



CITY OF JACKSONVILLE BEACH
FLORIDA

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council on **Monday, August 4, 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 July 21, 2014

2. **ANNOUNCEMENTS:**

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

4. **MAYOR AND CITY COUNCIL:**

- (a) Presentation of Resolution of Esteem to William "Bill" Hillegass

5. **CITY CLERK:**

6. **CITY MANAGER:**

- (a) Authorize the Execution of Closing Documents to Finalize Purchase of Real Property on the East Side of 6th Street South, Near 16th Avenue South
- (b) Authorize the City to Renew the Agreement with Other Water Utilities to Continue the Assessment of Groundwater Resource Sustainability in Northeast Florida
- (c) Award RFP No. 10-1314 for Tower Sites Utilization to the Highest Ranked Respondent *Steel In The Air, Inc.*
- (d) Approve a Draw from the Federal Equitable Sharing Fund for Police Officer Overtime Expenses for Crime Prevention and Community Relations Programs

Memorandum, Mayor and City Council
City Council Agenda for August 4, 2014

- (e) Approve a Draw from Law Enforcement Trust Fund for Crime Prevention Programs, Continued Funding for Part-time Police Volunteer Coordinator, and Police Department Challenge Coins

7. **RESOLUTIONS:**

8. **ORDINANCES:**

ORDINANCE NO. 2014-8059 – First Reading

“AN ORDINANCE AMENDING CHAPTER III, “ELECTIONS”, SECTION 16. “REGULATION OF ELECTIONS”, OF THE CHARTER OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO DELEGATE CANVASSING DUTIES IN CITY ELECTIONS TO THE DUVAL COUNTY CANVASSING BOARD FOR THE PURPOSE OF PROVIDING CONSISTENCY WITH STATE ELECTION LAWS; PROVIDING FOR A REFERENDUM QUESTION; PROVIDING FOR AN ELECTION DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR SEGMENTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.”

ADJOURNMENT TO WORKSHOP ON THE SOUTH BEACH PARKWAY TRAFFIC SAFETY/CONGESTION REDUCTION PROJECT

Respectfully submitted,

/s/George D. Forbes
CITY MANAGER

GDF: jlb
07/30/14

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) 247-6250, ext. 10, no later than 12:00 PM, Friday, August 1, 2014.

**Minutes of Regular City Council Meeting
held Monday, July 21, 2014, 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:

Mayor Latham requested a moment of silence for Council Member Tom Taylor's recently deceased father, Roger Taylor.

Salute to the Flag.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, City Attorney Susan Erdelyi, and City Clerk Judy Bullock.

APPROVAL OF MINUTES

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

- Regular City Council Meeting held June 16, 2014

ANNOUNCEMENTS

Council Member Keith Doherty –

- Mr. Doherty stated that he had been contacted about the condition of the Dog Park. He explained that the grass was dead, the fountain was not working, and the park was in very poor condition. Mr. Doherty suggested that a sprinkler system be installed, the sod replaced or some type of synthetic material be used, the fountain replaced or repaired, and the park be restored, especially since the City charges a membership fee for its use.
- Mr. Doherty advised that he had been contacted by some residents regarding the addition of a soccer field and asked if the property north of The Sanctuary could be utilized.

Mayor Latham –

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- Mayor Latham congratulated City staff for a very successful Fourth of July celebration.
- Mayor Latham explained that he had a meeting with Fred McKinnies, President of Jacksonville Housing Authority, and City of Jacksonville Councilmember Bill Gulliford to discuss the “Choice Neighborhood Initiative.” He added that some of the City’s residents have expressed concerns regarding the program and there will be another meeting scheduled in the near future to address those concerns.
- Mayor Latham expressed his gratitude to Fire Chief Gary Frazier on the joint hurricane drill held on July 10, 2014, with the City of Neptune Beach, City of Atlantic Beach, and City of Jacksonville participating with Jacksonville Beach to have plans in place, should they be needed.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Sandy Golding, 1203 North 18th Avenue, Jacksonville Beach

Ms. Golding stated that she had requested a copy of the audio recording of a recent council meeting and she was unable to hear many of the councilmembers comments because they did not have their microphones on. Ms. Golding also suggested that the City consider posting the audio and/or video of council meetings on the web.

MAYOR AND CITY COUNCIL

(a) Presentation of WaveMaker Award to Kurtis Loftus

Mayor Latham read and presented the award to Mr. Loftus for his numerous contributions and as an outstanding leader of the community.

Mr. Loftus expressed his appreciation for the award.

(b) Presentation of Certificate of Appreciation to Beaches Girl Scout Troop No. 1202

Mayor Latham read and presented the Certificate of Appreciation to members of Troop No. 1202, for providing service to the community by assembling the Safety Bags for distribution, which teaches children about safety when walking, bicycling, or skateboarding.

City Clerk Judy Bullock displayed the contents of the bags and advised that the target group is children age 12 and under. She added that the items are funded by Florida Department of Transportation and the University of Florida and this is the fourth year the City Clerk’s Office has provided the safety bags.

CITY CLERK

(a) Appointment of One Regular Member and One Alternate Member to the Planning Commission

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Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to appoint one Regular member and one Alternate member to the Planning Commission.

Mr. Forbes advised that the recommendation was to reappoint Mr. Callan to a new four-year term; appoint Mr. Dorson as First Alternate; and appoint one of the applicants as Second Alternate.

Councilmembers concurred with the recommendation to reappoint Mr. Callan for a four-year term and to appoint Mr. Dorson as First Alternate.

Roll call vote to reappoint William Callan to a four-year term (expiring June 30, 2018) on the Planning Commission resulted in all ayes - Doherty, Hartkemeyer, Hoffman, Vogelsang, Wilson, and Mayor Latham. Reappointment was unanimous.

Roll call vote to appoint Lee Dorson as First Alternate on the Planning Commission (to complete Rick Knight's unexpired term, which will expire on January 31, 2015) resulted in all ayes - Hartkemeyer, Hoffman, Vogelsang, Wilson, Doherty, and Mayor Latham. The appointment was unanimous.

Motion: It was moved by Mr. Doherty, seconded by Mr. Vogelsang, to appoint Britton Sanders as Second Alternate on the Planning Commission (to complete Lee Dorson's unexpired term, which will expire on January 31, 2015).

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

(b) Appointment of Two Regular Members to the Board of Adjustment

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to appoint two Regular members to the Board of Adjustment.

Mayor Latham reviewed the recommendation to reappoint John Moreland to a new four-year term, which will expire on August 6, 2018; and to reappoint Thomas Buck to a second four-year term, which will expire on August 6, 2018.

Councilmembers concurred with the recommendation to reappoint Mr. Moreland and Mr. Buck to new four-year terms.

Roll call vote to reappoint Mr. Moreland resulted in all ayes – Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham. Reappointment was unanimous.

Roll call vote to reappoint Mr. Buck resulted in all ayes – Wilson, Doherty, Hartkemeyer, Hoffman, Vogelsang, and Mayor Latham. Reappointment was unanimous.

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CITY MANAGER

(a) Monthly Financial Reports – Month of June 2014

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

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

(b) Acceptance of the Local Justice Assistance Grant (JAG) No. 2014-H2977-FL-DJ, in the Amount of \$15,539

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to approve the acceptance of Justice Assistance Grant in the amount of \$15,539 for traffic radars, and in-car video equipment, as described in a memo from Chief Dooley, dated July 7, 2014.

Mr. Forbes explained that the grant would be used for one in-car audio/visual unit to be used by one of the City's traffic officers; and three radar units, with one being a laser unit.

A brief discussion ensued regarding certification of police officers in the use of radar units, the type of grant, and existing equipment.

