
FINANCE OFFICER



City of
Jacksonville Beach
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11 North Third Street
Jacksonville Beach
FL 32250
[P] 904.247.6229
[F] 904.270.1639

TO: George D. Forbes
City Manager

FROM: Jason Phitides
Purchasing and Procurement

DATE: January 9, 2014

RE: Award RFP 01-1314 – Retail Feasibility, Strategic Planning and Business Recruitment

www.jacksonvillebeach.org

ACTION REQUESTED:

City Council approval of award of RFP 01-1314 titled Retail Feasibility, Strategic Planning and Business Recruitment to the firm Retail Strategies.

BACKGROUND:

In October 2013, the Purchasing and Procurement Department advertised RFP number 01-1314 titled Retail Feasibility, Strategic Planning and Business Recruitment. The intent of the RFP was to solicit proposals from qualified firms or individuals to assist with retail attraction and development throughout the City. The scope of work included the following three major elements:

1. A comprehensive market and retail feasibility study.
2. The development of a Retail Strategy Plan for the central business district including commercial properties on the A1A, Beach Boulevard and Penman Road corridors.
3. The development of a Strategic Retail Prospect List to include retail recruitment on behalf of the City.

On November 25, 2013, six (6) firms submitted responses. Each submittal was independently evaluated by an evaluation committee of three (3) employees from: Planning & Development, Finance, and Purchasing and Procurement.

Evaluations were score-ranked based on five (5) criteria: qualifications (20%), references and experience (35%), methodology and approach (20%), pricing (15%) and proposal package format (10%).



Following is a summary of the combined scoring results:

Respondent	Pricing	Score	Rank
The Retail Coach *	\$ 38,000	965	1
Retail Strategies *	\$ 40,000	855	2
Strategic Planning Group, Inc.	\$ 48,880	825	3
Live Work Learn Play Inc.	\$ 138,600	825	3
Lambert Advisory & Grossman & Co.	\$ 140,000	740	5
Urbanomics, Inc.	\$ 50,000	450	6

*The Retail Coach and Retail Strategies were the only two respondents to provide the following costs for subsequent years:

	<u>Year 2</u>	<u>Year 3</u>
The Retail Coach	\$18,000	\$18,000
Retail Strategies	\$20,000	\$20,000

Attached herewith is the Ranking Assessment Summary detailing evaluation scores.

The evaluation committee invited the two top-ranked respondents (The Retail Coach and Retail Strategies) to further explore team experience and their specific approaches to the project. Although both respondents had sufficient experience and ample references, Retail Strategies provided a more comprehensive market analysis as well as a stronger recruitment strategy. The evaluation committee concluded unanimously that Retail Strategies is the most suitable respondent to assist the City with retail attraction and development.

Funding for this work will come from the General Fund unallocated, and the City will request the Redevelopment Agency pay a pro-rata share of the cost.

RECOMMENDATION:

Approve the award of RFP 01-1314 titled Retail Feasibility, Strategic Planning and Business Recruitment to the firm Retail Strategies.

Evaluation Ranking - Assessment Summary
RFP No. #01-1314
Retail Feasibility, Business Recruitment and Strategic Planning

Scale = 0 to 4
 Excellent = 4
 Good = 3
 Average = 2
 Below Average = 1
 Poor or No Response = 0

	Proposal Price	Respondent Qualifications			Experience / References			Methodology & Approach			Pricing			Package Format			Total Score	Rank
		A	B	C	A	B	C	A	B	C	A	B	C	A	B	C		
		Evaluator:																
* The Retail Coach	\$ 38,000	3	3	3	3	3	3	3	3	4	4	4	4	3	3	3	965	1
* Retail Strategies	\$ 40,000	4	2	3	3	2	3	4	2	3	3	3	3	3	2	3	855	2
Strategic Planning Group, Inc.	\$ 48,880	2	4	3	2	3	3	2	3	3	2	2	3	3	4	3	825	3
Live Work Learn Play Inc.	\$ 138,600	3	4	2	3	3	3	3	4	3	1	1	0	3	4	3	825	3
Lambert Advisory & Grossman	\$ 140,000	3	3	2	3	3	2	3	4	2	1	1	0	3	3	3	740	5
Urbanomics, Inc.	\$ 50,000	2	1	2	2	1	1	2	1	1	2	3	1	2	1	1	450	6

Category Weight	20	35	20	15	10
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* The Retail Coach and Retail Strategies were the only two respondents to provide the following subsequent year costs:

	The Retail Coach	Retail Strategies
Year 2	\$ 18,000	\$ 20,000
Year 3	\$ 18,000	\$ 20,000

City of
Jacksonville Beach
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December 26, 2013

MEMORANDUM

TO: George Forbes
City Manager

From: Harry Royal
Finance Officer

RE: Implementation of Credit Card Payments for Utility and Other
Governmental Services

ACTION REQUESTED:

Approve implementation plan to accept credit card payments from customers for utility and other governmental services.

BACKGROUND:

Since 2003 the City has accepted credit card utility payments through a 3rd party vendor by phone or the internet. For this service the vendor charges the customer a convenience fee of \$4.95 per \$500 payment for processing the transaction and there is no charge to the City. Subsequently the vendor remits the payments and payee information to the City for processing.

Other payment options currently available to our utility customers to pay their utility bills are as follows:

1. Automatic payment by bank draft service wherein utility payments are automatically drafted from customers' checking or savings account on the due date of the bill.
2. Pay on-line through an automatic withdrawal from the utility customers' personal bank accounts for their utility payment.
3. Pay through an automated phone system.
4. Pay at the two after-hour depositories (front door and drive-thru area).
5. Pay in person at drive through which is open from 7:30 AM – 5:00 PM, or the front counter that is open 8:00 AM – 5:00 PM.
6. Pay by mail using the pre-addressed envelope that comes with the monthly bill.

The use of credit cards as the preferred payment method has become the most widely accepted form of payment in many industries. Our customers have increasingly expressed interest in using their credit/debit cards at the City Hall front counter and drive-thru window. The problem with accepting credit card



payments at the counter is that up until recently, **a utility or government could not collect a convenience fee at the counter to off-set the credit card fees that would be incurred.** Visa and MasterCard rules have long prohibited merchants from charging customers paying by credit-card more than customers using any other form of payment. Recently Visa and MasterCard agreed to a court settlement that allows retailers to surcharge customers for paying with credit cards.

We have diligently researched our options and related costs to implement accepting credit cards payments by customers for both utility and other governmental services. The two options we considered were as follows:

1. Absorb all credit card costs.
2. Charge a convenience fee of two percent to cover costs for both utility and government revenues.

Based on our analysis, we estimate that a two percent convenience fee should recover the credit card fees and is the only financially feasible option. Chart 1 shows the estimated annual credit card fees at different customer participation rates. A customer paying a \$200 utility bill by credit card at the customer service counter would be charged an additional four dollars.

To implement a credit card payment program at the customer service counter would require additional fixed and variable costs of \$65,384 summarized in Chart 2 plus a contingency of \$6,500. The monies for this project will come from the utility funds and will be included in the mid-year budget modification. Please be aware that these are estimated costs and the timing for the implementation of credit cards payments at the customer service counter is dependent not only on the installation of the software and hardware products but scheduling the training needed for staff on these products.

In addition, it is also our intention to no longer use a 3rd party provider for internet and telephonic credit card payments in order to provide for faster and more efficient processing of such payments with the new software and equipment we are acquiring. Initially we will limit the type of credit cards we take to VISA and MasterCard to minimize merchant card fees.

RECOMMENDATION:

Authorize a two percent convenience fee for the implementation of a credit card program, and the expenditure of funds for costs associated with the program as explained in the memorandum from the Finance Officer dated December 26, 2013.

CHART 1

ESTIMATED ANNUAL CREDIT/DEBIT CARD FEES AT VARYING PARTICIPATION RATES

CUSTOMER PARTICIPATION RATE	NUMBER OF CUSTOMERS USING CREDIT/DEBIT CARDS (per month)	ANNUAL CREDIT CARD FEES
5%	1,650	\$ 184,932
10%	3,300	\$ 371,083
15%	4,950	\$ 556,015
20%	6,600	\$ 740,785
25%	8,250	\$ 927,186
30%	9,900	\$ 1,102,923
35%	11,550	\$ 1,287,854
40%	13,200	\$ 1,472,537

Notes:

Customer participation rates based on 33,000 accounts.

Fee amounts are based on bill distribution amount frequencies and card usage mix.

CHART 2

ANALYSIS OF FIXED AND VARIABLE COSTS TO IMPLEMENT CREDIT CARD PROGRAM

PRODUCT	SERVICE PORTAL	VENDOR	BRIEF DESCRIPTION OF PRODUCT	PURCHASE COST	ANNUAL MAINTENANCE FEES
OnePoint Point-of-Sale	Counter	SunGard	Software to enable credit card processing, Integrate with financial software, batch transactions to bank	\$ 11,745	\$ 1,350
GovNOW or Click2Gov3	Web	SunGard	Software to enable online payment processing to multiple applications, UB, BP, OL, MR	\$ 21,299	\$ 5,740
IVR Credit Card Module	Phone	Selectron	Software to enable credit card processing in IVR	\$ 2,500	
IVR Convenience Fee Module	Phone	Selectron	Software to enable convenience fee calculation on credit card payments in IVR	\$ 3,500	
E Check Processing	Web	AMS	Software to batch online e-check payments and integrate with financial software (this would replace our current process)	\$ 250	\$ 18,000 *
Credit Card Swipe Machines	Counter	SPS VAR	Hardware - 10 credit card swipe machines	\$ 1,000	**
TOTAL COSTS				\$ 40,294	\$ 25,090

*AMS agreement is \$10 per month + \$0.40 per transaction, estimated monthly transactions 3,700

** Hardware costs may go up if City opts for different merchant accounts



City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

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FL 32250

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January 5, 2014

TO: George Forbes, City Manager**FROM:** Ty Edwards, Public Works**SUBJECT:** Authorize the Execution of a Joint Defense and Common Interest Agreement with the North Florida Utilities Coordination Group**ACTION REQUESTED:**

Authorize the execution of the Joint Defense and Common Interest Agreement with the North Florida Utilities Coordination Group. This will allow the City to participate with other members on the Florida Department of Environmental Protection (FDEP) rulemaking on Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs, and pursue any legal action if necessary.

BACKGROUND:

In 2008, various water utilities in North Florida began participating on area water supply planning work with the St. Johns River and the Suwannee River Water Management Districts. In 2009, to better speak as one voice on matters with the districts, the water utilities formally organized by agreement as the **North Florida Utilities Coordination Group**. The Agreement was renewed in 2012. Currently, the utilities group has eight (8) members: the City of Atlantic Beach, City of Neptune Beach, City of Jacksonville Beach, JEA, Clay County Utility Authority, St. Johns County Utilities, Gainesville Regional Utilities, and the Town of Orange Park. The group also combines resources for engineering and legal assistance to determine the most accurate and reliable groundwater resource projections and review policy activities.

The water planning process by each Water Management District includes **adopting Minimum Flows and Levels for rivers**, lakes and springs within the district area, and setting Prevention and Recovery Strategies to recover and/or maintain the adopted flows and levels. The objective of an adopted Minimum Flows and Levels is to prevent harm to the water resources or ecology of an area that could result from permitted water withdrawals. The objective of an associated Prevention and Recovery Strategy is to achieve and maintain the minimum flows by developing a menu of future water infrastructure projects that water users are responsible to assist in funding as a requirement in **consumptive use permits** allowing withdrawal of groundwater.



Water utilities also place protection of water resources at the highest level. Yet we have the added responsibility of providing the most cost effective product to our customers. The best science available is critical to balancing and meeting these two goals. The **utilities coordination group hired technical experts, Jones Edmunds & Associates**, to assist us in working cooperatively with the districts on the **best science available** and developing technical data for each minimum flows and levels to be considered for adoption and the associated prevention and recovery strategy. We have also engaged **legal experts, de la Parte & Gilbert, P.A.**, to advise us on water policy and regulatory issues.

THE CURRENT CRITICAL ISSUE:

The utilities coordination group has found it very difficult to gain access to the technical data used in development of the Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs proposed by the Suwannee River Water Management District. The district has fast tracked its adoption by delegating this responsibility to FDEP for adoption by rulemaking, which is tentatively scheduled for the 1st quarter of 2014.

