

ZOOM VIRTUAL MEETING NOTICE**INSTRUCTIONS FOR PUBLIC VIEWING AND PARTICIPATION****CITY OF JACKSONVILLE BEACH CITY COUNCIL MEETING****APRIL 20, 2020, AT 6:00 P.M.****(NO PHYSICAL LOCATION)**

Due to the current restrictions and limitations for social distancing and gatherings surrounding the COVID-19 crisis, the April 20, 2020, City of Jacksonville Beach, City Council meeting will be conducted in a modified manner. The meeting will be conducted virtually, utilizing Zoom technology and webinar capabilities. The City is providing numerous additional technological options for public attendance and participation in the meeting.

The Governor's Executive Order Number 20-69, addressing Local Government Public Meetings, states local government bodies may utilize communications media technology (CMT), as provided in section 120.54(5)(b)2., Florida Statutes. On April 6, 2020, the City of Jacksonville Beach City Council further approved at their public meeting the use of CMT and alternative start times to conduct their Council meetings and briefings.

The following CMT options are available to participate, view and listen to the April 20, 2020, City Council meeting:

1. **View and listen to a Livestream of the meeting online:**
 - Access the meeting by visiting the [City of Jacksonville Beach YouTube Channel: https://www.youtube.com/channel/UCBvNLjCCZtu9PWDV41cR6-Q](https://www.youtube.com/channel/UCBvNLjCCZtu9PWDV41cR6-Q)
2. **Listen to the meeting via phone:**
 - Dial 1-929-205-6099
 - Webinar ID: 859 7666 0933
 - There is no participant ID number. If you are asked for this, press #. When dialing in by phone, your line will be automatically muted for the duration of the meeting, unless you have pre-registered to speak. (Instructions for pre-registration are below.)
3. **Hearing or speech impaired access:**
 - Contact the agency using the Florida Relay Service: 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).
4. **Submit questions and comments concerning a scheduled agenda item or for the Courtesy of the Floor portion of the Agenda:**
 - You may provide written comments by:
 - Emailing the City Clerk, Laurie Scott, at cityclerk@jaxbchfl.net; or
 - Via U.S. mail to City Clerk, City Hall, 11 N. 3rd Street, Jacksonville Beach, FL 32250; or
 - Place a copy of your comments in the drop box at the main entrance of City Hall.
 - Provide your full name and address, and if you are a city business owner, list the business name and address.
 - You may also submit a Public Comment Submission Form on the City of Jacksonville Beach website. Fill out the form at [this link](https://bit.ly/042020cojbmmeeting) to have your comments read during the meeting: <https://bit.ly/042020cojbmmeeting>. Comments on an action item and comments for Courtesy of the Floor will be read into the record. Submissions will be provided to the Council. All Submissions are a public record.

- Written comments will be read into the record at the appropriate time. All other written comments received by the deadline will be distributed to the Mayor and City Council members and the appropriate staff before the start of the meeting. Comments received through these CMT options will be read into the record by the City Clerk or City Attorney. Written comments will be limited to three (3) minutes of reading time.
- Members of the public may also opt to comment via dialing in or utilizing Zoom technology, but to do this, they **must register in advance**. To register, fill out the form at this link: <https://bit.ly/042020cojbregristration>
 - It is requested that members of the public register by noon on Monday, April 20, 2020.
 - Speakers will be limited to three (3) minutes.
 - To either dial in or use Zoom technology, speakers need to ensure they have proper working equipment. For dialing in, a telephone with audio/speaker and microphone capabilities is required. For participation utilizing Zoom technology, smart technology (smartphone/tablet/laptop/desktop) should be equipped with both microphone and speaker capabilities. It is up to each speaker to test the functionality of their equipment before the meeting starts. If the speaker's equipment is not working correctly during the meeting, the speaker will be unable to participate.
 - To check technological requirements and to test your technology, visit the Zoom web site here: <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>
 - To download Zoom applications, click here: <https://zoom.us/download>
 - For the purposes of this meeting, speakers will be clicking “**Download**” under “**Zoom Client for Meetings**” (using a PC or mac) *or* choosing your mobile device platform under “**Zoom Mobile Apps.**”
- The email address and the online comment form will remain open during the meeting to accept comments to be read into the record up until 5 minutes before a particular agenda item is addressed by the Mayor. Public comments for Courtesy of the Floor will be accepted until 5 minutes before the Mayor opens that portion of the meeting.
- For additional information or assistance, please contact the following people prior to the meeting:
 - For public comment questions: Laurie Scott, City Clerk, cityclerk@jaxbchfl.net or (904) 247-6299.
 - For questions on connecting to or using CMT or Zoom for the meeting: Jacob Board, Communications Manager, jboard@jaxbchfl.net, or (904) 247-4036.

NOTICE

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

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



Agenda
City Council

Monday, April 20, 2020

6:00 PM

Via Video Conference

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.