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

(c) Award Bid No. 1314-07 for SF6 145kV, 40kA Transmission Gas Circuit Breakers

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to award Bid No. 1314-07 for SF6 145kV, 40kA transmission gas circuit breakers to *Alstom Grid*.

Mr. Forbes advised that the City has eight transmission line oil circuit breakers in service that are over thirty years old and are at the end of their useful life. He added that parts are no longer commercially available to make repairs on the equipment. The recommendation is to replace four of the units this year and the remaining four units next year.

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

(d) Award Bid No. 1314-08 for the Supply of Unleaded Gasoline and Diesel Fuel to the Lowest Qualified Bidder, *James River Solutions*

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to award Bid No. 1314-08 for the supply of Unleaded Gasoline and Diesel Fuel to *James River*

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Solutions, as described in the memorandum from the Purchasing Administrator, dated July 7, 2014.

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

RESOLUTIONS

ORDINANCES

(a) ORDINANCE NO. 2014-8057 – Second Reading

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

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 7, FIREFIGHTERS’ RETIREMENT SYSTEM, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, AMENDING SECTION 2-164.2, DEFINITIONS; AMENDING SECTION 2-164.7, NORMAL RETIREMENT CONDITIONS; AMENDING SECTION 2-164.8, VESTED TERMINATION OF MEMBERSHIP; AMENDING SECTION 2-164.9, AMOUNT OF A PENSION; AMENDING SECTION 2-164.19A, EARLY RETIREMENT; AMENDING SECTION 2-164.20, MEMBER CONTRIBUTIONS; AMENDING SECTION 2-164.31, RESERVE FOR PENSION PAYMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.”

Mr. Forbes explained that the City has successfully negotiated pension reform with the General Employees’, Police Officers’, and Firefighters’ union. The City strives to maintain a fiscally responsible retirement system and the ordinance amends the Firefighters’ Retirement Plan to reflect the pension reform changes.

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8057, amending Chapter 2, Article V, Division 7, ‘Firefighters’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach, on its second reading.

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

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

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

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

Mayor Latham read the following for the record:

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

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

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

Public Hearing

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

Applicant/Agent:

Steven Diebenow, One Independent Drive, Suite 1200, Jacksonville Florida, stated that he was present on behalf of the applicant.

Mr. Diebenow’s presentation included PowerPoint slides and a printed copy was distributed to councilmembers (copy on file). He added that Tony Perez, General Manager of Surfer Magazine was present and would address the Council.

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Mr. Diebenow stated that the proposed project fits in with what the City is trying to achieve through the use of consultants in the Central Business District. He added that this would be the first “Surfer” [The Bar] in the continental U.S., as the only one is located in Oahu, Hawaii. Mr. Diebenow stated that addition of this business would make Jacksonville Beach a *Destination*. He advised that the applicants are not asking for any incentives, or for relief from the signage code or parking requirements. In addition, the proposed project would be a tremendous improvement over what exists today. It would be a mixed-use project and would bring pedestrians back to the area. Mr. Diebenow added that the Community Redevelopment Agency has approved the project and the Planning Commission voted to recommend approval of the project, with a few conditions, which provides competent and substantial evidence to support the application.

Mr. Diebenow then described the proposed project. They are not adding another bar, but using one of the liquor licenses available in the City and stated that the number of 4COP Licenses are based on population and can increase if the population increases. The project will meet the parking requirements and the prospective owners of the business are committed to bettering the community. Surfer, The Bar, will offer lunch and dinner daily via a permanent food truck and there will be food preparation areas inside the business. Customers can access the food truck and patrons can choose to dine inside the building or on the rooftop. He added that the business would provide a family-friendly environment and provide a common gathering space for sharing stories or listening to live music.

Mr. Diebenow reviewed the hours of operation (11:00 a.m. to 2:00 a.m.), explained that 35 to 40 percent of revenues will be from the sale of food. He then went over the technical changes being requested. The first would be for Council to allow the business to be built, even though it would be within 500 feet of a similar existing establishment (Land Development Code 34-393(2)) (Surfer, The Bar, would be within 190 ft. of Lynch’s Irish Pub and approximately 463 ft. of Bo’s Coral Reef).

They are also requesting Council approval for an exterior/interior ratio of approximately 45%, which would be about 3,400 sq. ft. The existing Land Development Code (LDC 34-407(b)), allows the outdoor customer service area not to exceed 20% of the first 3,000 sq. ft. of enclosed area, plus 10% of enclosed sq. ft. over 3,000. He added that there would be no amplified music or live bands outside, only televisions facing the structure. At this time, Mr. Diebenow requested that Tony Perez, General Manager of Surfer Magazine, address the Council.

Tony Perez, General Manager of Surfer Magazine, 319 Lugonia Street, Newport Beach, California, spoke in favor of the project.

Mr. Perez stated, if approved, this location would be the first in the contiguous United States. He explained that they have Talk Story, family movies on Friday evenings, acoustical music, etc. and raise money for numerous charities. It was noted that the location in Hawaii is at a large resort with retail stores.

Speakers -

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

- Joseph Loretta, 1887 Green Heron Court, Jacksonville Beach, spoke in favor.
- Mike Stang, 1020 North 19th Street, Jacksonville Beach spoke neither in favor of nor in opposition. He advised that he had concerns regarding the parking.
- Daniel Terry, 11369 Canvas Back Court, Jacksonville, spoke in favor.
- Dane Jefferys, 720 Bonita Road, Atlantic Beach, spoke in favor.
- Eddie Berrang, 102 North 6th Avenue, Jacksonville Beach, spoke in favor.

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

- Grady Hale, 61 Fairway Lane, Jacksonville Beach
- Leah Walker, One Independent Drive, Ste. 1200, Jacksonville
- Tom Rady, 527 Davis Street, Neptune Beach
- Jeff Crego, 2093 Hidden Cove Creek, Atlantic Beach
- Rod Mason, 2373 Osprey Lakes Drive, Jacksonville
- Richard Thompson, 408 South 15th Avenue, Jacksonville Beach

Persons wishing to address the Council continued:

- Lee Buck, 136 North 17th Avenue, Jacksonville Beach, spoke in opposition, and asked if the retail space had been increased. Mayor Latham advised that the retail space had been increased from 1,000 ft. to 3,000 ft.
- George Candler, 507 South 16th Avenue, Jacksonville Beach spoke in opposition.
- Paul West, 593 Margaret Street, Neptune Beach, spoke in favor.
- Jim Walker, 120 South 10th Avenue, Jacksonville Beach, spoke in favor.
- Mike Binder, 111 South 25th Avenue, Jacksonville Beach, voiced concerns regarding changing the Code for a single business.
- Holly Smith-Hale, 61 Fairway Lane, Jacksonville Beach, spoke in favor.
- Brenda Shields, 315 North 18th Street, Jacksonville Beach, spoke in opposition and voiced concerns about the lack of a restaurant, if children would be allowed in the establishment, and parking.

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- Fred Jones, 1300 Kings Road, Neptune Beach, spoke in favor and about capping parking.
- Curtis Dvorak, 1031 South 1st Street, #1407, Jacksonville Beach, spoke in favor.
- Lance Folsom, 1022 North 23rd Street, Jacksonville Beach, distributed copies of his e-mails to councilmembers, and spoke in opposition.
- Jim Overby, 21 Burling Way, Jacksonville Beach, spoke in opposition.
- Bruce Thomason, PO Box 50556, Jacksonville Beach, spoke in opposition.

Recess

Mayor Latham advised that there would be a brief recess (9:06 p.m.) and that the public hearing would resume following the recess.

Reconvene

The meeting was reconvened at approximately 9:12 p.m.