We have major concerns with the scientific basis for these proposed minimum flows and levels. Based on the information we have, this could require a major reduction in groundwater pumping for all of North Florida—possibly back to levels from the 1960s, which could translate into much higher costs to provide water to customers and subsequently the raising of water rates.

It appears that the Suwannee River Water Management District and FDEP may proceed with adoption of the minimum flows and levels without considering our technical data. There is a lot of uncertainty whether reductions in permitted withdrawals issued in consumptive use permits over the past few years have been considered in the proposed minimum flows.

Also, it appears FDEP may adopt the proposed minimum flows without providing the Prevention and Recovery Strategy (which is not consistent with the law) and/or its associated costs that would allow water users to understand their responsibilities. We are very concerned that water utilities may be required to participate in very expensive projects. Utilities need to know what is expected of them in order to make long range plans for design and construction of projects and adjust rates accordingly. We want to thoroughly examine proposed strategy projects for costs versus benefits.

Due to these concerns, **the utilities coordination group is considering a legal challenge to FDEP's rulemaking for adoption of the Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.** If the legal challenge becomes necessary, it would be initiated in early 2014.

On advice from our legal consultant, **the utilities members are seeking concurrence in executing a Joint Defense and Common Interest Agreement** prior to initiating any legal challenge.

Due to Engineering and Legal consultant efforts and expenses in preparation for the possible legal challenge in early 2014, it is anticipated that the estimated budget in our Agreement may almost double (increasing from \$500,000 to around \$900,000 annually) in a very short time. By the Agreement, the City's pro rata portion of the annual budget is currently 1.44% of the total (increasing from \$7,204 to an estimated \$14,408 annually). At the start of 2014, an amendment to our Agreement will be made to formally increase the budget accordingly.

The bottom line is we are working to gather information and have the data, budget and legal ability to protect the interests of the City of Jacksonville Beach and its residents.

RECOMMENDATION:

Authorize the execution of the Joint Defense and Common Interest Agreement with the North Florida Utilities Coordination Group. This will allow the City to participate with other members on the Florida Department of Environmental Protection rulemaking on Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs, and pursue any legal action if necessary.

JOINT DEFENSE/COMMON INTEREST AGREEMENT

THIS AGREEMENT, is made and entered into on this ____ day of _____, 2014, by and between 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, which are hereinafter each individually referred to as a "Party" and collectively as the "Parties."

WHEREAS, the Parties are public water suppliers providing water utility service to customers in Northeast Florida; and

WHEREAS, the Parties have executed a Memorandum of Agreement to jointly and collaboratively pursue their shared objectives of assuring that water resources in the region are protected, and that sufficient water supplies exist to meet existing and future water demands in the region; and

WHEREAS, the Parties have operated collaboratively under the Memorandum of Agreement as the North Florida Utility Coordinating Group ("NFUCG"); and

WHEREAS, the Suwannee River Water Management District ("SRWMD") has developed draft minimum flows and levels ("MFLs") for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs (the "LSFR MFLs") pursuant to Section 373.042, Florida Statutes; and

WHEREAS, the Florida Department of Environmental Protection ("FDEP") has accepted SRWMD's request that FDEP conduct rulemaking to adopt the LSFR MFLs and related prevention and recovery strategies, such that the LSFR MFLs and related prevention or recovery strategies must be applied by all water management districts within the State of Florida; and

WHEREAS, on September 13, 2013 FDEP published Notice of Rule Development proposing to adopt the LSFR MFLs and related recovery strategy by rule, and have indicated intended final adoption of the proposed rule by January 2014; and

WHEREAS, the Parties desire to jointly oppose the LSFR MFLs and related recovery strategy as currently proposed, including but not limited to the initiation of a legal challenge to the validity of the proposed rule adopting the LSFR MFLs and related recovery strategy, and share a common interest in said legal challenge(s); and

WHEREAS, the Parties desire to share information in furtherance of their common interest and to maintain the confidentiality of all information exchanged in furtherance of their common interest, and intend on using the information exchanged only for the common interest of the Parties.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein as covenants, the mutual promises herein made and exchanged, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Confidential Information and Joint Defense.
 - 1.1 Mutuality of Interest. The Parties have a common interest in opposing the adoption of the LSFR MFL and related recovery strategy by FDEP, which arose upon publication of the Notice of Rule Development on September 13, 2013. To protect this common interest, the Parties shall establish and operate under a common interest arrangement concerning any administrative challenge to LSFR MFL and any related litigation.
 - 1.2 Confidential Information. The Parties are not required to, but may in their respective sole discretion, share Confidential Information with the other Party as set forth herein. Except as expressly set forth herein, the term "Confidential Information" shall be defined as any documents, communications, or other information disclosed to one Party by the other Party in furtherance of the Parties' common interest. The Parties agree that any Confidential Information that would otherwise be protected from disclosure to third parties will remain confidential and protected from disclosure to any third party by the attorney-client and attorney work product privileges, and the Parties agree that any exchange of Confidential Information is not intended to waive any attorney-client or work product privilege.
 - 1.3 Use of Information. Each Party shall use the Confidential Information received from the other Party only in furtherance of the common interest of the Parties. No other rights are implied or granted under this Agreement. Nothing contained herein obligates any Party to divulge, communicate, or exchange any confidential documents and/or information. All Confidential Information shall not be copied or distributed, disclosed or disseminated in any way or form to anyone except the Parties, the Parties' attorneys or Parties' own employees, contractors, agents or consultants who have a reasonable need to know said Confidential Information, who are advised as to the confidential and proprietary nature of such Confidential Information, and who shall be bound by the restrictions on use as specified in this Agreement.
 - 1.4 Requests for Confidential Information. If a third party, including any government agency, requests or demands, by subpoena, discovery request, public records request, or otherwise, any or all of the Confidential Information or any other documents or information exchanged or made available in furtherance of the Parties' common interest, each Party agrees to notify the other Party in writing as soon as practical. All reasonable steps shall be taken to enable the Parties to assert any and all applicable rights to privileges or protections with regard to such documents or information. Additionally, the Parties shall have the ability to contest the disclosure of the Confidential Information before it is disclosed to any outside party. Nothing herein is meant to contravene any applicable provision of the Florida Public Records Act (the "FPRA"). To the extent that a document is public under the FPRA, notification will be provided to the originator of the document prior to or contemporaneous with the production of the document to the extent feasible.
2. Termination. Any Party may terminate this Agreement at any time by providing written notice to the other Parties. Termination shall be prospective only and will not

affect the parties' mutual obligation to hold confidential all Confidential Information exchanged prior to receipt of written notice of withdrawal.

3. Survival. The privileges and confidentiality obligations set forth herein shall survive termination of this Agreement.
4. Non-Assignability. The Parties shall not assign any of its rights or responsibilities under this Agreement to any other person or entity without all other Parties' prior written consent.
5. Governing Law. This Agreement has been entered into in the State of Florida and shall be construed and interpreted in accordance with, and shall be governed by, the laws of the State of Florida.
6. Severability. Should any provision of this Agreement, or part thereof, be deemed invalid or unenforceable by a court of competent jurisdiction, the remainder of the provisions and this Agreement shall continue in full force and effect.
7. Non-waiver. The failure by any Party to insist upon the strict performance of any term of this Agreement shall not constitute a waiver of such term or a waiver of the right to assert a breach thereof. No waiver of any breach shall alter or affect this Agreement, which shall continue in full force and effect until terminated.
8. Effective Date of Common Interest. The Parties agree that while this Agreement is executed the date first written above, it shall be effective to cover all Confidential Information shared by and among the Parties beginning on the first date FDEP published Notice of Rule Development on September 13, 2013.
9. Execution. This Agreement may be executed in counterparts and by facsimile signatures which when taken together shall constitute the entire Agreement.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first written above.

City of Atlantic Beach

JEA

Name: _____

Name: _____

Title: _____

Title: _____

Clay County Utility Authority

City of Neptune Beach

Name: _____

Name: _____

Title: _____

Title: _____

City of Gainesville

Town of Orange Park

Name: _____

Name: _____

Title: _____

Title: _____

City of Jacksonville Beach

St. Johns County

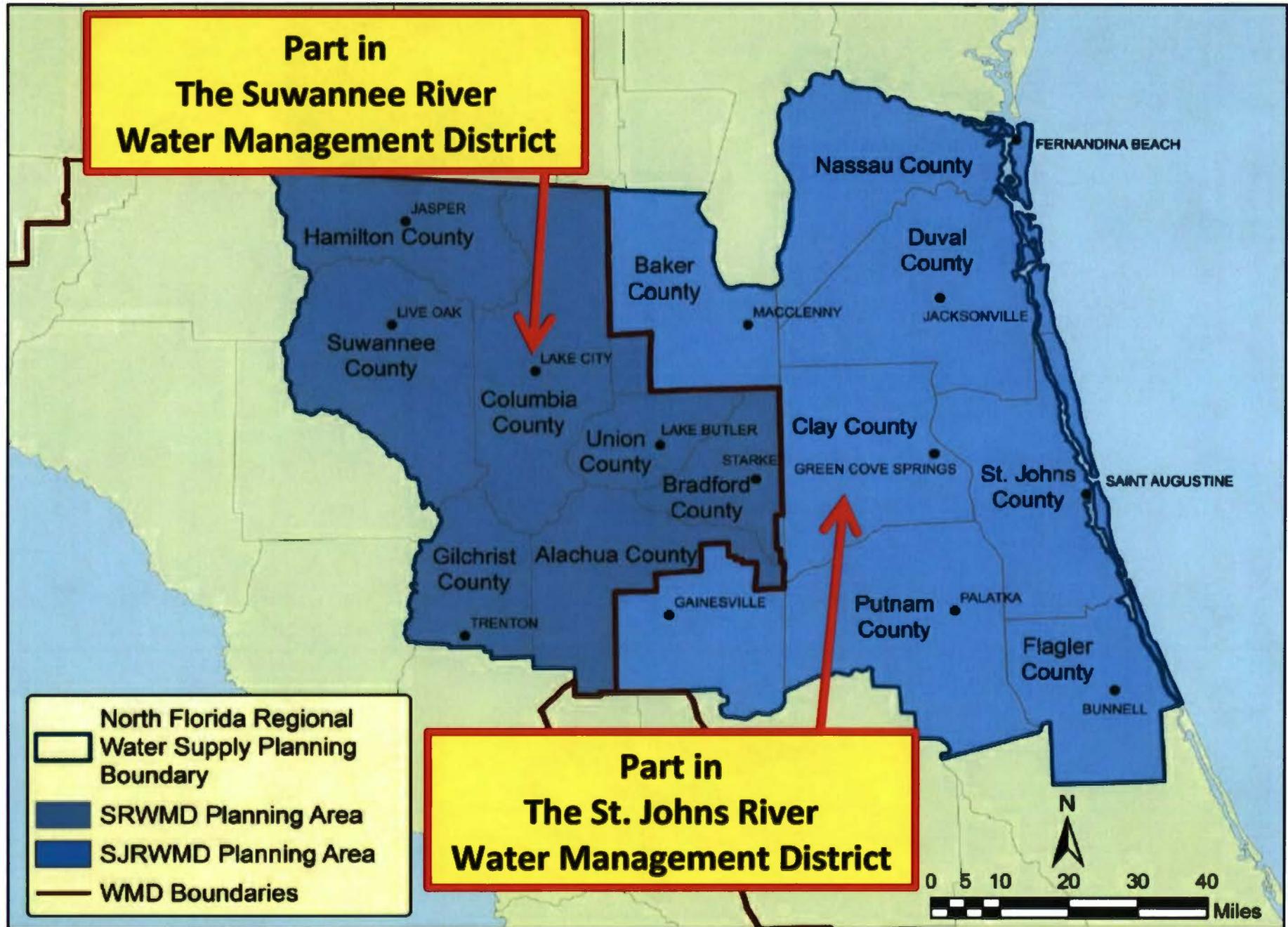
Name: _____

Name: _____

Title: _____

Title: _____

North Florida Regional Water Supply Planning Area





**Minimum Flows and Levels for
The Lower Santa Fe and Ichetucknee
Rivers and Priority Springs**



Suwannee River Water Management District
9225 CR 49, Live Oak, FL 32060
386.362.1001
www.mysuwanneeriver.com

November 22, 2013

EXECUTIVE SUMMARY

This report, entitled "Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs" (Report), presents the data and analyses that provide technical support for the establishment and adoption of Minimum Flows and Levels (MFLs) for the Lower Santa Fe and Ichetucknee rivers and priority springs.