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

20-081 Regular Council Meeting held on April 6, 2020

20-082 Council Briefing held on April 13, 2020

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

20-083 Accept/Reject the Monthly Financial Reports for the Month of March 2020

20-084 Approve/Disapprove a Purchase Order in the Amount of \$56,249 to Fund the Integration Between our Advanced Control Systems SCADA and Responder OMS

- 20-085** Award/Reject Bid No.1920-05 for Fire Retardant Clothing to the Lowest Bidder Meeting Specifications for Each Item
- 20-086** Approve/Disapprove the Purchase of One New Vehicle for the Wastewater Division Resulting in an Assigned Vehicle for the F.O.G. Inspector Contract Coordinator from Bozard Ford LLC, at a Cost of \$27,010 Utilizing the Florida Sheriffs Association Contract (FSA19-VEL27.0)
- 20-087** Approve/Disapprove a Purchase Order in the Amount of \$130,689 to Fund the Installation of a New Fiber Optic Cable and Associated Supporting Equipment from Jacksonville Beach City Hall to the Top Floor of the New Margaritaville Resort (City Manager approved on March 19, 2020)
- 20-088** Approve/Disapprove a Change Order to Purchase Order #190750, Design New Well #16 and Abandon Well #11 in the Amount of \$33,046 to Four Waters Engineering, Inc. for Engineering Services to Evaluate Required Well Capacity, Design, Permit and Bidding Services for New Well #16, and to Abandon Existing Well #11 (City Manager approved on April 8, 2020)
- 20-089** Approve/Disapprove a Purchase Order in the Amount of \$33,711.77 to Workscapes, Inc. for Construction of Two Workstations for the Legal Assistant and Assistant to the City Manager (City Manager approved on March 23, 2020)

RESOLUTIONS

- 20-090** RESOLUTION NO. 2055-2020

A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020.

ORDINANCES

- 20-091** ORDINANCE NO. 2020-8136 (Second Reading) (Public Hearing)

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; REVISING ARTICLE IV TO BE CONSISTENT WITH AMENDMENTS TO SECTION 337.401, FLORIDA STATUTES ADOPTING REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY, REPEAL OF CONFLICTS, AND AN EFFECTIVE DATE. **(Adopts new Florida Statute requirements for wireless communications within the public right-of-way)**

20-092 **ORDINANCE NO. 2020-8138 (Second Reading) (Public Hearing)**

AN ORDINANCE TO CREATE A NEW SECTION 31-61-PAID PARKING PROGRAM IN CHAPTER 31–TRAFFIC AND MOTOR VEHICLES, ARTICLE III-STOPPING, STANDING, AND PARKING, DIVISION 3 – PARKING REGULATIONS, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, TO CODIFY ELEMENTS OF THE CITY’S PAID PARKING PROGRAM IN CERTAIN CITY LOTS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(To codify elements of paid parking program as enforceable local law)**

20-093 **ORDINANCE NO. 2020-8140 (First Reading) (Public Hearing)**

AN ORDINANCE TO AMEND SECTION 6-8 – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS, STANDARDS AND GUIDELINES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(amendments to the sea turtle protection to conform to current model lighting regulations)**

ADJOURNMENT

NOTICE

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

You may use this website <http://www.jacksonvillebeach.org/publichearinginfo> to find information concerning the hearing process.

**Minutes of Regular City Council Meeting
held Monday, April 6, 2020, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham made the following statement:

“Pursuant to Governor Ron DeSantis’ Executive Order No. 20-69, issued on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location. They may utilize communications media technology (CMT) such as telephonic or video conferencing, and other technologies, as provided by Section 120.54(5)(b)2, Florida Statutes, to conduct the meeting and for public attendance and presentations at the meeting

Accordingly, due to the COVID-19 crisis, this City Council meeting is being held in a modified manner. We are using CMT pursuant to the Governor’s Orders in order to conduct City business and to help protect the public, City staff and Council health, safety, and welfare.

Additionally, pursuant to the Governor’s Orders pertaining to large gatherings and social distancing, and local orders of closure of government buildings, the public is not physically present in City Hall tonight.

In a moment, the City Attorney will explain the CMT procedures and adaptations for public attendance and public comment that have been put in place and being utilized.”

OPENING CEREMONIES:

Council Member Christine Hoffman provided the Invocation, followed by the salute to the flag.

Mayor Latham invited City Attorney Chris Ambrosio to explain the CMT procedures and adaptations put in place and being utilized for this meeting.

Mr. Ambrosio stated with all seven Council members present, no discussion about a quorum would be required. He read the following:

“The public notice that was advertised for this special, adaptive meeting informed the public of several alternative CMT options to attend this meeting and to submit public comment on a scheduled agenda item and comment for the courtesy of the floor portion of the meeting. The notice also informed the public of all the usual information that the City of Jacksonville Beach typically provides on its notice of public meetings.

With respect to public access and attendance accommodations, the City has provided CMT options that provide as follows:

- The public may attend the live meeting by utilizing the City of Jacksonville Beach YouTube Channel. The meeting notice provided the link to our channel.

The City has not selected a virtual platform at this point that requires the public to purchase or download any additional software or equipment to watch this meeting. So it was free for the public to log on to YouTube to view this meeting. Comments and chats are disabled.