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

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

Ms. Erdelyi reminded Councilmembers that if they had any written or personal *ex parte* communications, they are required to disclose the identity of the person and the content of the communication.

Mayor Latham asked Planning and Development Director Steve Lindorff if he would like to address any of the discussion.

Mr. Lindorff advised that Mr. Diebenow had referred to the number of available 4COP liquor licenses, and how they are determined during his presentation. Mr. Lindorff explained that the City Charter has a quota of twelve of these licenses and it is based on the population as of 1950. He added that it is capped at twelve and cannot be increased without amending the City Charter.

Rebuttal of Applicant or Agent

Mr. Diebenow stated that their project meets the parking requirements of twenty-two regular spaces and one handicapped space. This was instead of asking for a parking exception and building a larger structure. He reiterated that the revenue ratio will be approximately 35% from food and 65% from beverages and that does not include the retail income. Twenty-five percent of the structure is dedicated to retail. Additionally they will have about fifty

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employees and will provide adequate security. In addition to the food truck there will be food preparation inside the building. Mr. Diebenow stated that the Community Redevelopment Agency voted four to one that the proposed project meets the City's requirements and the Planning Commission recommended approval of the proposed project.

Close Public Hearing

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

Ex Parte Communications

Mayor Latham read the following statement for the record:

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

Mayor Latham advised that he had filed his communications with the City Clerk, which are available from the City Clerk's Office as a public record.

- December 18, 2013 Mayor Latham met with Robert Tilka and Greg Saig regarding a potential business opportunity for replacing Mangos Bar with a new bar. He invited Mr. Lindorff and Senior Planner Bill Mann to join the meeting. The discussion was in general terms about the proposed bar.
- June 30, 2014, received e-mail from Mr. Diebenow requesting a meeting, which was declined because he has a personal policy of not participating in *ex parte* communications prior to a hearing. The communication had two attachments, which were not opened.
- July 4, 2014, received an e-mail from Lance Folsom (which was distributed to councilmembers earlier in the meeting).
- July 8, 2014, 7:19 p.m. received a text and a phone call from Robert Tilka requesting a lunch meeting, which was declined. Mayor Latham also requested that Mr. Tilka contact him via e-mail, rather than by text.
- July 9, 2014, e-mail from Lance Folsom in opposition.
- July 14, 2014, message from Warren Smith in favor.
- July 15, 2014, message from Stephanie Piraino in opposition.
- July 17, 2014, letter from Brenda Shields in opposition.
- July 20, 2014, message from Lance Folsom on parking.
- July 20, 2014, message from Georgette Dumont in opposition.
- July 15, 2014, letter from Tony Perez, Surfer Magazine, thanking them for their consideration.

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Mayor Latham asked the City Clerk if there were any other communications not covered, to which Ms. Bullock responded there was not.

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

Councilmember Hoffman –

- July 7, 2014, at 9:00 a.m. met with Steve Diebenow at Starbucks in Jacksonville Beach and they discussed the presentation given tonight, layout and design to the building and any changes that had been made.
- July 15, 2014, letter from Tony Perez in support, addressed to the Mayor, and copied to the Councilmembers.
- July 4 and July 20, 2014, received letter from Lance Folsom in opposition.
- July 21, 2014, message from Georgette Dumont in opposition.
- July 21, 2014, Facebook message this a.m. from Terry DeLoach in support.

Councilmember Doherty –

- Received same communications as the Mayor and fellow Councilmembers.
- July 20, 2014, message from Georgette Dumont in opposition.
- July 15, 2014, letter from Tony Perez in support, addressed to the Mayor, and copied to the Councilmembers.
- Telephone conversation with Mr. Saig.
- Meeting with Mr. Tilka.
- July 9, 2014, informal meeting with Mr. Saig and Mr. Tilka to discuss the drawings of the building presented tonight and their vision for the Surfer.

Councilmember Wilson –

- Received same e-mails/messages as received by other Councilmembers.
- Phone call from Robert Tilka
- Request from Mr. Diebenow for a meeting, which she declined.
- No discussions other than requesting a meeting.

Councilmember Hartkemeyer –

- Received same e-mails/messages as received by other Councilmembers.
- 3 e-mails from Lance Folsom
- E-mail from Georgette Dumont
- Phone call from Steve Diebenow asking for a meeting, which he declined.
- Telephone conversation with Steve Lindorff and staff.

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Councilmember Vogelsang –

- June 11, 2014, had lunch with Mr. Diebenow and discussed the plans of the building, as presented tonight, and reviewed the proposed modifications following the Planning Commission meeting.
- Received same e-mails/messages as received by other Councilmembers.

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

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8058, establishing a *Redevelopment District: RD Zoning District* within the City of Jacksonville Beach, Florida, as provided under Chapter 34 of the Land Development Code of the Jacksonville Beach Code of Ordinances. (Applicant – *Surf Works, LLC, c/o Robert Tilka*)

Mayor Latham read the following statement for the record:

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

Mayor Latham opened the floor to the Council for discussion.

Mayor Latham advised that he had extensively reviewed the Land Development Code, Vision Plan, and the Comprehensive Plan and compared the proposed project to the City’s current regulations and that he is opposed to the application, as written, because it does not meet the intent of the Land Development Code and the Vision Plan. Mayor Latham added that he would be open to reconsider the application, after the City has received the recommendations of the consultants, *Hospitality Inc.* and *Retail Strategies*.

Mr. Vogelsang suggested that the application be postponed or tabled to address the concerns or until the consultants’ recommendations are in, rather than vote it down. Mr. Vogelsang asked if the applicant is entitled to another public hearing.

Mr. Forbes responded that there is only one public hearing, but this is only the first reading of the ordinance. Normally, there would be a second reading in two weeks, unless it is postponed, then it would come before the council, at a later date.

Mr. Vogelsang stated that he would be voting in favor of the application, as presented. He added that the Council takes time and consideration in who they appoint to the Community Redevelopment Agency and Planning Commission and by voting against their recommendations, the Council is discounting their knowledge and decisions.

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

Ms. Wilson extended her appreciation for the presentation and stated that she is not sure that this is the right location for the proposed project. She added that the location in Hawaii is part of a very large resort and a destination for surfers. Ms. Wilson stated that she concurred with Mayor Latham.

Ms. Hoffman advised that she is in favor of the location and that it is perfect for an ocean view bar. It is a beautiful building, right on the road, which encourages walkability in the area. Ms. Hoffman stated that this project is something you would see in a city such as San Diego. She added that this hearing has also shown that the City has many outdated regulations and requirements. Due to Mr. Doherty recusing himself and Mr. Taylor's absence, she would like to table the issue so it can be reconsidered at a later date, which would also allow the applicants to address the concerns.

Amended Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to table the issue until Mr. Taylor is present.

Roll call vote: Doherty, abstain; Hartkemeyer, yes; Hoffman, yes; Vogelsang, yes; Wilson, no; Mayor Latham, no. Motion failed with a 3 to 2 vote. (Mr. Forbes explained that the City Charter states that it takes four votes from the Council to pass any action other than to adjourn.)

Mr. Hartkemeyer advised that he also has many of the same concerns as the Mayor. He added that parking is definitely an issue in the downtown area. Mr. Hartkemeyer stated that the design is very appealing, however it is a bar, and he could not support the project.

Mr. Diebenow asked if the applicant could request a deferral, as they would appreciate the opportunity to address the concerns and present the project to the Council again.

Mr. Vogelsang spoke in favor of allowing Mr. Diebenow to take into account the concerns voiced by the Councilmembers and present the project again.

Ms. Wilson commented that there would be a second hearing on the ordinance.