The District's 2010 Water Supply Assessment (Assessment) concluded that water resources in the eastern and northeastern portions of the District are currently impacted or predicted to be impacted sometime before 2030. These resource impacts are directly related to reductions in the potentiometric surface of the Upper Floridan Aquifer (UFA), which has declined significantly since development of the Floridan Aquifer system (FAS) began in the late 1800s. Based on the Assessment, the Lower Santa Fe River and associated priority springs, already a high priority in the District's priority schedule, retained that position of emphasis. The 2012 MFL Priority List submittal noted the potential for cross-boundary impacts on the Lower Santa Fe River.

One essential element in establishing a MFL is the definition of a baseline period during which environmental characteristics are deemed appropriate. Guided by the projected impacts identified in the 2010 Assessment, analysis of observed flow data (Section 4.0 of the Report) identified a period of decreasing flow in the Lower Santa Fe and Ichetucknee rivers beginning in 1990. This information was used to develop a historical hydrologic condition (as referenced in Chapter 373.0421, F.S.), at the two selected MFL gages, the Santa Fe River near Fort White and the Ichetucknee River at Highway 27. This historical hydrologic condition was used as a flow reference point or baseline (called the Baseline Flows or Baseline Flow regime) from and with which MFLs are calculated.

State policy guidance regarding MFLs lists ten environmental and water resource values (WRVs) that must be considered in establishing MFLs. These WRVs were reviewed to determine their relevance to the study area and the amount of available information available for each. Two of the WRVs are both relevant to the study area and have sufficient available information to allow an evaluation of the relationship between the WRVs and system hydrology: (1) Recreation in and on the water, and (2) Fish and wildlife habitats and the passage of fish.

Given the characteristics of the rivers and the available flow data, MFLs have been developed at two gages; the predominant WRV metrics used include:

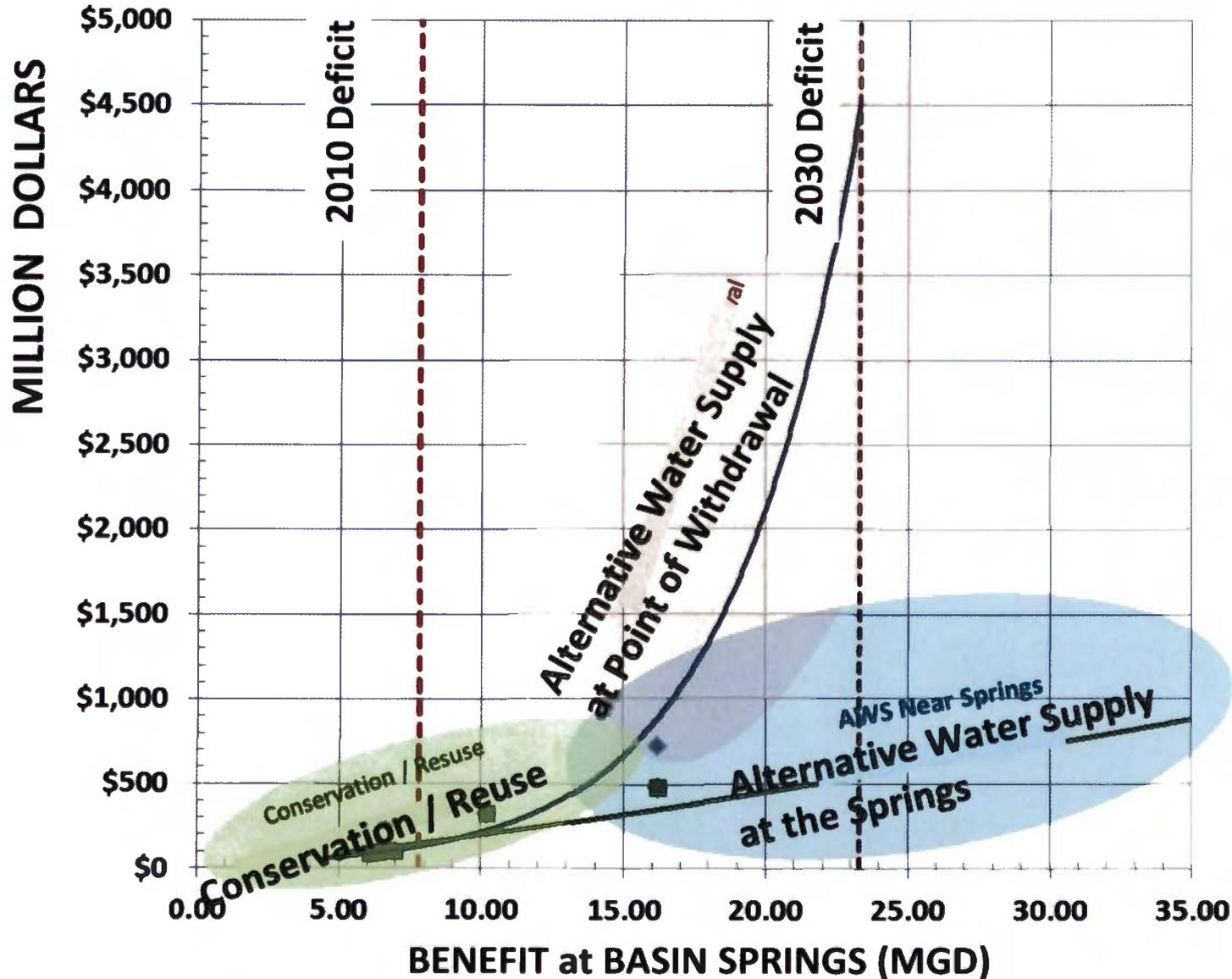
- Santa Fe River near Fort White – fish passage, floodplain vegetation inundation, hydric soils, bankfull flows, in-stream habitat;
- Ichetucknee River at US 27 – fish passage, recreation, bankfull flows, hydric soils, in-stream habitat.

An adjustment from the Baseline condition was developed establishing a continuous MFL flow regime that uses the most protective water resource at each flow on the flow duration curve. This allows development of a MFL time series. On an annual basis the 10 year frequency low flow allows reductions of 118 cfs (76.3 mgd) and 18 cfs (11.6 mgd) for the Lower Santa Fe and Ichetucknee rivers, respectively. It is important to note that although these values also represent the maximum water availability under the MFL regime, they do not necessarily represent the current water availability as they do not account for impacts from existing uses. After accounting for the existing uses, the Lower Santa Fe River is estimated to be in recovery with a deficit of 17

cfs (11 mgd) in 2010. The Ichetucknee River is estimated to be in recovery with a deficit 3 cfs (2 mgd) in 2010.

PROJECTED ESTIMATED COMPLIANCE COSTS for the Proposed Minimum Flows and Levels, Lower Santa Fe and Itchetucknee Rivers and Priority Springs

Capital Costs 2013





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

December 17, 2013

TO: George Forbes, City Manager

FROM: Ty Edwards, Public Works

SUBJECT: Award Unit Price Bid # 1213-14, Phase III-B Improvements Project - 1st Street N. (6th to 9th Ave) and 7th Avenue N. (1st to 2nd St.)

ACTION REQUESTED:

Award Unit Price Bid # 1213-14, providing roadway, water, sewer and stormwater improvements along 1st Street N. (6th to 9th Ave) and 7th Avenue N. (1st to 2nd St.), to the lowest qualified bidder, *G & H Underground Construction, Inc.*

BACKGROUND:

The Phase III-B bid project implements the construction of improvements for a portion of the Downtown Vision Plan designed along three (3) blocks of 1st Street North and one (1) block of 7th Avenue North. The improvements include:

PROJECT WORK SUMMARY	
1 st Street North (6 th to 9 th Ave.)	7 th Avenue North (1 st to 2 nd St.)
<ul style="list-style-type: none"> • Reconstruct roadway, curbs & sidewalks • Replace old 8" cast iron water main with new 8" PVC; install new services • Install new 8" PVC gravity sewer main, 5 manholes & services • Install new 18" PVC gravity storm main & structures at intersections with 7th & 8th Avenues • Re-sod disturbed areas 	<ul style="list-style-type: none"> • Reconstruct roadway, sidewalks & right-of-way parking • Install new 10" PVC gravity sewer main, 1 manhole & services • Install new 18" PVC gravity storm main & 1 structure • Install new miscellaneous landscaping • Re-sod disturbed areas

The Invitation to Bid was advertised, seven (7) bid packages were requested and six (6) bids were received. The City's project design firm, *GAI Consultants, Inc.*, evaluated the bids and recommended award to the lowest qualified bidder, *G&H Underground Construction, Inc.* Staff's recommendation and project cost summary is shown in the following chart.



**Unit Price Bid No: 1213-14,
Phase III-B Improvements Project
- 1st Street N. (6th to 9th Ave) & 7th Avenue N. (1st to 2nd St.)**

<u>DESCRIPTION</u>	<u>COST</u>	<u>RECOMMENDATION</u>
<ul style="list-style-type: none"> • Unit Price Bid (based on estimated quantities) • 10% Contingency 	\$788,547.75 \$78,854.77	<ul style="list-style-type: none"> • Award to the lowest qualified bidder, <i>G&H Underground Construction, Inc.</i>
Construction Total:	\$867,402.52	
<ul style="list-style-type: none"> • Construction Engineering & Inspection (CEI) Services • 10% Contingency 	\$100,734.21 \$10,073.42	<ul style="list-style-type: none"> • Authorize CEI with the project's design firm, <i>GAI Consultants</i>
C&A Services Total:	\$110,807.63	
GRAND TOTAL:	\$ 978,210.15	

The project's construction cost was estimated at \$1,000,000 in the FY2014 Public Works Capital Improvement Plan. On 12/16/2013, the Community Redevelopment Agency approved the project budget appropriation from the Downtown Redevelopment District Tax Increment Trust Fund.

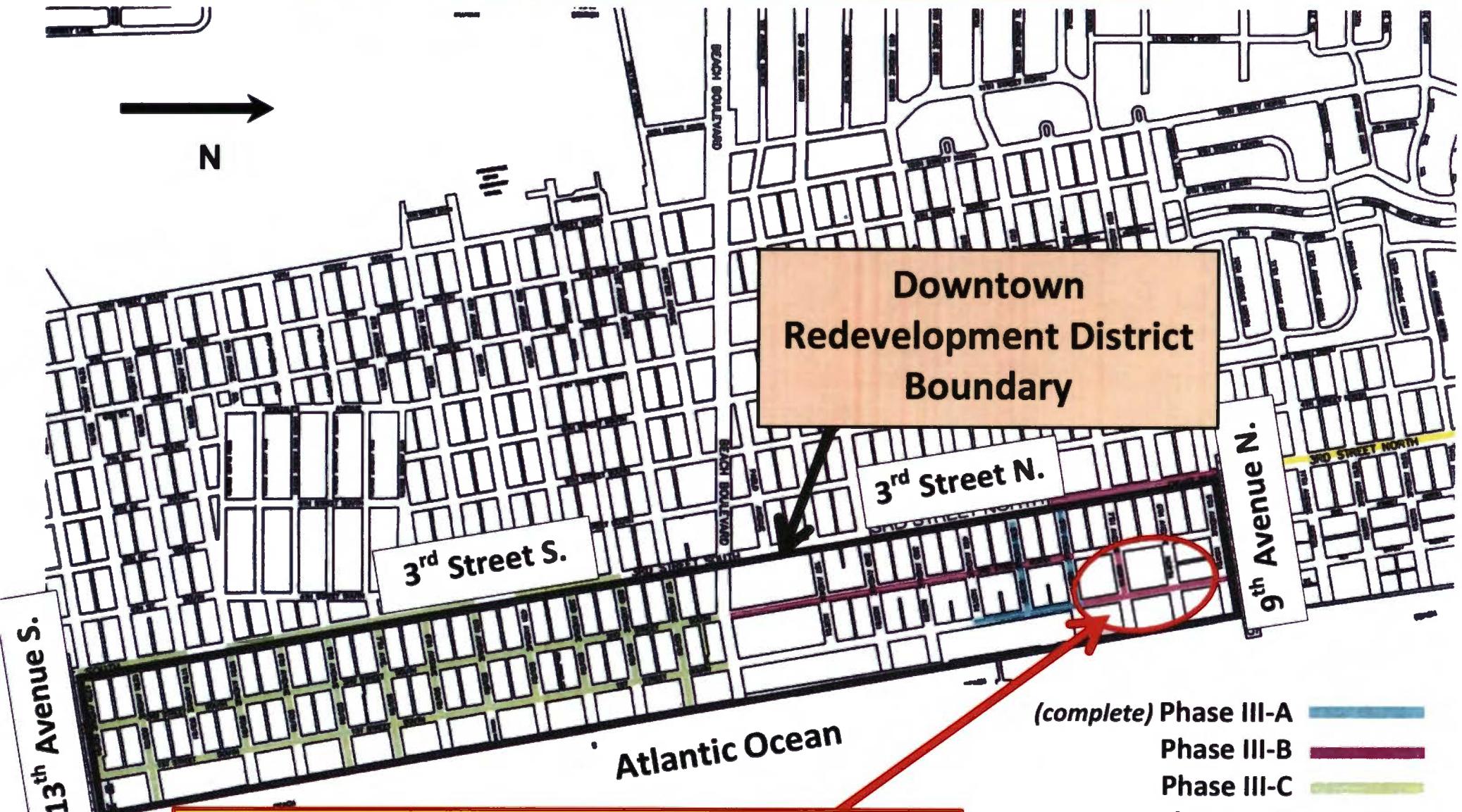
It is recommended that the Unit Price Bid # 1213-14, "Phase III-B Improvements Project - 1st Street N. (6th to 9th Ave) and 7th Avenue N. (1st to 2nd St.)", be awarded to the lowest qualified bidder, *G & H Underground Construction, Inc.*, at a cost, based on estimated quantities, of \$788,547.75, plus a 10% contingency, for a total cost not to exceed \$867,402.52.