- Another option was for the public to attend by listening live by audio using the phone by dialing 1-929-205-6099, and instructions were provided. When the meeting ID is requested, they were to enter 912336677 and press the # [pound] key. There was no participant ID # [pound] for them to utilize, and they would just press # [pound] to continue

on to listen. When dialing in by phone, the caller's line will be automatically muted for the duration of the meeting. The hearing or speech impaired should have contacted the agency using the Florida Relay Service, 1-800-955-8771 for TDD [Telecommunications Device for the Deaf] or 1-800-955-8770 for voice. All of this information was provided on the Public Notice and the City's website prior to tonight's meeting.

With respect to public comment accommodations, the City also provided several options to provide public comment on an agenda item or the Council's Courtesy of the Floor portion of this meeting.

- The public was notified of the option to submit their comments on an agenda item or public comment no later than one business day by U.S. mail to the City Clerk at City Hall, and the City Hall address was provided, or also to drop it off physically at the drop box at the main entrance of City Hall.
- The public was also provided notice of the option to utilize two other CMT options to submit comments via the email address cityclerk@jaxbchfl.net, and also utilize the City's online comment form located on the City's website under the section titled Agenda, Minutes, Audio Recordings and Live Stream Videos. The public was permitted to submit their comments on any agenda item or the Courtesy of the Floor portion. The email address and the online comment form are going to remain open during the meeting to accept comments and to be read into the record up until 5 minutes before any particular agenda item is addressed by the Chair. Public comments for Courtesy to the Floor will be received until 5 minutes before the Chair opens that portion of the meeting. Courtesy of the Floor was initially scheduled to be a maximum of 15 minutes.

Comments received through these CMT options will be read into the record by me, the City Attorney.

If an agenda item is being continued or rescheduled, the opportunity to be heard may be at such a later date before the City Council takes final action on that proposition.

For all public comments, the member of the public must provide his or her name, his or her address, and what item will be spoken about.

The City provided these instructions in its notice to the public and has published online on the City's website.

These public comment options established and provided for by the Governor in his emergency executive orders comply with Section 286.0114, and [Section] 120.54, Florida Statutes.

In conclusion, the City published an amended agenda, as well as included in the Notice to the Public pursuant to our Code and the Florida Statutes, each of the items and the topics that will be discussed tonight by the City Council during the meeting. Additionally, the public has been provided several options to provide public comment before and during the meeting, and within reasonable proximity in time before and during the meeting and the particular agenda items.

Section 286.0114(4)(c), Florida Statutes, specifically authorizes the City to prescribe procedures or forms for an individual to use in order to inform the Council of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition. The City, through its public comment options that I've described above, has provided different procedures and forms to indicate, among

other things, his or her support, opposition, and neutrality on items and topics to be discussed at the meeting tonight. The City provided information to the public on how to submit comments on its Notice and on a dedicated webpage.

With respect to designating a specific period of time for public comment, Florida Statutes [Section] 286.0114(4)(d), authorizes the City to designate that period.

All comments that were submitted by the public will be included as part of the public record for this meeting and will be considered by the City Council prior to any action taken. A video of this meeting may be requested at the Clerk's office or viewed online on YouTube."

CALL TO ORDER:

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

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, and City Clerk Laurie Scott.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve the following minutes:

- Council Briefing held on March 2, 2020

Amended Motion: It was moved by Ms. Golding, seconded by Ms. Dumont, and passed unanimously, to amend the March 2, 2020, Council Briefing minutes to include in the discussion about the Deck the Chairs contract Ms. Hoffman had requested an accounting of the in-kind and hard contributions made by the City towards Deck the Charis.

Original Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously to approve the minutes of the Council Briefing held on March 2, 2020, as amended.

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously to approve the following minutes:

- Regular Council Meeting held on March 2, 2020

ANNOUNCEMENTS:

Ms. Golding thanked City staff and everyone who is dealing with having to work from home and setting up the modified Council meeting, and the Police Department and first responders for ensuring everyone stays as safe and healthy as possible.

Mayor Latham thanked City staff, but also wanted to thank the citizens for bearing with the City while going through a difficult and unusual circumstance, adding "not in our lifetimes has anybody

suffered through a global pandemic before.” He stated they would move forward in good spirit and do the right things for the right reasons. Mayor Latham said he appreciated all the citizens' support. He is aware that not everybody is happy with some of the decisions but assured everyone all the decisions are based on what is best for the safety of the citizens.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. Whereby, Mr. Abrosio read submitted comments into the record [on file]:

- Casey Jones, 13150 Yamasi Trail, Jacksonville - “I would like to check on all the illegal lights that are on our shoreline at the beach? Has all the illegal parking lot lights (Endzone) been changed out yet? If not, what is the completion date? Any update on the new Sea Turtle Lighting Ordinance? Thank you for taking my questions.”

Mr. Ambrosio addressed Mr. Jones’ comments stating prior to the current crisis, he drafted a sea turtle lighting protection ordinance to bring before the Council. Items brought before Council had to be narrowed down due to the crisis.