Mr. Forbes advised that this is the only public hearing and if the ordinance were passed on its first reading, it would then go to a second reading.

City Attorney Susan Erdelyi asked if Mr. Doherty's conflict of interest was relevant in the vote to table.

Due the motion to table failing, Ms. Bullock asked if the original motion should be under consideration at this time.

**Minutes of Regular City Council Meeting
held Monday, July 21, 2014**

Mr. Forbes stated that he needs direction from the Council as to when to bring the issue back. Additionally, a motion to table must be to a time certain.

Mayor Latham asked if the public hearing would be repeated.

Mr. Forbes advised that the ordinance would be a first reading, as the public hearing has been held. He added that the applicant would be able to make his presentation and the public would be allowed to speak.

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to table the ordinance for two weeks.

Mr. Forbes advised that the Council packet might be the same as it is now, unless Mr. Diebenow provides any new information very quickly. Otherwise any new information would be distributed at the council meeting.

Mr. Lindorff explained, for continuance of a public hearing or meeting, the law states that the body conducting the hearing or meeting, on its own motion, or at the request of any person, may continue the meeting to a fixed date, time, and place. Additionally, the applicant shall have the right to request and be granted one continuance; however all subsequent continuances shall be granted at the discretion of the body conducting the hearing.

Amended motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, to table the issue for one month (August 18, 2014).

Mr. Diebenow advised that one month would be acceptable.

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

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 10:13 p.m.

Submitted by: Judy L. Bullock
CITY CLERK

Approval:

William C. Latham, MAYOR

Date: August 4, 2014

Resolution of Esteem

Community Redevelopment Agency

William "Bill" Hillegass

Whereas, Bill Hillegass was appointed as a member of the Community Redevelopment Agency by the City Council on May 17, 1993, where he served the citizens and community as its Vice-Chairman from July, 2013 until June, 2014; and

Whereas, the members of the Jacksonville Beach Redevelopment Agency serve as trustees with fiduciary responsibility for the Downtown and South Beach Community Redevelopment District Tax Increment Trust Funds which totaled over \$95.6 Million in redevelopment funds during his tenure; and

Whereas, Mr. Hillegass took these responsibilities seriously, diligently preparing for meetings, and making decisions that brought about great change in the Jacksonville Beach Downtown and South Beach Redevelopment areas;

Whereas, Bill Hillegass served his community during times of tremendous development, which led to dramatic improvements to the quality of life for Jacksonville Beach residents and visitors;

Whereas, Mr. Hillegass was instrumental in accomplishment of the following major improvements:

- Downtown Property Improvement Grant Program
- The Oceanfront Park
- City Property Redevelopment
 - Latham Plaza
 - Latham Plaza Parking
 - New SeaWalk Pavilion
- Reconstructing the SeaWalk from 3rd Avenue North to 6th Avenue North, building the Pier Parking Lot, and extending the length of the Jacksonville Beach Pier
- 4th Avenue South Streetscape Improvement
- Reconstruction of the SeaWalk from Beach Boulevard to 3rd Avenue North
- North 2nd Street Stormwater Improvement Project
- Land Acquisition for Future Redevelopment Uses
- Creation of and multiple phases of the implementation of the Jacksonville Beach Downtown Vision Plan, including landscaping of 3rd Street Medians and New Traffic Signals, North 1st Street destination street construction, and reconstruction of the east-west streets and avenues between Beach Boulevard and 6th Avenue North
- Understanding and utilizing TIF Funds (Tax Increment Funds) for the following South Beach projects:
 - Ocean Cay Land Assembly
 - Paradise Key Land Assembly
 - South Beach Parkway Shopping Center Drainage and Roadway Construction
 - Pier One/World Market Shopping Center and Valencia Condominium Land Assembly
 - Construction of the South Beach Fire Station
 - Construction of South Beach Park and the Community Center

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

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

Authenticated this 4th day of August, A.D., 2014

William C. Latham, MAYOR



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

July 4, 2014

TO: George D. Forbes, City Manager**FROM:** Ty Edwards, Public Works Director**SUBJECT:** Final Approval for Purchase of Real Property,
Lot 21, Block 5, Sea Side Park Subdivision**ACTION REQUESTED:**

Authorize the execution of closing documents to finalize purchase of real property on the east side of 6th Street South near 16th Avenue South. (See attached map.)

BACKGROUND:

Over the past two (2) decades, the Council supported design and construction of many infrastructure projects that included stormwater and drainage components, resulting in major improvements in drainage throughout the City. Even so, since we live on a flat island that is significantly developed, runoff from heavy storms can overwhelm the drainage infrastructure and cause periods of local flooding in low lying areas.

Staff became aware that land in two low lying areas may be available for acquisition. This land consists of a total of eight (8) platted lots. In September 2012, Council authorized the Mayor and City Manager to execute a purchase and sale agreement with the owner of each of these properties with whom the City obtained a mutually agreed price and terms for land purchase, and to bring each executed purchase and sale agreement back to the City Council for final approval.

In March, April and November 2013, Council approved the execution of closing documents on four (4) of these properties. Subsequently for each property, closing occurred and ownership transferred to the City.

The purchase and sale agreement has been executed and the City's pre-closing assessment and survey have been completed for the real property described as:

- Address: 0 South 6th Street
- Description: Lot 21 and a portion of the abandoned right-of-way lying easterly as recorded, Block 5, Sea Side Park Subdivision
- Real Estate #: 179828-0000



The estimated total land acquisition costs for this property are summarized as:

ESTIMATED CITY LAND ACQUISITION COSTS			
Lot 21, Block 5, Sea Side Park Subdivision			
0 South 6 th Street (RE# 179828-0000)			
<u>DESCRIPTION</u>	<u>COST</u>	<u>Pay at Closing</u>	<u>Pay before Closing</u>
• Agreed Purchase Price	\$90,000	\$89,000*	\$1,000*
○ Property Survey	\$500		\$500
○ Phase 1 Environmental Site Assessment	\$1,500		\$1,500
○ Estimated Miscellaneous Costs <i>(such as preparation of closing documents, copies, courier, recording deed, misc. attorney costs)</i>	<u>\$3,000</u>	<u>\$3,000</u>	
• Total Estimated City Closing Costs	\$5,000		
Grand Total Cost:	\$95,000	\$92,000	\$3,000
* \$1,000 Deposit was paid and is held for closing.			
** By City-contracted appraiser, value of the property (as is) = \$97,000.			
The Grand Total Cost of \$95,000 is available in the balance of the Stormwater Enterprise Fund and the FY2014 budget will be adjusted accordingly at year end.			

It is recommended that the Mayor and City Manager be authorized to execute the closing documents to finalize, at the Agreed Purchase Price of \$90,000 plus the Total Estimated City Closing Costs of \$5,000, the City purchase of this real property.

RECOMMENDATION:

Authorize the Mayor and City Manager to execute the closing documents to finalize the purchase of the real property described as Lot 21 and a portion of the abandoned right-of-way lying easterly as recorded, Block 5, Sea Side Park Subdivision, Jacksonville Beach, Florida, as explained in the memorandum from the Public Works Director dated July 4, 2014.