It is also recommended that Construction Engineering Inspection Services be authorized with the project's design firm, *GAI Consultants, Inc.* at a cost of \$100,734.21, plus a 10% contingency, for a total cost not to exceed \$110,807.63.

RECOMMENDATION:

Award Unit Price Bid Number 1213-14, titled "Phase 3-B Improvements Project, to the lowest qualified bidder, *G & H Underground Construction, Incorporated*, and authorize Construction Engineering Inspection Services with the project's design firm, *GAI Consultants, Incorporated*, as described in the memorandum from the Public Works Director dated December 17, 2013.

PHASE III, DOWNTOWN VISION PLAN



**Downtown
Redevelopment District
Boundary**

3rd Street S.

3rd Street N.

9th Avenue N.

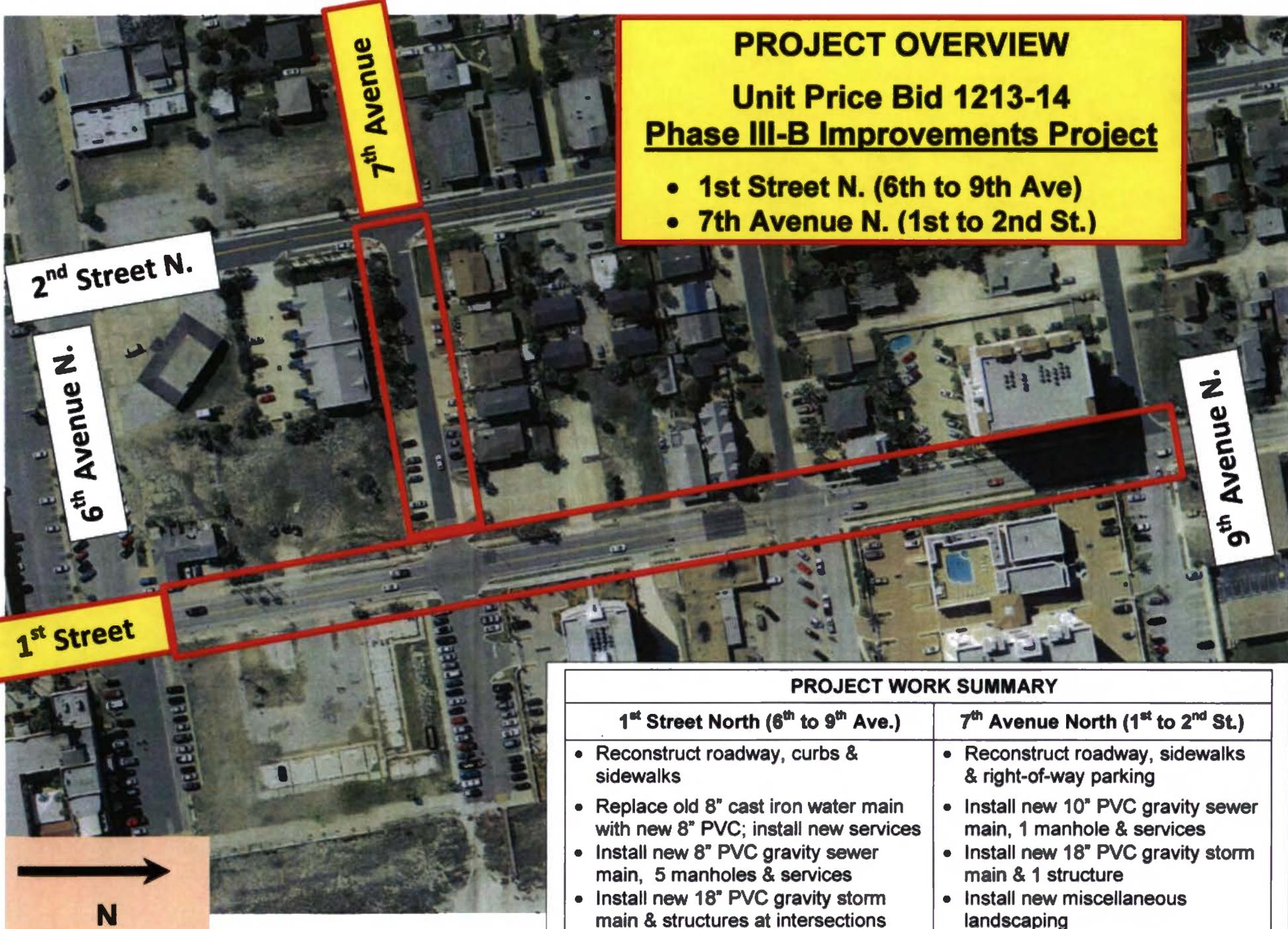
13th Avenue S.

Atlantic Ocean

- (complete) Phase III-A
- Phase III-B
- Phase III-C
- (south of map) Phase III-D

Bid 1213-14, Phase III-B Improvements Project

- 1st Street N. (6th to 9th Ave)
- 7th Avenue N. (1st to 2nd St.)



PROJECT OVERVIEW
Unit Price Bid 1213-14
Phase III-B Improvements Project

- 1st Street N. (6th to 9th Ave)
- 7th Avenue N. (1st to 2nd St.)

PROJECT WORK SUMMARY	
1st Street North (6th to 9th Ave.)	7th Avenue North (1st to 2nd St.)
<ul style="list-style-type: none">• Reconstruct roadway, curbs & sidewalks• Replace old 8" cast iron water main with new 8" PVC; install new services• Install new 8" PVC gravity sewer main, 5 manholes & services• Install new 18" PVC gravity storm main & structures at intersections with 7th & 8th Avenues• Re-sod disturbed areas	<ul style="list-style-type: none">• Reconstruct roadway, sidewalks & right-of-way parking• Install new 10" PVC gravity sewer main, 1 manhole & services• Install new 18" PVC gravity storm main & 1 structure• Install new miscellaneous landscaping• Re-sod disturbed areas

November 21, 2013

Mr. Arnold F. Lilly
Construction Project Manager
City of Jacksonville Beach
Department of Public Works
1460A Shetter Avenue
Jacksonville Beach, Florida 32250

RE: Phase IIIB Improvements Project
Jacksonville Beach, FL
City Bid Number: 1213-14
Recommendation for Award

Dear Mr. Lilly:

We are pleased to enclose the bid tabulation for the six (6) bids received on November 20, 2013 for the referenced project. The bids have been checked for mathematical errors, verified and evaluated for conformance with the criteria set forth in the bidding documents.

G and H Underground Construction, Inc. is the low bidder for the project with a Bid of \$788,547.75.

We recommend award of the Phase IIIB Improvements Project to G and H Underground Construction, Inc. for a total of \$788,547.75.

We appreciate this opportunity to be of service to the City of Jacksonville Beach and look forward to the successful construction of this project.

Sincerely,
GAI Consultants, Inc.



Matt Bolyard, PE
Project Engineer

cc: Martin Martirone, City Engineer

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

Memo To: MAYOR AND CITY COUNCIL

From: GEORGE D. FORBES, CITY MANAGER

Subject: ELIMINATION OF CHAPTER 19.5 of The Code of Ordinances, Outdoor Musical Entertainment or Festivals, and Replacing it with a NEW CHAPTER 19.5 , Special Events and Festivals

Date: December 4, 2013

ACTION REQUESTED:

Repeal Chapter 19.5, Outdoor Musical Entertainment or festivals and replace it with a new Chapter 19.5.

BACKGROUND:

Chapter 19.5 was adopted in 1979 and set forth regulations for outdoor musical entertainment and festivals. This ordinance was generally made obsolete many years ago when the City Council adopted a Special Events Policy that duplicated many of the same guidelines and had a larger scope of events.

To avoid any conflicts and confusion I am recommending repealing the current Chapter and replacing it with a short ordinance that states that the City regulates special events through a Special Event policy adopted by the City Council. The ordinance is as follows:

- (1) The city finds that special events and festivals, offered to the general public or a substantial segment thereof, often attracts a large gathering of people which, if uncontrolled, may cause adverse health and safety conditions requiring municipal regulation to ensure adequate sanitation and sewage disposal facilities, medical facilities, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health.
- (2) The city shall maintain a special event policy establishing the policies and procedures required to hold a special event or festival on city property. The special event policy shall be adopted by the city council.



RECOMMENDATION:

Adopt Ordinance 2013-8040 that requires the City to regulate special events and Festivals through a Special Events policy adopted by the City Council.

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

ORDINANCE NO. 2013-8040

AN ORDINANCE AMENDING CHAPTER 19.5, "OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ELIMINATING IT IN ITS ENTIRETY, AND REPLACING WITH A NEW CHAPTER 19.5, "SPECIAL EVENTS AND FESTIVALS", PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That CHAPTER 19.5, "OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS", of the Code of Ordinances of the City of Jacksonville Beach, Florida, be eliminated in its entirety, and replaced with a new CHAPTER 19.5, "SPECIAL EVENTS AND FESTIVALS", and the same shall read as follows:

Sec. 19.5-1. Findings.

- (1) The city finds that special events and festivals, offered to the general public or a substantial segment thereof, often attracts a large gathering of people which, if uncontrolled, may cause adverse health and safety conditions requiring municipal regulation to ensure adequate sanitation and sewage disposal facilities, medical facilities, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health.
- (2) The city shall maintain a special event policy establishing the policies and procedures required to hold a special event or festival on city property. The special event policy shall be adopted by the city council.

SECTION 2. If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases shall remain in effect.

SECTION 3. That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

SECTION 4. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 5. That this ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, Mayor

Judy Bullock, City Clerk

Jacksonville Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 19.5**
OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS >>

Chapter 19.5 OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS ¹¹

Sec. 19.5-1. Findings.

Sec. 19.5-2. "Festival" defined.

Sec. 19.5-3. Festival permit required.

Sec. 19.5-4. Permit application.

Sec. 19.5-5. Issuance of permit.

Sec. 19.5-6. Conduct of festivals regulated.

Sec. 19.5-7. Revocation or suspension of permit.

Sec. 19.5-8. Penalties.

Sec. 19.5-9. Exemption.

Sec. 19.5-10. Release of public liability insurance policy.

Sec. 19.5-1. Findings.

The city finds that outdoor musical entertainment, offered to the general public or a substantial segment thereof, often attracts a large gathering of people which, if uncontrolled, may cause adverse health and safety conditions requiring municipal regulation to ensure adequate sanitation and sewage disposal facilities, medical facilities, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health.

(Ord. No. 6998, § 1, 6-18-79)

Sec. 19.5-2. "Festival" defined.

As used in this chapter, "festival" means any gathering of persons for the primary purpose of listening to or participating in outdoor musical entertainment offered to the general public or a substantial segment thereof. The term "festival" shall not include a gathering for another primary purpose, such as, but not limited to, athletic events, religious services, fairs, parades, or expositions, even though outdoor musical entertainment may be incidental thereto.