- Dylan Silverman, no address provided - “Hi, I would like to submit a comment on the beach closures throughout the beaches of Jacksonville. I am concerned that the complete closure of the beaches is unwarranted and unwanted. Now I am completely in support of the social distancing guidelines such as individuals must be six feet apart and in a group no larger than ten. I think that following these guidelines should open up the beaches for exercise activity such as walking, running, swimming, and surfing. Thus, leaving the beach closed for all other activities. There are many other counties throughout the east coast, such as Brevard and Volusia, and they have obtained good results because of this. They say there might be some correlation to the virus being in sunlight and not being able to survive very long. This is something to seriously consider. Thank you for your time.”
- Stephen Fitzgerald, 1107 1st Street South, Unit K, Jacksonville Beach - “Mayor Latham, The following beach activities, restrictions, and fines should be implemented as soon as possible. I believe these changes will help reduce the spread of COVID-19. Public awareness, rational debate, and deepening concern for surrounding effects from this pandemic has caused other Florida counties to rethink total beach closers. Here are my thoughts; 1) Open the beach to healthy "movement" activities. Running, walking, surfing, biking, swimming. 2) No greater than 10 people together in one group. 3) All activities on the beach must abide by the 6-foot minimum personal distance. 4) Everyone on the beach must carry a valid picture ID card or will be told to leave the beach. Police Officers can randomly ask for IDs. 5) Police Officers have the authority to write tickets for violations. \$500 per violation. Thoughtful and judicious use of our beach will help pull people out of confined spaces where viruses tend to spread. It will also help to relieve dangerous peripheral effects we are now starting to experience, such as anxiety, depression, and physical decline. I believe the people of Jacksonville Beach will wholeheartedly embrace these beach rules and will successfully "self regulate" with the help of law enforcement. Let's start using the beach as a healthy tool in battling this virus.”

Due to technical issues – City Attorney re-read the above comments into the record.

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach - "I commend and appreciate the efforts of all those in leadership positions during this crisis, certainly a trying time for all. I would like to offer two suggestions to you, as an effort to assist citizens and community, in further dealing with the crisis. First, all health experts have said that testing, contact tracing, and following the prescribed guidelines are all essential to flattening the curve. I have been unable to find out who (or what specific agency) is in charge of the contact tracing protocol within our Beaches community. Can someone investigate and advise the community who is in charge of the contact tracing process, and the extent that process is being followed? Secondly, as the curve flattens and descends, no one knows the severity of the economy, or how long the normalization process will take before we begin to see our restaurant and hospitality network return. Per my email last week, in an effort to minimize the impacts of layoffs or closures within this network, I would recommend that community be provided a list of all local food establishments that offer carry out services, or whatever future limited services are required, so the community has a comprehensive list of where we can go to spend money at our local businesses. The list would need to require hours and days of operation as well. The responsibility of providing updated information can come from businesses as future situation changes. I would be glad to offer up any services you might need to help compile such a list. I believe it is incumbent for all of us to work together to help keep our locals employed and our businesses open. Thank you for all your efforts. Stay safe and stay healthy."

MAYOR AND CITY COUNCIL:

CITY MANAGER:

Item #20-073 – Accept/Reject the Monthly Financial Reports for the Month of February 2020

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the monthly financial reports for the month of February 2020.

Discussion:

Ms. Dumont asked Chief Financial Officer Ashlie Gossett if she had any projections about what this pandemic impact would have on the third quarter. Ms. Gossett responded it is difficult at this time because we are currently in the middle of the pandemic, adding the March numbers haven't been finalized yet, and that would be the start of where we can see any changes. Ms. Gossett stated the sales tax revenue is given one month in arrears, and convention and development tax is given two months in arrears, so the City is a couple of months out from really feeling an impact from the current environment. A significant decline is expected and would be monitored closely.

Mr. Nichols requested an update on how the pandemic is affecting the golf course. Golf Course Facility Manager Bruce Mohler stated their numbers are really good and went over the safety measures being taken, including being one hundred percent touchless, booking tee times online, pay online, pay over the phone, no cups, no rakes, no scorecards, and carts being wiped down physically after each round.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 7-0.

Item #20-074 – Accept/Reject the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2019.

Mr. Staffopoulos explained every year, the City is required to have a consolidated annual financial report performed, also known as the CAFR. In previous years, the auditors would attend a briefing with the Council to present the process they use and the findings they had. With the shutdown of non-essential travel, the presentation would be done with the Council in the future when the auditors can come. The City received an unqualified audit opinion on the annual financial report. There were no major deficiencies in internal controls or compliance violations of any laws or regulations.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2019.

Discussion:

Ms. Dumont asked Ms. Gossett if there were any improvements to systems or processes that could be done based on the report. Ms. Gossett noted process improvements were recommended and would be implemented for bank reconciliations and work order closings.

Ms. Hoffman asked if any money was still due from the past two hurricanes. Ms. Gossett explained currently, the City has fully recovered from Hurricane Matthew, and there was less than one-tenth of the funds the City was eligible for still outstanding.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

Item #20-075 – Approve/Disapprove the Assignment and Assumption of Commercial Lease Agreement of the Golf Course Restaurant Lease from Tee to Green Partners D/B/A Sand Trap Bar and Grill to Penman Hospitality LLC, D/B/A Sneakers on the Green

Mr. Staffopoulos explained the current tenants approached the City seeking to do an assignment of lease. The two parties voluntarily entered into the agreement. However, the City must first sign off on any assignment of lease.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the Assignment and Assumption of Commercial Lease Agreement of the golf course restaurant lease from Tee to Green Partners LLC, doing business as Sand Trap Bar & Grill, to Penman Hospitality LLC, doing business as Sneakers on the Green, as described in the memorandum from the Golf Course Facility Manager dated March 6, 2020.