REAL ESTATE NUMBER	ADDRESS	LEGAL DESCRIPTION			
		Line 1	Line 2	Line 3	Lines 4 & 5
• 179828-0000	0 South 6 th Street	12-98 04-3S-29E .172	Sea Side Park	Lot 21, W 6ft CI R/W	Jacksonville Beach Ord # 93-7572, Block 5





City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

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July 8, 2014

TO: George Forbes, City Manager

FROM: Ty Edwards, Public Works

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

ACTION REQUESTED:

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

BACKGROUND:

In June 2009, and subsequently renewed in February 2011, Council approved the City to join with other water utilities in Northeast Florida via a memorandum of agreement. This agreement allows the utilities to combine resources in hiring technical consultant and legal support services for working with the St. Johns River and Santa Fe River Water Management Districts, and the Florida Department of Environmental Protection on groundwater resource sustainability and water supply planning. The utility group is known as the Northeast Florida Utility Coordination Group (Utility Coordination Group). The current agreement ends September 30, 2014. The proposed agreement is for three years, covering fiscal years 2015, 2016, and 2017.

This collaborative effort has been crucial in the utilities' efforts to communicate our concern for using the best science available and developing more accurate groundwater models for water resource sustainability decisions. Meanwhile, other environmental and water resource pressures, such as minimum flow levels for lakes and the impact of withdrawals in adjoining regions, have markedly grown in importance. In addition, other influential groups with different and varying priorities are proactively engaging in these regional discussions and work groups.

Ultimately, it is anticipated that stricter limits for water withdrawals will be set in the future. It is imperative that our region's water utilities maintain a common voice and message as this dialogue continues in order to influence the use of the best science available and the decision processes.



The level of technical and legal consultant effort necessary has increased significantly over the last several months and is anticipated to remain at or above this pace over the next several years. The following water utilities have agreed to continue working together via a new memorandum of agreement (attached) that pays for this increased level of technical consultant and legal support services:

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

The updated memorandum of agreement is attached. It is essentially the same as the past agreements with the annual budgets adjusted as shown below.

JEA will continue as the designee to administer the contracts, utilizing their engineering and legal contracts, with costs reimbursed to JEA by the member utilities based on annual average daily flows. The City's share of the cost will be 1.57%. The estimated annual costs are:

<u>Fiscal Year</u>	<u>Utility Coordination Group</u>	<u>City of Jacksonville Beach</u>
2014 (revised) ¹	\$835,000	\$13,072.47
2015	\$700,000	\$10,958.96
2016	\$700,000	\$10,958.96
2017	<u>\$700,000</u>	<u>\$10,958.96</u>
TOTAL:	\$2,935,000	\$45,949.35

¹ Current FY2014 Total Utility Coordination Group budget is \$500,000.
Current FY2014 City Utility Coordination Group budget is \$7,204.00.

As with the previous two Utility Coordination Group agreements, it is recommended that the City Manager execute this agreement on behalf of the City.

RECOMMENDATION:

Authorize the City Manager to execute the Memorandum of Agreement between the City of Jacksonville Beach and other Northeast Florida Water Utilities to Assess Groundwater Resource Sustainability as described in the memorandum from the Public Works Director dated July 8, 2014.

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

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

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

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

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

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

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

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

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

WHEREAS, the OWNERS, and the City of Green Cove Springs had previously entered into that certain Memorandum of Agreement Between City of Atlantic Beach, Clay County Utility Authority, City of Gainesville, City of Green Cove Springs, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, and St. Johns County to Assess Groundwater Resource Sustainability in Northeast Florida (the "2011 MOA"). The 2011 MOA

was to terminate on September 30, 2014. Upon execution of this Agreement the 2011 MOA shall terminate as of the Effective Date of this Agreement and the parties shall be bound only by this Agreement and not the 2011 MOA.

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

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

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

3. **Limitations.** Prioritization of tasks included in the Scopes and overall direction to consultant and legal service providers will be determined jointly by the OWNERS. Decisions will require at least 5/8 (0.625) majority vote of the OWNERS before JEA directs consultants accordingly. Each OWNER will have one vote. JEA will coordinate regular progress meetings for conference calls and meetings with consultant and legal service providers to provide OWNERS with project status updates and obtain OWNER votes, as needed.

4. **Costs.** OWNERS shall be limited to an overall, combined total cost not to exceed \$2,935,000 over the term of this Agreement (the "Total Costs Amount"). These costs are anticipated to be incurred at approximately \$835,000 for Fiscal Year 2014 and \$700,000 per year for the following full three (3) years of the Agreement (Fiscal Years 2015, 2016 and 2017). Exhibit A contains a draft scope of services for these activities. This scope will be updated and adjusted as needed by the committee. Decisions to add additional services within the Scopes, but subject to and limited by the Total Costs Amount, will require at least a majority vote of the OWNERS. The addition of Scopes above the Total Costs Amount will require written modification of this Agreement and the approval of the OWNERS by at least a 5/8 (0.625) majority vote. In the event that additional Scopes above the Total Costs Amount are so approved, any dissenting OWNER may elect to withdraw from this Agreement in accordance with the requirements of paragraph 10 hereof.

5. **Effective Date.** The Effective Date of this Agreement shall be July 11, 2014.

6. **Reimbursement of Expenses.** OWNERS will reimburse JEA on up to a monthly basis and within 30 days of invoicing by JEA in consideration of this Agreement based on actual costs incurred during the preceding period. Costs to each OWNER will be paid proportionally to

each utility's 2012/2013 total annual average daily flow for the duration of this Agreement, as follows:

Table 1: Revised Total FY 2014 Cost

Owner	2012-2013 AADF (MGD)	Reimbursement (%)	Total FY2014 Cost
City of Atlantic Beach	2.08	1.36	\$ 11,375.53
Clay County Utility Authority	10.91	7.15	\$ 59,708.50
City of Gainesville	22.45	14.72	\$ 122,880.60
City of Jacksonville Beach	2.39	1.57	\$ 13,072.47
JEA	101.87	66.77	\$ 557,518.37
City of Neptune Beach	0.91	0.59	\$ 4,953.85
Town of Orange Park	0.90	0.59	\$ 4,910.22
St. Johns County	11.07	7.26	\$ 60,580.47
Total	152.57	100	\$ 835,000

Note: FY14 total cost includes \$500,000 from 2011 MOA + \$335,000 from this modification

Table 2: Total FY 2015 - FY 2017 Cost

Owner	2012-2013 AADF (MGD)	Reimbursement (%)	Annual Cost	Total FY2015 - FY2017 Cost
City of Atlantic Beach	2.08	1.36	\$ 9,536.37	\$ 28,609.11
Clay County Utility Authority	10.91	7.15	\$ 50,055.03	\$ 150,165.09
City of Gainesville	22.45	14.72	\$ 103,013.67	\$ 309,041.02
City of Jacksonville Beach	2.39	1.57	\$ 10,958.96	\$ 32,876.87
JEA	101.87	66.77	\$ 467,380.67	\$ 1,402,142.01
City of Neptune Beach	0.91	0.59	\$ 4,152.93	\$ 12,458.78
Town of Orange Park	0.90	0.59	\$ 4,116.35	\$ 12,349.05
St. Johns County	11.07	7.26	\$ 50,786.02	\$ 152,358.07
Total	152.57	100	\$ 700,000	\$ 2,100,000

Table 3: Total Cost

Owner	FY2014 Cost	FY2015 - FY2017 Cost	Total Cost
City of Atlantic Beach	\$ 11,375.53	\$ 28,609.11	\$ 39,984.64
Clay County Utility Authority	\$ 59,708.50	\$ 150,165.09	\$ 209,873.58
City of Gainesville	\$ 122,880.60	\$ 309,041.02	\$ 431,921.62
City of Jacksonville Beach	\$ 13,072.47	\$ 32,876.87	\$ 45,949.33
JEA	\$ 557,518.37	\$ 1,402,142.01	\$ 1,959,660.39
City of Neptune Beach	\$ 4,953.85	\$ 12,458.78	\$ 17,412.63
Town of Orange Park	\$ 4,910.22	\$ 12,349.05	\$ 17,259.26
St. Johns County	\$ 60,580.47	\$ 152,358.07	\$ 212,938.54
Total	\$ 835,000	\$ 2,100,000	\$ 2,935,000

JEA will not charge OWNERS any additional fees for contract administration. If any OWNER fails to reimburse JEA for its percentage share, interest shall be assessed at the rate of 8% per year. If an OWNER fails to pay its percentage share for two (2) consecutive months, this MOA shall be void as between JEA and such Defaulting OWNER. Defaulting OWNER shall thereafter cease to be a part of the OWNERS group, and shall not be entitled to attend any meetings, have any vote on matters, and obtain any information or reports prepared by consultants. The Defaulting OWNER shall continue to be liable to JEA for payment of its percentage share of the costs incurred, plus accrued interest. If an OWNER defaults or separates from the group in accordance with paragraph 10, JEA shall re-allocate the reimbursement percentages set forth above, and each OWNER shall thereafter be responsible for the revised percentage of the fees.