(Ord. No. 6998, § 2, 6-18-79)

Sec. 19.5-3. Festival permit required.

No person shall stage, promote, or conduct any festival in the city without first obtaining a festival permit from the city manager.

(Ord. No. 6998, § 3, 6-18-79)

Sec. 19.5-4. Permit application.

An applicant for a festival permit shall submit the following to the city manager at least ninety (90) days prior to the date of commencement of the festival:

- (1) *Sanitation facilities.* A plan for adequate sanitation facilities, sewage disposal and garbage collection and disposal, to be approved by the public health officer.
- (2) *Medical facilities.* A plan for adequate medical facilities, to be approved by the public health officer.
- (3) *Parking facilities.* A plan for parking facilities designed to avoid material disruption of traffic flow and to avoid interference with private property in the area, to be approved by the chief of police.
- (4) *Security and crowd control.* A plan for adequate security and crowd control in and around the festival area, to be approved by the chief of police, which plan shall include as a minimum at least the following:
 - a. One police or security officer for each two hundred fifty (250) persons attending the festival;
 - b. If any portion of the festival will be held during hours of darkness, a plan for adequate lighting; and
 - c. If the festival site contains any body of water of a size which will accommodate swimming, a plan for adequate lifeguard facilities, including at least one lifeguard on duty during daylight hours.
- (5) *Personal data.* An affidavit setting forth the names, addresses, and relevant background, qualifications and experience of all persons promoting, operating and participating directly or indirectly in the financial backing of the festival and of all performers at the festival.
- (6) *Time and location.* The location and time of the festival, and the estimated attendance.
- (7) *Liability insurance.* A comprehensive automobile-general liability insurance policy or policies, issued by an insurance company licensed to do business in Florida, and having a policyholder's rating of "B" or better and a financial rating of "AA+" or better by Alfred M. Best Company, insuring the promoter of the festival, the owner of the festival area and the City of Jacksonville Beach and providing it cannot be cancelled without written notice thereof being served on the city manager at least fifteen (15) days prior to date of cancellation. The policy or policies shall be approved by the city attorney and shall include coverages in the following amounts:
 - a. Bodily injury liability insurance of five hundred thousand dollars (\$500,000.00) for one person injured and, subject to that limit, one million dollars (\$1,000,000.00) for more than one person injured in any one occurrence;
 - b. Property damage liability insurance of five hundred thousand dollars (\$500,000.00) in any one occurrence;
 - c. Automobile liability insurance for bodily injury of two hundred fifty thousand dollars (\$250,000.00) for any one person injured and subject to that limit, five hundred thousand dollars (\$500,000.00) for more than one person injured in any one occurrence, covering all owned, leased and all other classes of nonowned vehicles;
 - d. Property damage liability insurance covering all owned, leased and all other classes of nonowned vehicles in the amount of one hundred thousand dollars (\$100,000.00) for any one occurrence.
- (8) *Indemnity agreement.* An agreement pursuant to which the applicant assumes full responsibility and liability for and indemnifies and save the city harmless against:
 - a.

All liability, claims for damages, and suits for or by reason of any injury to any person, and damage to any property for every cause in any way connected with the holding of the festival irrespective of negligence, actual or claimed, upon the part of the city, its agents and employees, except willful and wanton acts of city employees and agents, and

- b. All expenses incurred by the city for police protection in excess of normal police operations, to the extent necessary to preserve public order and safety at the festival.

The applicant shall agree to indemnify the city against all charges, expenses and costs including the reasonable value of the services of the city attorney incurred on account of or by reason of any such injuries, damages, liability, claims, suits or losses and all damages growing out of the same.

- (9) *Faithful performance guarantees.* Deliver to the city at the time the application is approved:

- a. A faithful performance bond in a form approved by the city attorney in the penal sum of one hundred thousand dollars (\$100,000.00), to be released after thirty (30) days from the last date of the event covered by the bond conditioned that the applicant shall well and faithfully observe, fulfill and perform according to the plans approved and the requirements of this chapter and that in the event of any failure to do so on the part of the applicant, the bond shall not be released and the amount thereof shall be recoverable by the city for all damages proximately resulting from the failure of the applicant to well and faithfully perform according to the conditions and requirements of this chapter; or
- b. A cash deposit of one hundred thousand dollars (\$100,000.00) conditioned in the same manner as a performance bond under subparagraph a. above; or
- c. An insurance policy in a form approved by the city attorney of one hundred thousand dollars (\$100,000.00) conditioned in the same manner as a performance bond under subparagraph a. above; or
- d. A personal bond secured by an unconditional and irrevocable letter of credit in the amount of one hundred thousand dollars (\$100,000.00), which letter of credit shall be issued by a Florida or United States banking institution to the city in a form approved by the city attorney; shall give the city the right to use any funds resulting from drafts on said letter of credit for all damages proximately resulting from the failure of the applicant well and faithfully to perform according to the plans approved and the requirements of this chapter, and shall be released and returned to the promoter after thirty (30) days from the last date of the event covered by the personal bonds;

- (10) *Other information.* Such other information as the city manager may reasonably require to ensure compliance with this chapter.

(Ord. No. 6998, § 4, 6-18-79)

Sec. 19.5-5. Issuance of permit.

Upon submission of the items required by the preceding section, the filing of the required approvals by the public health officer and the chief of police, and the payment of an application fee of fifteen dollars (\$15.00) for each hour during which the festival will be conducted, not to exceed eight (8) hours in any twenty-four-hour period, the city manager shall issue a permit for the staging,

promoting or conducting of a festival at the time and location named in the application, except that the city manager shall deny the permit if:

- (1) *Prior conviction.* The applicant, any of the persons participating directly or indirectly in the financial backing of the festival, or any of the performers at the festival have been convicted within the last three (3) years preceding the date of this application of a violation of:
 - a. This chapter;
 - b. An ordinance or law of another governmental body regulating festivals and similar activities; or
 - c. An ordinance or law of the city or any other governmental body regulating or prohibiting drugs or narcotics.
- (2) *Prior failure to appear.* A performer scheduled to appear at the festival has failed to appear at three (3) or more separate musical engagements within the year preceding the date of the application, without a lawful contractual defense.
- (3) *False application.* The applicant has made any false representation in the application.

The city manager shall grant or deny the permit within twenty (20) days following the filing of an application.

(Ord. No. 6998, § 5, 6-18-79)

Sec. 19.5-6. Conduct of festivals regulated.

- (a) *Time limit; advertising.* No person staging, promoting, or conducting a festival shall:
 - (1) Permit the festival to continue for more than eight (8) hours in any twenty-four-hour period, or advertise or permit any advertising that the festival will so continue; or
 - (2) Advertise or permit any advertising that a particular performer will appear at a festival until after a contract for the performer's appearance has been executed and a copy thereof has been filed with the city manager.
- (b) *Alcohol, glass on premises.* On the festival premises, no person shall possess:
 - (1) Any beverage containing alcohol of more than one percent by weight; or
 - (2) Any container made of glass.
- (c) *Required appearance.* Unless excused by impossibility of performance or other lawful contractual defense, every person who has contracted to appear at a festival as an entertainer shall appear at the published time or within one hour thereafter.
- (d) *Conduct of festival; damages.* The festival promoter shall be responsible for the orderly and healthful conduct of the festival and for the avoidance of adverse public health and public safety conditions or incidents, and, upon failure to comply, shall respond to the city for all damages proximately resulting therefrom.

(Ord. No. 6998, § 6, 6-18-79)

Sec. 19.5-7. Revocation or suspension of permit.

The city manager may summarily suspend or revoke a permit issued under this chapter for violation of the preceding section or for failure to comply with the plans described in [section 19.5-4](#), as approved, or for making any false representation in an application for a permit or for an exemption certificate.

(Ord. No. 6998, § 7, 6-18-79)

Sec. 19.5-8. Penalties.

It is unlawful and an offense against the city subject to penalties as prescribed in section 1-11 to:

- (1) Conduct, stage or promote a festival without a permit; or
- (2) Fail to comply with the plans described in section 19.5-4, as approved; or
- (3) Violate a provision of section 19.5-6

(Ord. No. 6998, § 8, 6-18-79)

Sec. 19.5-9. Exemption.

- (a) *Attendance affidavit.* The provisions of this chapter shall not apply to a festival if:
 - (1) The promoter files an affidavit that his best estimate of probable attendance at the festival is two thousand (2,000) persons or less, and
 - (2) The city manager concurs in the estimate in writing and issues to the promoter an exemption certificate.
- (b) *Basis of attendance estimate.* Each attendance estimate by the promoter and by the city manager shall be accompanied by a written statement of the basis for the estimate. Each estimate shall be based upon all of the relevant factors known at the time, including, without limitation, past attendance at similar functions having the same and similar performers both in Jacksonville Beach and comparable communities, the price of admission and the extent of advertising and promotion contemplated.
- (c) *Time limit; advertising.* No person staging, promoting or conducting a festival under an exemption certificate pursuant to this section shall permit the festival to continue for more than five (5) hours in any forty-eight-hour period, or advertise or permit any advertising that a festival will so continue.
- (d) *Penalty.* It shall be unlawful and an offense against the city, subject to penalties as prescribed in section 1-11 to violate this section.

(Ord. No. 6998, § 9, 6-18-79)

Sec. 19.5-10. Release of public liability insurance policy.

The city manager is authorized to release the public liability insurance policy provided for in section 19.5-4(7) of this chapter after ten (10) days from the last date in the event for which the policy is given.

(Ord. No. 6998, § 10, 6-18-79)

FOOTNOTE(S):

-- (1) --

Editor's note— Ord. No. 6998, enacted June 18, 1979, did not specifically amend this Code, hence inclusion of §§ 1—10 herein as Ch. 19.5, §§ 19.5-1—19.5-10, was at the discretion of the editor. (Back)

City of

Jacksonville Beach

City Hall

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MEMORANDUM

TO: George D. Forbes, City Manager

THROUGH: Karen Nelson, Human Resources Director

FROM: Ann Meuse, Payroll/Benefits Administrator

SUBJECT: Ordinance numbers 2013-8037, 2013-8038, and 2013-8039 Amending Chapter 2, Article V of Division 6 - Police Officers' Retirement System; Division 7 - Firefighters' Retirement System and Division 5 - General Employees' Retirement System of the Code of Ordinances.

DATE: December 18, 2013

ACTION REQUESTED

Adopt the following ordinances as recommended by the Police Officers', Firefighters' and General Employees' pension boards:

- Ordinance Number 2013-8037, amending Chapter 2, Article V, Division 6, 'Police Officers' Retirement System', of the Code of Ordinances of the City of Jacksonville Beach.
- Ordinance Number 2013-8038, amending Chapter 2, Article V, Division 7, 'Firefighters' Retirement System', of the Code of Ordinances of the City of Jacksonville Beach.
- Ordinance Number 2013-8039, amending Chapter 2, Article V, Division 5, 'General Employees' Retirement System', of the Code of Ordinances of the City of Jacksonville Beach.

The amendments will change the following:

- Allows an increase in the maximum investment in equities from 50% to 65%.
- Changes the measurement of investments in equities from a cost basis to market value.
- Allows for 10% investment in real estate.



Memorandum to George D. Forbes

December 18, 2013

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BACKGROUND

The City of Jacksonville Beach **has three retirement plans**, the General Employees' Retirement System, Police Officers' Retirement System and the Firefighters' Retirement System. Each retirement plan has its own board of trustees, consisting of 5 members. The General Employees' board includes 2 members of the City Council, selected by the City Council.

The boards of trustees are the trustees of the assets of their respective retirement systems and have authority to invest the assets of the retirement systems within the limitations and restrictions imposed by the State of Florida and the City's pension ordinances.

The boards of trustees employ the **Bogdahn Group** to act as their **investment advisor** for their respective retirement plans. The Bogdahn Group recommends investment strategies to the pension boards, which are incorporated into an investment policy that is approved by the boards. These strategies include establishment of **target market allocations** for the investment of the pension plan assets, as defined by the plans' investment policy and **investment limits** that are established by the City's pension ordinances.

At a special joint meeting of the pension boards of trustees on October 3, 2013, the Bogdahn group made a recommendation that the boards present the following amendments to the City's pension ordinances to City Council for adoption:

- **Increase the allowable investment in equities from 50% to 70% of the retirement systems assets, and change the measurement of the percentage invested from a cost basis to a market basis.**
- **Change the allowable investments to include real estate up to 10% of the retirement system assets.**

The boards of trustees authorized the pension plans' attorney to prepare draft ordinances to reflect the proposed changes and approved the draft ordinances at their regularly scheduled quarterly meeting November 12, 2013.