Ms. Golding asked if there was any food service provided in light of the current COVID-19 situation and if any rent adjustments were being considered. Mr. Mohler responded all chairs, tables, and other items had been removed from the outside. There is a food service window people can walk up to, the ability to order through the GPS in the carts would be activated, and everything is sprayed down after each transaction.

Mr. Staffopoulos stated there had been no discussion about lowering the rent. The tenant would finish out the initial lease term. When it is time to renegotiate the lease term, there may be concessions on both sides. He added the City has several leases throughout the city, including food service, the industrial park, and telecommunications. The City is beginning to hear from some businesses who are looking for rent relief, and an item would be brought before Council at a future briefing to discuss what some of the financial options are for the tenants.

Mr. Doherty would like some protections for the City to be included in future leases. Mr. Mohler stated it is something that would be looked at for the next lease. Mr. Ambrosio responded the City had discussed performance expectations and requirements provisions.

Mr. Ambrosio read the following comments into the record [on file]:

- Greg Pratt, Sneakers Sports Grille - "Thank you for considering Sneakers Sports Grille to operate the food and beverages at Jacksonville Beach Golf Club. Sneakers is and has been locally owned and operated for over 23 years. We hope to name our operation "Sneakers on the Green," and we feel that this opportunity could be very positive for the golfers, the city and our restaurant. Sneakers is uniquely qualified to be successful at this task given the close proximity to our full-service restaurant and all its resources, our large amount of highly qualified staff, our ability to buy and prep fresh food in bulk, our long term understanding of responsible alcohol sales and our comprehension of safe food service practices, will serve us well in this endeavor. Additionally, we feel that our restaurant will act as an asset for the golf course. We will work hand in hand with the course, to utilize our current location for large groups that can not be accommodated at the course. This will help the course in procuring much larger groups for tournaments as well as significantly helping our restaurant. We want to thank you for considering us, and we promise to work extremely hard to make you and the residents of Jacksonville Beach very proud."

Mr. Nichols noted small businesses have the opportunity to get small business loans, which would be forgiven, and asked staff to keep that in mind when discussing rent reduction.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-076 – Approve/Disapprove a One-Time Exception to the Special Events Policy to Allow the Great Atlantic Music Festival to Add One (1) Additional Day, June 14, 2020, to the Event Currently Scheduled on June 13, 2020

Mr. Staffopoulos explained Springing the Blues, one of the City's signature events, was canceled for April. Jax Beach Festivals, who produces Springing the Blues, also produces the Great Atlantic Music Festival. The promoter requested adding a second day be considered to have the event be the signature event for the year. It would require approval from the Council as this would be a one-time exception to the Special Events policy.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a one-time exception to the Special Events policy to allow the Great Atlantic Music Festival to add one (1) additional day, June 14, 2020, to the event currently scheduled on June 13, 2020.

Mr. Doherty asked Police Chief Smith if adding an additional day would create any staffing issues. Chief Smith explained he didn't know what the impact would be because he didn't know what the dynamics would be coming out of the current crisis. He did not have a problem with the concept.

Mayor Latham stated he is not a proponent of extending festivals, but in this case, he believed it was warranted. It would have been the 30th Anniversary of Springing the Blues this year.

Discussion ensued about the process of bringing back events at the end of the current emergency event. Mr. Staffopolous stated the City is not in control of its own destiny. It would begin from at the federal level, then the state level, and finally, in unison with our neighboring cities, some restrictions would gradually be lifted. He further said the City could plan for future events, but there is the possibility future events would have to be canceled.

Mr. Vogelsang asked if there could be some administrative power in the vote to grant the city manager some authority, based on the governor's decision to re-open. Mr. Ambrosio responded the motion could be amended to give the city manager authority to make adjustments to the two-day event if the situation warrants in line with the City's Comprehensive Emergency Management Plan.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, to grant Mr. Staffopoulos the ability to determine whether a second day is permissible.

Discussion:

A lengthy discussion continued related to setting a date to evaluate conditions and the status of the lifting of restrictions prior to allowing the second day, as well as the financial implications to the producer and the City.

Mr. Vogelsang withdrew his amendment.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, that all restrictions be lifted at least three weeks prior to the scheduled event date, for the second date to go forward.

Discussion:

Council discussed several issues related to events already canceled were done in conjunction with the City of Jacksonville canceling their scheduled events based on the executive order; whether the City would be in a position to allow events; groups of any size being able to maintain social distancing; setting a specific date to decide if the event moves forward; the potential for City staff to be strained; and if the City is still under an emergency order, the amendment would allow the City Manager and Mayor authority to cancel any event.

Mr. Ambrosio explained setting a specific date may help the event producer when dealing with the many parties involved in such a large event on whether travel arrangements and business dealings move forward.

Mr. Staffopoulos clarified the state of emergency would have to be lifted at the state, county and city level.

Chief Smith suggested pushing this item off for two weeks due to the uncertainties. He was unable to advise the Council whether adding a second day to the event in June would affect the Police Department because he didn't have enough information.