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

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

Paul Steinbrecher, PE
 JEA
 21 W. Church St. T-8
 Jacksonville, Florida 32202
 (904) 665-5653
steipk@jea.com

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

Donna Kaluzniak Utility Director City of Atlantic Beach 902 Assisi Lane Atlantic Beach, Florida 32233 (904) 270-2535 dkaluzniak@coab.us	Mark F. Greenwood Plants Division Supervisor City of Neptune Beach 2010 Forest Avenue Neptune Beach, Florida 32266(904) 270-2423 mgreenwood@neptune-beach.com
Tom Morris Executive Director Clay County Utility Authority 3176 Old Jennings Road Middleburg, Florida 32068 (904) 272-5999 tmorris@clayutility.org	Chuck Pavlos Public Works Director Town of Orange Park 2042 Park Avenue Orange Park, Florida 32073 (904) 264-7411 cpavlos@townop.com

<p>Ty Edwards Public Works Director City of Jacksonville Beach 1460A Shetter Avenue Jacksonville Beach, Florida 32250 (904) 247-6219 tedwards@jaxbchfl.net</p>	<p>Bill Young Utility Director St. Johns County 1205 SR 16 St. Augustine, Florida 32084 (904) 209-2700 byoung@sjcfl.us</p>
<p>Ronald Herget Assistant General Manager, Water/Wastewater Systems City of Gainesville 301 SE 4th Avenue Gainesville, Florida 32601 (904) 393-1612 hergetrg@gru.com</p>	

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

9. Additional Parties as OWNERS. OWNERS may be added to the Agreement in the future. Decisions to add additional OWNERS will require at least a 5/8 (0.625) majority vote of the OWNERS. If an OWNER is added, JEA shall re-allocate the reimbursement percentages set forth in paragraph 6 above, and each OWNER shall thereafter be responsible for the revised percentage of the fees. OWNERS may also agree to allow participation of other entities in this collaborative effort without becoming an OWNER and at no cost, but only after unanimous agreement by OWNERS.

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

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

12. Termination. This Agreement shall terminate on September 30, 2017 or upon the completion of the Scopes, whichever shall first occur, unless terminated earlier by the procedures set forth herein. In the event of termination before completion of the Scopes, the OWNERS shall be responsible for their respective shares of services performed to the date of termination, and no compensation previously paid for services performed in accordance with this Agreement shall be refundable by JEA.

Signature Pages Follow:

AGREED TO on this 11th day of July, 2014

Memorandum of Agreement to assess groundwater resource sustainability in Northeast Florida

DATE:

CITY OF ATLANTIC BEACH

Nelson Van Liere
City Manager
City of Atlantic Beach
800 Seminole Rd.
Atlantic Beach, Florida 32233



DATE:

CLAY COUNTY UTILITY AUTHORITY

Tom Morris
Executive Director
Clay County Utility Authority
3176 Old Jennings Road
Middleburg, Florida 32068

DATE:

CITY OF GAINESVILLE

Ronald Herget
Assistant General Manager,
Water/Wastewater Systems
City of Gainesville
301 SE 4th Avenue
Gainesville, Florida 32601

DATE:

CITY OF JACKSONVILLE BEACH

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

DATE:

JEA

P.G. Para
Chief Public Affairs Officer
JEA
21 W. Church Street, T-16
Jacksonville, Florida 32202

DATE:

CITY OF NEPTUNE BEACH

Jim Jarboe
City Manager
City of Neptune Beach
116 First Street
Neptune Beach, Florida 32266

DATE:

TOWN OF ORANGE PARK

Jim Hanson
Town Manager
Town of Orange Park
2042 Park Avenue
Orange Park, Florida 32073

DATE:

ST. JOHNS COUNTY

Michael Wanchick
County Administrator
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

**North Florida Utilities Coordination Group
Summary of Activities and Accomplishments as of June 2014**

Rulemaking Participation

- Participated in several Rule-Making processes, including the statewide Consumptive Use Permit Consistency Rule (CUPCON), which was passed by SJRWMD Board on 6/10/14.

Educational Assistance

- We educated stakeholders and both Water Management Districts on utility concerns, such as the need for long range planning to fund major capital projects – and the need for certainty with regard to the sustainable availability of water for our customers.

SJRWMD Water Supply Plan

- Policy review and technical analysis regarding the proposed Water Supply Plan that includes the entire Northeast Florida Region as a Water Resource Caution Area.

Minimum Flows and Levels (MFLs)

- **Clay/Putnam County MFLs** - We participated in numerous Technical Group, Modeling Group, Implementation Workgroup and Stakeholder committee meetings. Our engineers provided technical and modeling work to:
 - Demonstrate the importance of long-term climatic cycles on water levels and MFLs
 - Provide more scientifically defensible MFLs
 - Develop low cost, feasible solutions
- **Lower Santa Fe and Itchetucknee Rivers MFLs** – Concurrently, NFUCG and our consultants have been working with the Suwannee River Water Management District (SRWMD) along with SJRWMD and the Department of Environmental Protection (DEP) on MFLs for the Lower Santa Fe River and Itchetucknee Rivers and other springs. Similar to our work with the Clay/Putnam MFLs, we have participated in numerous meetings, conducted engineering work and provided information and presentations.
 - NFUCG hired a consultant to conduct an MFL Economic Analysis of SRWMD's proposed prevention/recovery strategy.
 - We provided critical review of the Lower Santa Fe River MFLs and helped DEP develop a feasible Recovery Strategy, with estimated compliance costs
 - Quantified the benefits of Public Supply conservation in North Florida
- **North Florida Regional Supply Partnership** – provided engineering, technical and legal services related to a joint Groundwater Flow Model for the two Water Management Districts. Included work on MFL Prevention/Recovery Strategy.

- **North Florida/Southeast Georgia Model Development** – we helped charter the next generation groundwater model for North Florida and Southeast Georgia. We provided technical review on models showing the effect of withdrawals from the Floridan Aquifer in Southeast Georgia, which impact the North Florida region.

Looking Ahead 2015 through 2017

The NFUCG will continue to work with the two Water Management Districts technically as well as providing policy and legal review of potential regulations. Some of the planned items include:

- Reevaluation of the Clay-Putnam MFLs and Prevention Plan
- Completion of the North Florida Southeast Georgia Groundwater Model
- Technical work on the North Florida Regional Water Supply Partnership Water Supply Plan
 - Demand Projections
 - Water Resources Assessment
 - Strategies and Project Evaluations
 - Apportionment
- Technical review of SRWMD's Union/Bradford County Lake MFLs
- Reevaluation of Lower Santa Fe River MFL and Recovery Strategy
- Springs and Outstanding Florida Water Legislation-technical and legal reviews

City of
Jacksonville Beach

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Jacksonville Beach
FL 32250

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[F] 904.270.1639

www.jacksonvillebeach.org

TO: George D. Forbes
City Manager

FROM: Jason Phitides
Purchasing Administrator

DATE: July 24, 2014

RE: Award RFP for Tower Sites Utilization (RFP# 10-1314)

ACTION REQUESTED:

Award RFP Number 10-1314 for Tower Sites Utilization to the highest ranked respondent **STEEL IN THE AIR, Inc.**

BACKGROUND:

The City owns and manages three (3) sites that are utilized as commercial lease facilities for telecommunications equipment.