Memorandum to George D. Forbes

December 18, 2013

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At the December 16, 2013 City Council workshop, the City Council directed staff to prepare pension ordinances for the General Employees, Police Officers and Firefighter retirement systems that would:

- Require the use of market value rather than cost for the measurement of the pension plans' investments.
- Increase the allowable investment in equities from 50% to 65%.
- Allow investment in real estate limited to 10% of the retirement system assets.

Attached are a summary of the recommendations made by the Bogdahn Group and pension ordinances with changes as directed by the City Council at the City Council workshop December 16, 2013.

Summary of the issues before the Council are as follows:

Amendments to Pension Ordinances	Existing Pension Ordinances	Board of Trustees Recommended Amendments	City Council Directed
Measurement of Maximum Investment in Equities	Cost	Market	Market
Maximum Investment in Equities	50%	70%	65%
Allowable investment in Real Estate	No	Yes	Yes
Maximum Investment in Real Estate	N/A	10%	10%

Memorandum to George D. Forbes

December 18, 2013

Page 4 of 4

RECOMMENDATION

1. Adopt Ordinance Number 2013-8037, amending Chapter 2, Article V, Division 6, 'Police Officers' Retirement System', of the Code of Ordinances of the City of Jacksonville Beach to allow for changes in the investment policy for the Police Officers' pension plan.
2. Adopt Ordinance Number 2013-8038, amending Chapter 2, Article V, Division 7, 'Firefighters' Retirement System', of the Code of Ordinances of the City of Jacksonville Beach to allow for changes in the investment policy for the Firefighters' pension plan.
3. Adopt Ordinance Number 2013-8039, amending Chapter 2, Article V, Division 5, 'General Employees' Retirement System', of the Code of Ordinances of the City of Jacksonville Beach to allow changes in the investment policy for the General Employees' pension plan.

MEMORANDUM

FROM: The Bogdahn Group;
Daniel Johnson and Troy Brown, CFA
TO: City of Jacksonville Beach (Pension Plan Ordinance Review)
DATE: December 16, 2013
RE: Summary of Proposed Pension Ordinance Revisions

The following is a summary of the proposed ordinance revisions for the City of Jacksonville Beach Retirement System ("the Pension Plan"). These changes encompass two distinct investment concepts as prepared by the legal counsel on behalf of the Pension Plan. We have separated these concepts into a discussion of the "Equity Basis Change" and the introduction of "Real Estate" as a permissible investment in the Pension Plan.

Equity Basis Change

We are recommending a change in the measurement of the Pension Plan's equity exposure from a "cost" to a "market" value basis. This change is consistent with current pension practices as it provides an increased level of transparency and risk control through the elimination of subjective cost basis measurement. For example, if an investment asset is purchased and held (not sold), the cost basis of the asset never changes. As a result, if this asset appreciates in value, its cost measurement as a percentage of the portfolio's overall value will actually decrease, implying less risk due to the appreciation. However, it should be clear that the increase in asset value represents an increase in risk. The use of market value basis for measurement eliminates this risk anomaly as equity exposure will be measured on a transparent, non-subjective basis.

It is also important to note that this measurement change does not, in and of itself, introduce more risk to the Pension Plan. As a result, the numerical change from "50% at cost" to "70% at market" should not be interpreted as an upward shift in risk, but rather as a change in the basis of measurement. In addition, the 70% level should not be interpreted as the Pension Plan's target exposure to equity; it represents the maximum allowable allocation. The Pension Plan's proposed target allocation to total equity exposure is 60%.

In conclusion, the change to a market-value based equity constraint in the ordinance will provide greater transparency and risk control of the Pension Plan than the current cost constraint.

Real Estate

We are recommending the allowance of professionally managed, private real estate ("real estate") as an allowable investment for the Pension Plan. While we have used real estate investments with multiple clients as a diversification tool and a reasonable proxy for bonds for a number of years, given today's low interest rate environment and the resulting prospect for lower bond returns going forward, this diversification is increasingly important.

The Pension Board of Trustees (“the Board”) reviewed the landscape of real estate as an income enhancement vehicle and a viable diversification tool for the overall Pension Plan over the long-term and in today’s market environment. Given this review, the Board would like to consider a strategic allocation to real estate. In order to have a measurable impact on the Pension Plan, we are proposing a target allocation of 5%. With this target recommendation, the Board would impose a maximum market value allocation to real estate of 10%. The 10% maximum allocation would allow a reasonable level of appreciation relative to the 5% target.

In conclusion, given the diversification opportunity provided by real estate coupled with the prospect of lower fixed income returns going forward, we are recommending the inclusion of real estate as an allowable investment in the Pension Plan with a maximum allocation of 10%. Allowing this diversification into real estate will provide the Pension Plan with an increased probability to prudently achieve its objectives within the guidelines of its investment policy.

Summary

The Pension Boards and their investment professionals are fiduciaries to the Pension Plan. As such, our main task is to administer the fund for participants and beneficiaries. We believe it is prudent for each Board to request the additional flexibility outlined in the ordinance changes to more efficiently administer the investments of the Pension Plan and to continue achieving its investment goals and objectives. We recommend the Council approve the proposed revisions to the ordinance.

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

ORDINANCE NO. 2013- 8037

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 6, 'POLICE OFFICERS' RETIREMENT SYSTEM' OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Board of Trustees of the City of Jacksonville Beach Police Officers' Retirement System, at its meeting on October 3, 2013, received recommendations from its Investment Consultant that the code of ordinances governing the Retirement System be amended to permit for greater exposure to equities as well as investment in alternative investment vehicles such as commingled trusts and real estate; and

WHEREAS, based on current and anticipated market conditions, such modifications are reasonably necessary to generate positive returns going forward and achieve actuarial investment assumptions maintaining the viability of the Retirement System; and

WHEREAS, The Board of Trustees, has requested and approved such amendments pursuant to said recommendations as being in the best interests of the participants and beneficiaries of the Retirement System; and

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

SECTION 1. That Section 2-163.28 of the City of Jacksonville Beach Code of Ordinances shall be hereby amended as follows:

Sec. 2-163.28. – Investment of retirement system assets.

The board of trustees shall have full power and authority to invest and reinvest such moneys and assets, subject to all terms, conditions, limitations, and restrictions imposed by the State of Florida on the investments of public employee retirement systems, by investing ~~at cost~~ on a market value basis up to sixty five (65) ~~fifty (50)~~ percent of the retirement system's assets in equities (common stocks or capital stocks) as well as allowing for the investment of up to twenty-five (25) percent of plan assets in foreign securities on a market-value basis. The Board of Trustees may invest up to ten percent (10%) of the retirement system's assets, on a market value basis, in real estate. The Board of Trustees shall invest and reinvest such moneys in those securities or in that property, real or personal, wherever situated, as the trustee shall deem advisable, including but not limited to, stocks, common or preferred, bonds, mortgages, trusts, and other evidences of indebtedness or ownership. The board of trustees shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in Section 215.473, Florida Statutes, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in such company beginning January 1, 2010 and shall thereafter be prohibited from purchasing or holding such securities. The divestiture of any such security must be completed by September 30, 2010. In accordance with Ch. 2009-97, Laws of Florida, no person may bring any civil, criminal, or administrative action against the board or any employee, officer, director, or advisor of such board based upon the divestiture of any security pursuant to this paragraph. The board of trustees may employ investment managers to manage, invest, and reinvest the assets of the retirement system. Such investment managers shall be a named fiduciary with respect to the retirement system, provided the retirement system's assets are in a separately managed account, and shall so acknowledge in writing. All moneys and assets of the retirement system shall be held and invested for the sole purpose of meeting disbursements authorized in accordance with the provisions of this retirement system and shall be used for no other purposes. The board of trustees may engage a custodian to hold the funds and securities of the retirement system. Said custodian shall be a qualified public depository as defined in Section 280.02, Florida Statutes. In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board of trustees and the investment managers shall exercise care, skill, prudence, and diligence, under the circumstances then prevailing, that a person of

prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character with like aims.

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent that same may be in conflict, hereby repealed.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions are declared severable.

SECTION 4. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon enactment.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, MAYOR

Judy L. Bullock, CITY CLERK

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

ORDINANCE NO. 2013-8038

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 7, 'FIREFIGHTERS' RETIREMENT SYSTEM' OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Board of Trustees of the City of Jacksonville Beach Firefighters' Retirement System, at its meeting on October 3, 2013, received recommendations from its Investment Consultant that the code of ordinances governing the Retirement System be amended to permit for greater exposure to equities as well as investment in alternative investment vehicles such as commingled trusts and real estate; and

WHEREAS, based on current and anticipated market conditions, such modifications are reasonably necessary to generate positive returns going forward and achieve actuarial investment assumptions maintaining the viability of the Retirement System; and

WHEREAS, The Board of Trustees, has requested and approved such amendments pursuant to said recommendations as being in the best interests of the participants and beneficiaries of the Retirement System; and

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

SECTION 1. That Section 2-164.28 of the City of Jacksonville Beach Code of Ordinances shall be hereby amended as follows:

Sec. 2-164.28. – Investment of retirement system assets.

The board of trustees shall have full power and authority to invest and reinvest such moneys and assets, subject to all terms, conditions, limitations, and restrictions imposed by the State of Florida on the investments of public employee retirement systems, by investing ~~at least~~ on a market value basis up to sixty five (65) ~~fifty (50)~~ percent of the retirement system's assets in equities (common stocks or capital stocks) as well as allowing for the investment of up to twenty-five (25) percent of plan assets in foreign securities on a market-value basis. The Board of Trustees may invest up to ten percent (10%) of the retirement system's assets, on a market value basis, in real estate. The Board of Trustees shall invest and reinvest such moneys in those securities or in that property, real or personal, wherever situated, as the trustee shall deem advisable, including but not limited to, stocks, common or preferred, bonds, mortgages, trusts, and other evidences of indebtedness or ownership. The board of trustees shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in Section 215.473, Florida Statutes, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in such company beginning January 1, 2010 and shall thereafter be prohibited from purchasing or holding such securities. The divestiture of any such security must be completed by September 30, 2010. In accordance with Ch. 2009-97, Laws of Florida, no person may bring any civil, criminal, or administrative action against the board or any employee, officer, director, or advisor of such board based upon the divestiture of any security pursuant to this paragraph. The board of trustees may employ investment managers to manage, invest, and reinvest the assets of the retirement system. Such investment managers shall be a named fiduciary with respect to the retirement system, provided the retirement system's assets are in a separately managed account, and shall so acknowledge in writing. All moneys and assets of the retirement system shall be held and invested for the sole purpose of meeting disbursements authorized in accordance with the provisions of this retirement system and shall be used for no other purposes. The board of trustees may engage a custodian to hold the funds and securities of the retirement system. Said custodian shall be a qualified public depository as defined in Section 280.02, Florida Statutes. In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board of trustees and the investment managers shall exercise care, skill, prudence, and diligence, under the circumstances then prevailing, that a person of

prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character with like aims.

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent that same may be in conflict, hereby repealed.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions are declared severable.

SECTION 4. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon enactment.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, MAYOR

Judy L. Bullock, CITY CLERK

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

ORDINANCE NO. 2013-8039

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 5, 'GENERAL EMPLOYEES' RETIREMENT SYSTEM' OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Board of Trustees of the City of Jacksonville Beach General Employees' Retirement System, at its meeting on October 3, 2013, received recommendations from its Investment Consultant that the code of ordinances governing the Retirement System be amended to permit for greater exposure to equities as well as investment in alternative investment vehicles such as commingled trusts and real estate; and

WHEREAS, based on current and anticipated market conditions, such modifications are reasonably necessary to generate positive returns going forward and achieve actuarial investment assumptions maintaining the viability of the Retirement System; and

WHEREAS, The Board of Trustees, has requested and approved such amendments pursuant to said recommendations as being in the best interests of the participants and beneficiaries of the Retirement System; and

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

SECTION 1. That Section 2-162.28 of the City of Jacksonville Beach Code of Ordinances shall be hereby amended as follows:

Sec. 2-162.28. – Investment of retirement system assets.