Restated Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, that the state of emergency must be lifted at least three weeks prior to the scheduled event for the second day to be approved.

Amended Motion:

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The amended motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes – Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The original motion passed 7-0.

Item #20-080 – Approve/Disapprove a Motion to Allow a Variation of the Council Meetings Start Time of 7:00 P.M. as Set Forth in City Code Sec. 2-16, to Allow Earlier Start Times as Necessary During the Duration of the COVID-19 State of Emergency

Mr. Ambrosio explained the City's Code states the regular scheduled City Council meetings shall be held at 7:00 P.M. This item would allow the city manager, due to the state of emergency and previous meeting cancelations, to begin City Council meetings with a start time earlier than 7:00 P.M. to address the backup of work being postponed and additional work that would come up due to COVID-19. He suggested the motion also include the Council to authorize and direct the City Manager to implement CMT and virtual meetings consistent with the governor's orders for the duration of the COVID-19 emergency.

Motion: It was moved by Ms. Hoffman, and seconded by Mr. Vogelsang, to allow a variation of the Council meetings start time of 7:00 P.M. as set forth in City Code Sec. 2-16, to allow earlier start times as necessary during the duration of the COVID-19 state of emergency and to allow the City to utilize CMT and virtual technology in conducting the meetings consistent with the governor's executive orders during the COVID-19 crisis.

Questions from Council members were addressed. Mr. Ambrosio believed the change in meeting times might be in place for a couple of months. Mr. Staffopoulos explained he expected the next couple of Council meetings to start earlier and would try to hold the Briefings virtually on non-Council meeting Mondays. Mr. Ambrosio stated he could draft an ordinance in the future to amend that section of the code to include the meeting time change and use of CMT during any declared emergency, but this item addresses the current need.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Ms. Golding, that during a state of emergency, the City has the authority to change the start time of a meeting.

Council discussion continued. Mr. Ambrosio stated there needed to be two amended motions to address the meeting time change and the CMT individually properly.

The City Attorney stated the motion language to move to allow the city manager to schedule City Council meetings at a time other than 7:00 P.M.

The City Attorney stated the second amended motion language to allow the city manager to implement the use of CMT and virtual technology to conduct meetings and hearings when authorized by Florida law.

Ms. Dumont raised a point of order to advise there were two motions stated and the Council had only moved one, and they have to be voted on separately. Ms. Hoffman clarified the original motion included both the meeting time change and the use of CMT and virtual technology. She added Mr. Vogelsang's amendment removed COVID-19 and instead made it for any state of emergency. The original amendment needed to be voted on, and then the original motion can again be amended.

Mr. Vogelsang withdrew his amendment.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, to allow the City Manager, during a state of emergency, to change the times of the Council meetings and allow the use of CMT technology for hearings or briefings or meetings pursuant to Florida law.

Amended Motion:

Roll Call Vote: Ayes –Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The amended motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes –Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The original motion passed 7-0.

RESOLUTIONS:

Item #20-077 – RESOLUTION NO. 2057-2020

Mayor Latham requested the City Clerk read Resolution No. 2057-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO TENTATIVELY APPROVE AMENDMENTS TO THE COASTAL MANAGEMENT ELEMENT OF THE 2030 COMPREHENSIVE PLAN AND ADOPT THE PERIL OF FLOOD REQUIREMENTS OF SECTION 163.3178(2)(f), FLORIDA STATUTES, ADDING NEW

OBJECTIVES AND POLICIES, AND AUTHORIZING TRANSMITTAL OF THE AMENDMENTS TO THE REVIEWING AGENCIES PURSUANT TO SECTION 163.3184(3)(b)1., FLORIDA STATUTES; AND SETTING AN EFFECTIVE DATE.”

Mr. Staffopoulos explained this resolution starts the process for a Comprehensive Plan amendment related to the “Peril of Flood” requirements of the Florida State Statutes. It started with a grant the City was awarded in September of 2019.

Director of Planning & Development Bill Mann explained the City was required to prepare amendments to address the 2015 Peril of Flood requirements that were amended in the Florida Statutes. Mr. Mann stated the City was awarded a \$45,000 grant by the Florida Department of Environmental Protection. The project was split into two phases, and Mr. Mann went over each phase and the requirements. A public workshop was held on December 19, 2019, to present the findings and obtain public input. A second public workshop was held on February 24, 2020, to discuss the amendments and obtain additional public input. Mr. Mann discussed potential policy options and impacts. The Planning Commission, at their March 9, 2020, meeting, unanimously recommended approval with one amendment, which Mr. Mann stated. If approved by Council, the proposed amendments would be sent to state agencies for their review and comment, and then brought back the Council for final adoption. Mr. Mann went over the proposed amendments.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2057-2020 tentatively approving text amendments to the Jacksonville Beach 2030 Comprehensive Plan, related to the “Peril of Flood” requirements of Florida Statutes, and authorizing transmittal of the amended elements to the Florida Department of Economic Opportunity for review.