Rental agreements are in place on a non-exclusive basis for the lease of wireless space upon two (2) Water Towers and one (1) Monopole Communications Tower located at:

Water Tower 1: 1320 11th Avenue North, Jacksonville Beach, FL 32250

Water Tower 2: 2120 Gordon Avenue, Jacksonville Beach, FL 32250

Monopole Communications Tower: 4400 South Beach Parkway, Jacksonville Beach, FL 32250

The City incurs no cost from the leases, whereas the Tenants are responsible for engineering and structural studies and associated expenses for the placement/operation of their equipment.

Currently there are three (3) Tenants leasing space on the two Water Tower sites and six (6) Tenants leasing space on the Monopole Communications Tower. Tenants include major telecommunications providers such as Verizon, AT&T, Sprint and T-Mobile.

In May 2014, The Purchasing and Procurement Division published RFP 10-1314 soliciting responses from experienced consulting firms to evaluate the aforementioned sites. The scope of services included the following:



1. Evaluate existing tower sites and provide recommendations detailing opportunities to improve asset utilization ensuring highest and best future use.
2. Conduct a market analysis on similar facilities to determine competitiveness and market conditions in the area for tower space.
3. Review existing lease agreement(s) for completeness and competitiveness of facilities.
4. Develop strategies to improve asset utilization, and sustain constant revenue streams/return on investment on each asset.
5. Develop performance benchmarks based on market conditions.
6. Provide a summary of regional market trends, including percent of idle space in the area, identifying new communication services seeking tower space, and an outline of industry trends.

Proposals were mailed to fifteen (15) potential respondents and responses were received from four (4) companies. Proposals were evaluated based on the following five (5) criteria:

1. Prior experience in developing utilization plans for tower sites
2. Qualifications, capability and skill of personnel
3. Methodology and approach to the project
4. Proposed fee/costs to provide the desired services
5. References for similar projects

A multi-department evaluation committee consisting of four (4) City employees representing Property Management, Electrical Engineering, Accounting and Purchasing, each independently evaluated the proposals. A detailed score tabulation is attached. The proposal provided by Steel in the Air, Inc., was the highest ranked when all scores were totaled, and was also the highest ranked by each of the independent evaluator scores.

Total pricing proposed by Steel In The Air is \$20,000. Funding for the Tower Sites Utilization project will be provided from the Leased Facilities Tower/Telecommunications revenues, and be included in the year-end budget mod.

RECOMMENDATION:

Award RFP Number 10-1314 RFP for Tower Sites Utilization to the highest ranked respondent **STEEL IN THE AIR, Inc.**

City of Jacksonville Beach
RFP #: 10-1314
RFP for Tower Sites Utilization

		Total Score Value	City Scope	Colliers Intl.	Navig8	Steel in the Air
EVALUATOR # 1: Diana Pratt						
1	Prior Experience	30	24	18	6	30
2	Personnel Qualifications	15	12	9	3	12
3	Method & Approach	30	24	18	6	30
4	Proposed Fee	15	6	9	15	12
5	Similar References	10	8	6	2	8
Total Score		100	74	60	32	92
RANK			2	3	4	1

EVALUATOR # 2: Don Cuevas						
1	Prior Experience	30	24	24	18	30
2	Personnel Qualifications	15	12	12	12	15
3	Method & Approach	30	18	24	18	30
4	Proposed Fee	15	15	15	15	15
5	Similar References	10	6	8	6	10
Total Score		100	75	83	69	100
RANK			3	2	4	1

EVALUATOR # 3: Kara Mathe						
1	Prior Experience	30	24	24	12	30
2	Personnel Qualifications	15	15	12	9	12
3	Method & Approach	30	18	24	12	30
4	Proposed Fee	15	9	12	15	15
5	Similar References	10	10	8	2	10
Total Score		100	76	80	50	97
RANK			3	2	4	1

EVALUATOR # 4: Jason Phitides						
1	Prior Experience	30	24	18	6	24
2	Personnel Qualifications	15	12	9	3	12
3	Method & Approach	30	24	12	6	30
4	Proposed Fee	15	6	9	15	12
5	Similar References	10	8	8	0	8
Total Score		100	74	56	30	86
RANK			2	3	4	1

GRAND TOTAL SCORES						
1	Prior Experience	120	96	84	42	114
2	Personnel Qualifications	60	51	42	27	51
3	Method & Approach	120	84	78	42	120
4	Proposed Fee	60	36	45	60	54
5	Similar References	40	32	30	10	36
Grand Total		400	299	279	181	375
RANK			2	3	4	1

JACKSONVILLE BEACH

City of

Jacksonville Beach

Police Department

101 Penman Road, South

Jacksonville Beach

FL 32250

Phone: 904.247.6343

Fax: 904.247.6342

www.jacksonvillebeach.org

To: George D. Forbes, City Manager

From: Patrick K. Dooley, Chief of Police

Subject: Draw from the Federal Equitable Sharing Fund for Police Officer overtime instructing Crime Prevention and Community Relation Programs.

Date: July 24, 2014

ACTIONS REQUESTED

Approve a draw from the Federal Equitable Sharing Fund for police officer overtime expenses for crime prevention and community relations programs.

BACKGROUND

The police department has numerous crime prevention and community relation programs scheduled during FY-14-15, as follows:

- Citizen Police Academy, Class XXXIV and XXXV
- Youth Police Academy, Class XVII
- Citizen On Patrol Certification Class
- CITIZEN Police Academy Alumni Association Banquet
- Kids Halloween Party
- Kids Christmas Party
- Kids Fishing Rodeo
- National Night Out

These programs can be presented at a cost of **\$17,100**. This amount includes only police officer overtime costs associated with the programs.

The recommended expenditures meet statutory requirements for the use of these funds.



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RECOMMENDATION

Approve a draw of **\$17,100.** from the Federal Equitable Sharing Fund to expend funds as described in a July 24, 2014, memorandum from Police Chief Dooley entitled, "Draw from Federal Equitable Sharing Fund for Police Officer overtime for Crime Prevention and Community Relation Programs.

Federal Equitable Sharing Expense Sheet FY 14-15

Expense	CPA Class 34	CPA Class 35	COP Class	Halloween Party	Christmas Party	Fishing Rodeo	YPA Class	National Night Out
Sworn Law Enforcement Officer Overtime Salaries	\$6,050	\$6,050	\$750	\$400	\$400	\$750	\$2,000	\$700
Totals	\$6,050	\$6,050	\$750	\$400	\$400	\$750	\$2,000	\$700
 Grand Total	\$17,100							

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1995

To: George D. Forbes, City Manager

From: Patrick K. Dooley, Chief of Police

Subject: Draw from Law Enforcement Trust Fund for Crime Prevention Programs, Continued Funding for Part-time Police Volunteer Coordinator, and Police Department Challenge Coins.

Date: July 24, 2014

ACTIONS REQUESTED

Approve a draw from the Law Enforcement Trust Fund for the following:

1. Equipment and related expenses for ongoing crime prevention and community relations programs;
2. Continue funding the part-time police volunteer coordinator for the Citizen Police Academy Alumni Association and Citizens On Patrol Volunteers; and
3. Purchase police department challenge coins.