The board of trustees shall have full power and authority to invest and reinvest such moneys and assets, subject to all terms, conditions, limitations, and restrictions imposed by the State of Florida on the investments of public employee retirement systems, by investing ~~at cost~~ on a market value basis up to sixty five (65) ~~fifty (50)~~ percent of the retirement system's assets in equities (common stocks or capital stocks) as well as allowing for the investment of up to twenty-five (25) percent of plan assets in foreign securities on a market-value basis. The Board of Trustees may invest up to ten percent (10%) of the retirement system's assets, on a market value basis, in real estate. The Board of Trustees shall invest and reinvest such moneys in those securities or in that property, real or personal, wherever situated, as the trustee shall deem advisable, including but not limited to, stocks, common or preferred, bonds, mortgages, trusts, and other evidences of indebtedness or ownership. The board of trustees shall identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in Section 215.473, Florida Statutes, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in such company beginning January 1, 2010 and shall thereafter be prohibited from purchasing or holding such securities. The divestiture of any such security must be completed by September 30, 2010. In accordance with Ch. 2009-97, Laws of Florida, no person may bring any civil, criminal, or administrative action against the board or any employee, officer, director, or advisor of such board based upon the divestiture of any security pursuant to this paragraph. The board of trustees may employ investment managers to manage, invest, and reinvest the assets of the retirement system. Such investment managers shall be a named fiduciary with respect to the retirement system, provided the retirement system's assets are in a separately managed account, and shall so acknowledge in writing. All moneys and assets of the retirement system shall be held and invested for the sole purpose of meeting disbursements authorized in accordance with the provisions of this retirement system and shall be used for no other purposes. The board of trustees may engage a custodian to hold the funds and securities of the retirement system. Said custodian shall be a qualified public depository as defined in Section 280.02, Florida Statutes. In exercising its discretionary authority with respect to the management of the moneys and assets of the retirement system, the board of trustees and the investment managers shall exercise care, skill, prudence, and diligence, under the circumstances then prevailing, that a person of

prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character with like aims.

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent that same may be in conflict, hereby repealed.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions are declared severable.

SECTION 4. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon enactment.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, MAYOR

Judy L. Bullock, CITY CLERK

MEMORANDUM

City of
Jacksonville Beach
City Hall
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Phone: 904.247.6231
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Planning@jaxbchfl.net

To: George D. Forbes, City Manager

From: Steven G. Lindorff, Planning and Development Director 

Re: Ordinance No. 2013-8041, amending Chapter 12 of the Code of Ordinances of Jacksonville Beach by establishing definitions and regulations related to mobile food vending businesses, and by providing an expiration date for same.

Date: January 7, 2014

ACTION REQUESTED:

Adoption of Ordinance No. 2014-8041 amending Chapter 12, Food and Food Products, of the Code of Ordinances of Jacksonville Beach, to provide new definitions, regulations, and permitting requirements related to *Mobile food vendors* and *Mobile food vending vehicles*, and to provide an expiration date for same. (Applicant – Steve Lindorff, Planning and Development Director)

BACKGROUND:

Beginning in the summer of 2011, the Planning & Development Department began studying how other cities were dealing with the burgeoning food truck business. Through the excellent work of a planning intern, the regulations from over 25 jurisdictions were collected and evaluated. From this information, a draft ordinance was developed and the e-mail-based public comment process was initiated. The Department received a total of 121 responses to our request for input on the proposed ordinance. The outcome was overwhelmingly in favor of allowing mobile food vendors to operate within the City (115 for vs. 6 against).

On June 11, 2013, a City Council workshop was held to hear the results of the e-mail survey, discuss the draft ordinance, and determine a direction to proceed. The proposed ordinance defined "mobile food vendor", established where and how many would be allowed, set location and separation requirements; and provided standards for signage, noise, hours of operation, waste management; and licensing and permit requirements.

As a result of the comments received at the June 11 workshop, the following revisions were made to the draft ordinance:



- A definition for the now-required “Commissary” was added.
- The definitions for “Mobile Food Cart”, “Mobile Food Vehicle”, and “Mobile Food Vendor” were revised for clarity.
- The location requirements were revised to limit the number of vendors to one on lots with 6,000–43,559 sf. of area and two for lots with over 43,560 sf. of area.
- The term of a permit is the same as the sunset date for the mobile food vending ordinance (April 30, 2015), the permit must be posted on the unit, and routine inspections may be performed by regulatory agencies.
- Vendors may have seating, but not if it reduces the number of parking spaces required for the principal use on the site.
- The unit cannot be stored overnight on the permitted site.
- The Lot Owner Permit is eliminated. The mobile food vendor must provide written authorization from the lot owner.
- The application requirements have been expanded to more clearly state what must be provided, including proof of insurance. A sunset date has been added.

A second workshop was held on November 4, 2013. As a result of the comments received at that workshop, the following revisions were made to the draft ordinance:

- The proposed definition for a “Mobile Food Cart” has been deleted and only Mobile Food Vending Vehicles are allowed.
- The definition of a “Mobile Food Vehicle” was replaced with a definition of a “Mobile Food Vending Vehicle” was substituted. The new definition closely mirrors the definition contained in the State of Florida administrative rules governing mobile food dispensing vehicle and theme park food carts [Chapter 61C-4.0161, FAC].
- A paragraph that would allow conforming vehicles to eliminate the requirement for a commissary was removed. Since the proposed amendments require the mobile food vending vehicle to be removed daily, an approved commissary is needed.
- The requirement that vendors demonstrate that any seating provided cannot reduce the number of parking spaces required for the principal use on the site has been eliminated.
- The provision of a sunset date has not been changed. The April 2015 timeframe would allow sufficient time to start-up the application process in time to give the food truck approximately one year as a trial period.

Collectively, the above revisions are represented in the attached ordinance, No. 2014-8041.

Staff has also prepared two other ordinances in conjunction with this ordinance. They are Ordinance No. 2014-8042, amending the Land Development Code to add Mobile food vendors to the list of permitted uses in certain commercial zoning districts, and Ordinance no. 2014-8043, placing Chapter 12 of the Code of Ordinances under the jurisdiction and authority of the special magistrate to provide for enforcement of the proposed Chapter 12 mobile food vending regulations. Both of these ordinances will be presented for Council consideration in conjunction with the attached ordinance.

RECOMMENDATION:

Adopt Ordinance No. 2013-8041, amending Chapter 12, Food and Food Products, of the Code of Ordinances of Jacksonville Beach, by providing new definitions, regulations, and permitting requirements related to *Mobile food vendors* and *Mobile food vending vehicles*, and by providing an expiration date.

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

ORDINANCE NO. 2014-8041

AN ORDINANCE AMENDING CHAPTER 12, "FOOD AND FOOD PRODUCTS", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A SECTION 12-33, "MOBILE FOOD VENDING" ESTABLISHING DEFINITIONS; LOCATION, PERMIT, AND SEPARATION REQUIREMENTS; SIGNAGE AND NOISE, HOURS OF OPERATION, WASTE MANAGEMENT, LICENSING AND PERMITS REQUIRED, APPLICATION SUBMITTAL REQUIREMENTS, AND ENFORCEMENT PROCEDURES FOR THE OPERATION OF MOBILE FOOD VENDING BUSINESSES IN THE CITY OF JACKSONVILLE BEACH; SETTING AN EXPIRATION ("SUNSET") DATE FOR THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 12 of the Code of Ordinances of the City of Jacksonville Beach, Florida is amended by adding a new Section 12-33 *Mobile Food Vending* which shall read as follows:

Sec. 12-33. Mobile food vending. Where allowed under the permitted use provisions in certain zoning districts as set forth in Division 2 of Article VII of Chapter 34 of the Jacksonville Beach Code of Ordinances, mobile food vendors shall conform to the following conditions:

(1) Definitions.

- a. ***Commissary*** means an approved facility that provides support services for specific required functions of a mobile food vendor. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store, or similar establishment, or any other approved facility where food, containers, or supplies are kept, handled, prepared, packaged, or stored can be considered for approval as a commissary. A private residence may not be used as a commissary.
- b. ***Mobile food vending vehicle*** means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank;

and a means for liquid waste containment and disposal.

- c. **Mobile food vendor** means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

(2) Location, permit, and separation requirements.

- a. Mobile food vendors may be located on a lot having 6,000 square feet or more of area, and containing a principal building or use. The maximum number of mobile food vendors per lot is limited as follows:
 - i. Maximum of one (1) mobile food vendor on lots having 6,000 to 43,559 square feet of area;
 - ii. Maximum of two (2) mobile food vendors on lots having 43,560 or more square feet of area.
- b. Mobile food vending permits, unless sooner suspended or revoked, shall be valid for an initial period that coincides with the expiration date established for this Section.
- c. Approved permits must be attached to the mobile food vending vehicle where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vending vehicle owner and shall list the addresses and parcel identification numbers where the permit is valid.
- d. Routine inspections may be conducted by code enforcement inspectors, building code inspectors, fire inspectors, or police officers on each mobile food vending vehicle at any time and at any frequency deemed appropriate by the City.
- e. Mobile food vending vehicles must be located at least one-hundred (100) feet from the main entrance to any eating establishment or similar food service business and one-hundred (100) feet from any outdoor dining area. This separation requirement shall apply only during the normal hours of operation of the eating establishment or similar food service business or outdoor dining area.
- f. Mobile food vending vehicles are not allowed to be located within a required sight visibility triangle at the intersection of a driveway, alleyway, or public street with another public street as set forth in Chapter 34 of this Code of Ordinances; or within five (5) feet of a public sidewalk, utility box or vault, handicapped ramp, building entrance, or exit or emergency access/exit way; and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Mobile food vending vehicles must be located a minimum distance of fifteen (15) feet in all directions away from a fire hydrant.
- g. Mobile food vending vehicles may not occupy or prevent access to any handicap accessible parking space.

- (3) Signage and noise.** One (1) free-standing sandwich board or A-frame type sign is permitted on private property for each mobile food vendor. The total size of the sign may not exceed forty-two (42") inches in height or thirty-six (36") inches in width. No audio amplification is permitted as part of a mobile food vending operation.

(4) Hours of operation.

- a. Hours of operation are limited to the hours between 7:00 a.m. and 3:00 a.m. unless the designated location on the lot accommodating the mobile food vending vehicle is located within one-hundred and fifty (150) feet of the property line of a dwelling unit in a residential zoning district, in which case the hours of operation are limited to the hours between 7:00 a.m. and 10:00 p.m.
- b. The mobile food vending operator or his or her designee must be present at all times.
- c. The mobile food vending vehicle and any associated outdoor seating must be removed from its permitted locations during impermissible hours of operation; and must not be stored, parked, or left overnight on any public street or sidewalk.

(5) Waste management.

- a. The mobile food vendor is responsible for the proper disposal of waste and trash associated with the permitted operation. City trash receptacles shall not be used for this purpose. At a minimum, vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. Vendors must keep all areas within twenty-five (25) feet of the vehicles and any associated seating areas clean of grease, trash, paper, cups or cans associated with the vending operation.
- b. Liquid waste or grease shall be disposed of at an approved location (for example, an approved commissary) and shall not be placed in tree pits, storm drains, or onto any sidewalk, street, or any other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary or storm sewer systems. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the responsible mobile food vending business will be required to cease operation immediately, clean up the improperly disposed material to the satisfaction of the City, and shall not resume operation until an alternate method of disposal has been approved by the Public Works Department.
- c. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to or within three (3) feet of the mobile food vending vehicle; and all food preparation, storage, and sales/distribution shall be in compliance with all applicable sanitary regulations.

- (6) Licenses and permits required.** For each location, a City of Jacksonville Beach business tax receipt for the mobile food vending business must be obtained; and all required State of Florida, Duval County, and City of Jacksonville Beach permits, licenses, and business tax receipt must be clearly displayed on the mobile food vending unit. Prior to the issuance of a City of Jacksonville Beach mobile food vending business tax receipt, the vendor shall provide evidence of having obtained all applicable State of Florida and Duval County licenses and permits, and obtained approval from the City of Jacksonville Beach Public Works Department for the method for the disposal of grease within an approved grease disposal facility. A mobile food vending business tax receipt shall be renewed annually.