Discussion:

Ms. Golding stated she spoke with Kenneth Metcalf [with Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, the City’s consultant], about the report. She said while some information was posted on the City’s website, she would like all the maps to be posted for reference. In response to a question from Ms. Golding, Mr. Mann explained where the A-zones and V-zones are located and how the City doesn’t require but supports newer construction elevating the first habitable floor of a structure.

Public Hearing:

Mayor Latham asked Mr. Ambrosio if there were any public comments received for this item. Mr. Ambrosio indicated there were none.

Ms. Hoffman commented she was glad to see a good amount of vulnerable space was already conservation land and how she was surprised to find the most vulnerable property was on the west side of the city and not the east side by the coast. Mr. Mann explained there is a gradual rise going east from the beach at ten feet to the highest ridge of the city west at approximately twenty feet (near where Baptist Beaches hospital is located). Going from the highest point west, down to the edge of the Intracoastal, it goes from twenty feet down to five feet.

Mr. Mann responded to a question from Ms. Golding about a recent residential home development located in the vulnerable area by noting the development is already located in a flood zone and is in a Category 1 evacuation zone, meeting the current standards.

Mayor Latham stated the three beach cities recently sponsored a resiliency seminar at Fletcher High School. He was happy the City was taking steps to address sea rise.

Roll Call Vote: Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

ORDINANCES:

Item #20-078 – ORDINANCE NO. 2020-8136 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8136 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 28, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; REVISING ARTICLE IV TO BE CONSISTENT WITH AMENDMENTS TO SECTION 337.401, FLORIDA STATUTES ADOPTING REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY, REPEAL OF CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8136.”

Public Hearing:

Mr. Ambrosio read the following comments into the record [on file]:

- Elizabeth Wright, 1024 21st Street North, Jacksonville Beach - “We ask that you impose a moratorium on "small cells" and other wireless infrastructure permits process and deployment until the COVID-19 emergency is over. The wireless providers are using the COVID-19 emergency as cover to expand and cement their rapid and virtually unsupervised deployment of harmful wireless infrastructure. Our local leaders should not have to dedicate time and resources to policing whether the wireless companies are following local and state law; they have far more important things to do. The FCC wireless permit rules allow emergency moratoria. Homeland Security guidelines emphasize that maintenance of existing communications capability is the priority. New construction is not essential. The COVID-19 emergency has led to a government shut down of non-essential activity. Hospitals, emergency response, and local officials are overwhelmed, and they must be allowed to focus on what is indeed “essential.” Now is not the time to be dedicating resources to expanding, rather than just maintaining our networks. The FCC has directly held a local jurisdiction can impose a temporary halt to deployment and permits during emergencies. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers, FCC 18-111 33 FCC Red 7705, 7784-7785, section 157 of 2018 states, "We recognize that there may be limited situations in

the case of a natural disaster or other comparable emergency where an express or de facto moratoria that violates section 253(a) may nonetheless be necessary to protect the public safety and welfare or to ensure the continued quality of telecommunications services.” Homeland Security has declared that local government is on the forefront and can take control over determining whether to temporarily halt all non-essential activity. Homeland Security guidance documents prioritize maintenance of existing Communications Systems and do not support "essential" status for new construction. See Homeland Security Cybersecurity & Infrastructure Security Agency, Identifying Critical Infrastructure During COVID-19, and the website address of www.cisa.gov/identifying-critical-infrastructure-during-COVID-19, and she also provides, Ms. Wright also provides, e-Critical Infrastructure and Key Resources Support Annex, www.fema.gov/pdf/emergency/nrf/nrf-support-cikr.pdf “focus on protection, response, recovery, and restoration.” Homeland Security, like the FCC, understands that it is essential in an emergency situation to justify focusing on protecting, responding, recovering and restoring of existing systems, but new communications facilities construction is and should be deemed nonessential, and subject to lockdown for so long as we are under emergency conditions. Cities can and should impose a moratorium on deployment in their local area and freeze the permit process until the COVID-19 emergency is over.”

- Michele Langevin, 3688 Sanctuary Way South, Jacksonville Beach – Submitted identical comments as above.

Recess:

Mayor Latham called for a meeting recess at 8:59 P.M.

The meeting resumed at 9:07 P.M.

Mr. Ambrosio stated Florida Statutes dictate for the City to make the changes being made in this ordinance. Changes in the Florida law occurred in 2019, and the City is complying with the amendments and changes required. Approval of this ordinance does not authorize construction during COVID-19 but is an amendment to City code with respect to wireless communication facilities within the right-of-way.

Mayor Latham stated he engaged with the Florida League of Cities and Florida League of Mayors to fight this law in Tallahassee. There is nothing the City can do, and he would provide contact information for the legislators who made the decision to whoever wanted it.

Mayor Latham closed the public.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8136 amending City Code Chapter 28, Article IV, to adopt new Florida Statute requirements, regulations and standards of wireless communications facilities within the public right-of-way.

Discussion:

Ms. Hoffman asked why the unresolved legal challenges to the state law wouldn't stop this from moving forward. Mr. Ambrosio responded the law moves forward until the court tells the state it is unconstitutional to enact the state law.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-079 - ORDINANCE NO. 2020-8138 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8138 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO CREATE A NEW SECTION 31-61 - PAID PARKING PROGRAM, IN CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE III - STOPPING, STANDING, AND PARKING, DIVISION 3 – PARKING REGULATIONS, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, TO CODIFY ELEMENTS OF THE CITY’S PAID PARKING PROGRAM IN CERTAIN CITY LOTS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8138.”