BACKGROUND

ACTION 1

The police department has numerous crime prevention and community relations programs scheduled during FY-14-15, as follows:

- Citizen Police Academy, Class XXXIV and XXXV
- Youth Police Academy, Class XVII
- Citizens On Patrol Certification Class
- CITIZEN Police Academy Alumni Association Banquet
- Kids Halloween Party
- Kids Christmas Party
- Kids Fishing Rodeo
- National Night Out

These programs can be presented at a cost of **\$19,110**. This amount includes materials associated with the programs.

ACTION 2

Since April 2007, the City Council has approved annual draws from the Law Enforcement Trust Fund for the position of **part-time police volunteer coordinator**. The position was created to assume some of the extra workload brought about as a result of the growing membership and volunteer activities of the Citizen Police Academy Alumni Association and Citizens On Patrol program.

William (Bill) Ostrowski, a graduate of the Citizen Police Academy (CPA) and member of the CPA Alumni Association, has recently been hired for the position. His day-to-day duties include oversight and scheduling of the Citizens On Patrol volunteer program as well as assisting with Citizen Police Academy classes and Alumni Association activities. Those volunteers provide more than **12,000 hours of service** annually to the police department and other city departments.

Based upon Police Volunteer Coordinator Ostrowski's hourly rate of **\$13.36**, and factoring in scheduled pay increases, the cost to continue funding the part-time position for the period October 1, 2014 - Sept 30, 2015, is approximately **\$13,600**.

ACTION 3

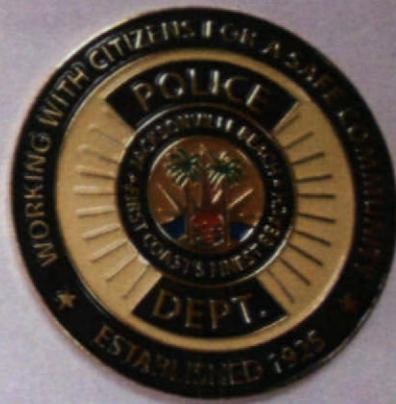
The police department awards the challenge coins to members of the community who assist the police department in a case or investigation. The coins are also given to all Citizen Police Academy graduates and Youth Academy graduates as token of appreciation for their time invested in the police department. The coins are also presented to officers from other law enforcement agencies that provide assistance to Jacksonville Beach through mutual aid or other means.

The total cost of 1000 double sided color coins is **\$3,550**. The last purchase of the Coins was made in 2010.

The recommended expenditures meet statutory requirements for the use of seizure funds.

RECOMMENDATION

Approve a draw of **\$36,260** from the Law Enforcement Trust Fund to expend as described in an July 24, 2014, memorandum from the Police Chief entitled, "Draw from Law Enforcement Trust Fund for Crime Prevention Programs, Continued Funding for Part-time Police Volunteer Coordinator, and Police Department Challenge Coins".



City of

July 30, 2014

Jacksonville Beach

City Hall

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Jacksonville Beach

FL 32250

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MEMORANDUM

TO: The Honorable Mayor and
Members of the City Council

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

SUBJECT: *Ordinance No. 2014-8059 –
Proposing an Amendment to Chapter III, "Elections", Section 16,
"Regulation of Elections," of the Jacksonville Beach City
Charter, to be in Conformity with the General Laws Governing
State Elections, by Officially Delegating the Duties of
Canvassing of Ballots to the Duval County Canvassing Board*

ACTION REQUESTED:

Adoption of Ordinance No. 2014-8059, which proposes an amendment to Chapter III, "Elections", Section 16, "Regulation of Elections", of the City Charter; and calling for a referendum to be on the ballot at the November 4, 2014, Municipal Election.

BACKGROUND:

Dating back to the 1980's, the Duval County Supervisor of Elections and Canvassing Board has had the responsibility of canvassing the ballots cast in our municipal elections. This process was used due to the lack of trained personnel and proper equipment for counting the ballots cast, by the City.

By officially delegating the canvassing responsibilities to the Duval County Canvassing Board, the City will then be consistent with State of Florida Election Laws.

Following the canvassing of ballots, the Duval County Supervisor of Elections will issue an official "Certification of Election" to the City of Jacksonville Beach, for adoption by the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2014-8059, delegating the Canvassing Duties for the City of Jacksonville Beach Municipal Elections, to the Duval County Canvassing Board, to be consistent with the State of Florida Election Laws.

/jlb

Attachment:

Ordinance No. 2014-8059

Memorandum – Ordinance No. 2014-8059

Page 1 of 1



ADDITIONS ARE UNDERLINED

DELETIONS ARE ~~STRIKEOUTS~~

Introduced By: _____

1st Reading: _____

2nd Reading: _____

ORDINANCE NO. 2014-8059

AN ORDINANCE AMENDING CHAPTER III, "ELECTIONS", SECTION 16. "REGULATION OF ELECTIONS", OF THE CHARTER OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO DELEGATE CANVASSING DUTIES IN CITY ELECTIONS TO THE DUVAL COUNTY CANVASSING BOARD FOR THE PURPOSE OF PROVIDING CONSISTENCY WITH STATE ELECTION LAWS; PROVIDING FOR A REFERENDUM QUESTION; PROVIDING FOR AN ELECTION DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR SEGMENTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jacksonville Beach desires to codify its long-standing practice of delegating canvassing duties connected with elections, to the Duval County Canvassing Board, and to provide consistency with State Election laws.

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

SECTION 1. That Part 1, City Charter, Chapter III, "Elections", of the Charter of the City of Jacksonville Beach, Florida, is amended as follows:

Section 16. Regulation of Elections.

The council shall make all needful rules and regulations, not inconsistent with this Charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud. The canvassing board responsibilities for all city elections is delegated to the Duval County Canvassing Board. After all municipal elections, the Duval County Canvassing Board, following all applicable state laws, shall issue an official Certification of Election to the City of Jacksonville Beach for adoption by the City Council. ~~and shall canvass the returns and declare the result thereof.~~ The mayor and newly elected council members shall be sworn in and assume the duties of office at the regular council meeting held on the third Monday of November, unless the election results ~~are~~ have not been certified by the Duval County Canvassing Board, in which case the mayor and council will be sworn in and assume the duties of office at the next regular council meeting following certification.

Except as **herein** otherwise provided **in this Charter** the municipal elections shall be conducted as nearly as practicable in conformity with the general laws governing state elections.

SECTION 2. Election Date. The referendum on this ballot question shall be at the next general election held on November 4, 2014.

SECTION 3. Referendum Question. The following referendum question shall be placed on the ballot for the election in Section 2, above:

CHARTER AMENDMENT NO. 1

DO YOU APPROVE AMENDING CHAPTER III, "ELECTIONS" SECTION 16, OF THE CITY OF JACKSONVILLE BEACH CITY CHARTER TO DELEGATE CANVASSING DUTIES RELATED TO CITY ELECTIONS TO THE DUVAL COUNTY CANVASSING BOARD SO THAT CITY ELECTIONS MAY BE CONSISTENT WITH STATE OF FLORIDA ELECTION LAWS?

_____ YES

_____ NO

SECTION 4. Effective Date. If approved by referendum, this proposed Charter Amendment shall become effective immediately.

SECTION 5. Ordinances in Conflict. All ordinances or segments of ordinances in conflict with this Ordinance are repealed.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then that holding shall in no way affect the validity of the remaining segments of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon its passage.

AUTHENTICATED THIS _____ DAY OF _____, A. D., 2014.

William C. Latham, MAYOR

Judy L. Bullock, CITY CLERK