- (7) **Application submittal requirements.** Applications for mobile food vendor permits must include the following information:
- a. Name, address, telephone number, and email address of the applicant and the owner of the vehicle if not the same as the applicant.
 - b. Description of the type of food and/or beverages to be sold.
 - c. Color photograph of the mobile food vending vehicle depicting the current condition of the unit.
 - d. Address of proposed vending site(s), including the property address, property owner's name and telephone number, and the name of the principal business located on the property where applicable.
 - e. Site plan for each proposed vending site, drawn to scale, depicting the following information:
 - i. Total square footage of the property;
 - ii. Location and square footage of the existing principal and accessory use(s), where applicable;
 - iii. Proposed location for the mobile food vending vehicle; and
 - iv. Location of ingress/egress to the site.
 - f. Address of proposed location to store the mobile food vending vehicle when not in use.
 - g. Copies of all permits and business licenses required by the State of Florida and Duval County.
 - h. Notarized commissary agreement confirming the mobile food vendor is operating in conjunction with a licensed commissary in accordance with Florida Statutes, where applicable. All commissaries must be pre-approved by the City prior to issuance of a mobile food vendor permit.
 - i. Notarized affidavit signed by each property owner indicating that the vendor has permission to vend on his or her property. The affidavit must also indicate that the property owner acknowledges the following requirements:
 - i. The property owner shall comply with all ordinances regarding solid waste disposal, and shall provide the vendor access to solid waste collection on the subject property.
 - ii. The property owner shall require that the vendors meet all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding his or her specific business:
 - iii. The property owner shall acknowledge that she/he understands the regulations governing mobile food vendors and shall be held responsible, along with the vendor, for any code violations; and,
 - iv. The property owner shall ensure that the property is continuously maintained in a neat, clean, and orderly manner.
 - j. Proof of business insurance, issued by an insurance company that is licensed to do business in the State of Florida, and which protects the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with mobile food vendor.

(8) Enforcement procedure.

- a. *Revocation.*** If at any time, the State of Florida or Duval County revokes or suspends the issued mobile food vending permit, the City of Jacksonville Beach business tax receipt for the mobile food vending business will be simultaneously revoked or suspended. A mobile food vendor who has his or her permit declared null and void or revoked for any of the reasons set forth in this section shall not be allowed to reapply for a mobile food vending permit for a period of ninety (90) days after the effective date of such action.
- b. *Other violations.*** If at any time evidence is provided that a mobile food vending business is being operated in a way that does not comply with these regulations, a notice of violation shall be issued to the lot owner and mobile food vendor and the violation shall be referred to the Special Magistrate for a hearing and disposition in accordance with the provisions of Article VI *Code Enforcement* of Chapter 2 *Administration* of this Code of Ordinances.

(9) Expiration (“Sunset”) date. This Section shall expire on April 30, 2015 unless the City Council of the City of Jacksonville Beach amends this Section by extending the expiration or repealing this paragraph in its entirety.

SECTION 2. If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases shall remain in effect.

SECTION 3. That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

SECTION 4. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, Mayor

Judy L. Bullock, City Clerk

City of

Jacksonville Beach

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MEMORANDUM

To: George D. Forbes, City Manager

From: Steven G. Lindorff, Planning and Development Director

Re: Ordinance No. 2013-8042, amending the text of the Land Development Code (LDC) by providing definitions for *Mobile food vending vehicle* and *Mobile food vendor*, by adding *Mobile Food Vendors* to the list of permitted uses in C-1, C-2, CS, CBD zoning districts, and by permitting *Mobile Food Vendors* within certain RD and PUD zoning districts.

Date: January 3, 2014



ACTION REQUESTED:

Adoption of Ordinance No. 2014-8042, amending the Land Development Code to add new definitions and to add *Mobile food vendors* as a permitted use in C-1, C-2, CS, CBD, and in existing RD and certain existing PUD zoning districts. (Applicant - Steve Lindorff, Planning and Development Director)

BACKGROUND:

Ordinance No. 2014-8041, under consideration by the City Council, amends Chapter 12, Food and Food Products, of the City's Code of Ordinances to define and regulate mobile food vending businesses. As part of the approval of any new type of business within the city, it is also necessary to address in what locations such a businesses may operate. Staff has drafted the attached ordinance, Ordinance No. 2014-8042, as a companion to Ordinance No. 2014-8041, to specify which zoning districts mobile food vendors can operate in, and to add definitions for *Mobile food vending vehicle* and *Mobile food vendor* to the overall list of definitions in the Land Development Code.

The attached ordinance adds *Mobile food vendors* to the list of permitted uses in C-1, C-2, CS, and CBD commercial zoning districts in the City. It also permits mobile food vendors within existing Redevelopment District: RD districts and



within commercially designated areas of existing Planned Unit Development District: PUD districts. Their permissibility in any future RD or PUD rezonings which may be approved would be considered on a case-by-case basis, as part of the overall review and approval of a specific rezoning application.

The Planning Commission conducted a public hearing on this proposed Land Development Code text amendment on January 13, 2014 and recommended its approval by City Council.

RECOMMENDATION:

Adopt Ordinance No. 2013-8042, amending the text of the Land Development Code to provide definitions for *Mobile food vending vehicle* and *Mobile food vendor*, and to add *Mobile Food Vendors* to the list of permitted uses in C-1, C-2, CS, and CBD zoning districts and to permit same in existing RD and certain existing PUD zoning districts.

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

ORDINANCE NO. 2014-8042

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 ADDING NEW DEFINITIONS AND MOBILE FOOD VENDORS AS A PERMITTED USE IN THE COMMERCIAL LIMITED: C-1, COMMERCIAL GENERAL: C-2, COMMERCIAL SERVICE: CS, CENTRAL BUSINESS DISTRICT: CBD; AND CERTAIN REDEVELOPMENT DISTRICT: RD AND PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICTS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

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

SECTION 1. That Section 34-41 *General* of Article IV *Definitions* of Chapter 34 *Jacksonville Beach Land Development Code* is amended by adding the following new definitions in their proper alphabetic order:

Mobile food vending vehicle means a vehicle-mounted public food service establishment that is either self-propelled or otherwise movable from place to place. A mobile food vending vehicle is further defined as having, as part of the vehicle, a three-compartment sink for washing, rinsing and sanitizing equipment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal tank.

Mobile food vendor means any person or business selling food from a mobile food vending vehicle from which food items are sold to the general public.

SECTION 2. That Paragraph (b) *Permitted Uses* of Section 34-342 *Commercial limited: C-1* of Division 2 *Zoning Districts, Permitted Uses, Accessory Uses, Conditional Uses, Dimensional Standards, Off-Street Parking And Loading Standards, Supplemental Standards, Landscaping Standards, Sign Standards, And Environmental Standards* of Article VII *Zoning Districts* of Chapter 34 *Jacksonville Beach Land Development Code* is amended by adding the following new subparagraph (26):

- (26) Mobile food vendors in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances.

SECTION 3. That Paragraph (b) *Permitted Uses* of Section 34-343 *Commercial general: C-2* of Division 2 *Zoning Districts, Permitted Uses, Accessory Uses, Conditional Uses, Dimensional Standards, Off-Street Parking And Loading Standards, Supplemental Standards, Landscaping Standards, Sign Standards, And Environmental Standards* of Article VII *Zoning Districts* of Chapter 34 *Jacksonville Beach Land Development Code* is amended by adding the following new subparagraph (30):

- (30) Mobile food vendors in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances.

SECTION 4. That Paragraph (b) *Permitted Uses* of Section 34-344 *Commercial service: CS* of Division 2 *Zoning Districts, Permitted Uses, Accessory Uses, Conditional Uses, Dimensional Standards, Off-Street Parking And Loading Standards, Supplemental Standards, Landscaping Standards, Sign Standards, And Environmental Standards* of Article VII *Zoning Districts* of Chapter 34 *Jacksonville Beach Land Development Code* is amended by adding the following new subparagraph (20):

- (20) Mobile food vendors in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances.

SECTION 5. That Paragraph (b) *Permitted Uses* of Section 34-345 *Central business district: CBD* of Division 2 *Zoning Districts, Permitted Uses, Accessory Uses, Conditional Uses, Dimensional Standards, Off-Street Parking And Loading Standards, Supplemental Standards, Landscaping Standards, Sign Standards, And Environmental Standards* of Article VII *Zoning Districts* of Chapter 34 *Jacksonville Beach Land Development Code* is amended by adding the following new subparagraph (25):

- (25) Mobile food vendors in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances.

SECTION 6. That Subsubparagraph (i) of Subparagraph (2) *Permitted Uses* of Paragraph (i) *Standards* of Section 34-347 *Redevelopment district: RD* of Division 2 *Zoning Districts, Permitted Uses, Accessory Uses, Conditional Uses, Dimensional Standards, Off-Street Parking And Loading Standards, Supplemental Standards, Landscaping Standards, Sign Standards, And Environmental Standards* of Article VII *Zoning Districts* of Chapter 34 *Jacksonville Beach Land Development Code* is amended and shall read as follows:

- (i) Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location re-

quested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan, provided that mobile food vendors operating in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances are permitted in Redevelopment District: RD zones that existed on January 1, 2014.

SECTION 7. That mobile food vendors operating in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances are permitted in commercially-designated areas of a Planned Unit Development that existed on January 1, 2014.

SECTION 8. If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases shall remain in effect.

SECTION 9. That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

SECTION 10. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 11. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, Mayor

Judy L. Bullock, City Clerk

MEMORANDUM

TO: George D. Forbes, City Manager

FROM: Steven G. Lindorff, Director of Planning & Development 

SUBJECT: ORDINANCE NO. 2014-8043 – Adding Chapter 12 *Food and Food Products* to list of City Code Provisions under the Jurisdiction and Authority of the Special Magistrate in Section 2-173 *Jurisdiction of the Special Magistrate* of Chapter 2 *Administration* of the Jacksonville Beach Code of Ordinances

DATE: January 7, 2014

ACTION REQUESTED: Approval of Ordinance No. 2014-8043 adding Chapter 12 *Food and Food Products* to the listing of City Code provisions that are subject to a hearing on alleged violations and imposition of punishment by the Special Magistrate.

BACKGROUND:

This ordinance is a companion to Ordinance No. 2014-8041 amending Chapter 12 *Food and Food Products* which provides standards for the operation of mobile food vending units in the City, and Ordinance No. 2014-8042 amending Chapter 34 *Land Development Code* which makes mobile food vending a permitted use on private property in various zoning districts within the City.

Approval of this ordinance is needed to provide a mechanism for conducting hearings and imposing penalties for violations of the provisions relating to mobile food vending under Chapter 12. The Special Magistrate already has the authority to hear cases of violations of the Land Development Code.

RECOMMENDATION:

Adopt Ordinance No. 2014-8043 amending Section 2-173 *Jurisdiction of the Special Magistrate* of Chapter 2 *Administration* of the Jacksonville Beach Code of Ordinances placing the regulation of food trucks under the jurisdiction of the Special Magistrate.

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Introduced By: _____

1st Reading: _____

2nd Reading: _____

ORDINANCE NO. 2014-8043

AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A NEW PARAGRAPH (6) TO SECTION 2-173, “JURISDICTION OF SPECIAL MAGISTRATE” PLACING ENFORCEMENT OF CHAPTER 12 “FOOD AND FOOD PRODUCTS” UNDER THE JURISDICTION AND AUTHORITY OF THE SPECIAL MAGISTRATE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-173 of Chapter 2 of the Code of Ordinances of the City of Jacksonville Beach, Florida is amended and shall read as follows:

Sec. 2-173. Jurisdiction of special magistrate.

(a) Except as otherwise provided in this Code of Ordinances, the special magistrate shall have the jurisdiction and authority to hear and decide alleged violations of the codes of the city, including, but not limited to the following:

- (1) Chapter 3. Advertising.
- (2) Chapter 4. Alcoholic Beverages. Section 4-2 Prohibited Hours of Sale, Consumption, and Service
- (3) Chapter 5. Animals and Fowl, Article I. In General.
- (4) Chapter 6. Beaches and Bulkheads, Article I. In General.
- (5) Chapter 7. Buildings and Building Regulations.
- (6) Chapter 12. Food and Food Products.
- (7) Chapter 14. Junked, Abandoned Property.

- (8) Chapter 19. Nuisances.
- (9) Chapter 27. Residential and Commercial Solid Waste Collection, Disposal, and Assessment.
- (10) Chapter 28. Streets, Sidewalks, and Other Public Places.
- (11) Chapter 32. Utilities.
- (12) Chapter 34. Land Development Code.

SECTION 2. If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases shall remain in effect.

SECTION 3. That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

SECTION 4. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED THIS _____ DAY OF _____, 2014.

William C. Latham, Mayor

Judy Bullock, City Clerk