Public Hearing:

Mr. Ambrosio stated no public comments had been received for this item.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve Ordinance No. 2020-8138 to create a new Section 31-61 of Chapter 31 of the City Code of Ordinances to codify elements of the City’s Paid Parking Program as enforceable local laws.

Mr. Ambrosio stated the ordinance is to enact the fees, processes, enforcement, and collection procedures of the Paid Parking Program.

Discussion:

Ms. Hoffman shared a concern about using the word “residential” rather than “resident” in the ordinance as it is not a residential paid parking program. Other Council members indicated they agreed.

Amended Motion: It was moved by Ms. Hoffman, and seconded by Mr. Doherty, to replace the word “residential” with “resident” in Section 31-61(1), and in two places in Section 31-61(3) c.

Amended Motion:

Roll Call Vote: Ayes –Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The amended motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The original motion passed 7-0, as amended.

ADJOURNMENT:

Prior to adjournment, Mayor Latham asked Mr. Ambrosio to address the City's emergency procedures.

Mr. Ambrosio stated the last time the Council met was March 2, 2020. Staff had been working day and night to protect the community and are working to keep up with the flurry of continuous changes from the national, state, and local level. There were many unforeseen issues departments and staff encountered dealing with internal City operations, and work that had to be adapted to the crisis while maintaining "normal" City operations and business. Mr. Ambrosio said staff is trying to keep City Council updated to the best of their ability. The City is operating under a declared state of emergency. The importance of a local declared state of emergency is it engages the Municipal Comprehensive Emergency Management Plan (MCEMP), as well as for Federal Emergency Management Agency (FEMA) and public assistance. Continuing to renew the declared state of emergency is also important for the same reasons. Mr. Staffopoulos is in control of the plan and works with Mayor Latham on a regular basis. The MCEMP would be amended and revised for necessary changes. Mr. Ambrosio stated Fire Marshal Steve Sciotto provides daily updates. All enforcement orders in place had been implemented for purposes of public health and safety. He recommended not making any changes to the current plan of action. The City is doing the right thing for the health, safety, and welfare of the public.

Ms. Hoffman appreciated the daily updates from the City Manager and asked to be informed about what is going on behind the scenes. She stated it was also important to continue to keep the citizens updated.

Mayor Latham wanted to clarify, based on emails being received by Council members, Jacksonville Beach is a public beach, and the City cannot exclude non-residents. There are penalties associated with limiting access to the beach for non-residents. As an example, Mayor Latham explained by limiting residential parking, in what could be considered giving preferential treatment to Jacksonville Beach citizens, the City could lose money for beach renourishment. He was pleased the three Beaches mayors, and Jacksonville Mayor Lenny Curry had worked well together. Mayor Latham stressed the point these decisions started with the President, then the Governor, and then the local Mayors.

STATEMENT OF THE MAYOR:

Mayor Latham addressed closing the beach with the following points:

- Public safety is our primary responsibility.
- If we were to open the beach, we would see more people on the beach than ever before.
- We currently have enough lifeguards to staff four chairs. At the time the beach was closed, we needed 14.
- Not enough police officers to enforce those who ignore social distancing.
- While enforcing social distancing, we'd be exposing first responders to infected people or carriers.
- Social distancing is possible during low tide. It is not during high tide (1 - 2x/day).

- Young and healthy people have less to worry about, but they may inadvertently carry the virus to our elderly population (9% of Jax Beach residents are over 75).
- Kim Prather, a leading atmospheric chemist at the Scripps Institution of Oceanography, warns people to steer clear of the beach. The beach, in her estimation, is one of the most dangerous places to be these days. In her research, Prather has found that the ocean churns up all kinds of particulate and microscopic pathogens, and every time the ocean sneezes with a big wave or two, it sprays these particles into the air. She believes that this new coronavirus is light enough to float through the air much farther than we think. The six-foot physical distancing rule, she said, doesn't apply at the beach, where coastal winds can get quite strong and send viral particles soaring.

The bottom line is our primary responsibility as elected officials and staff is to protect our public, period. Recreation is a 3rd or 4th level priority. People can still walk, jog, bike, walk their dogs, without using the beach. Relaxing our safety posture at this time could potentially raise the level of infected residents (currently 25 positive, including two City employees), or the worst-case scenario is someone could die. Tony Boselli, one of the strongest and healthiest people in Jacksonville Beach, was in intensive care for five days with the virus, and according to the reporter, he was minutes from a ventilator before he began to improve. The British Prime Minister was diagnosed with the virus and hospitalized yesterday. Today he was moved into ICU. Country singer Joe Diffie was diagnosed with the virus last Friday [April 3, 2020] and he was immediately hospitalized, he died two days later at age 61.

This is a global pandemic the likes none of us has ever seen before. We are responsible to our citizens to provide the safest environment possible, and that's exactly what we are doing. Every decision made has been aligned with the President and the Governor, and were agreed to unanimously by myself, and Mayors Curry, Brown, and Glasser. We will continue to keep the beach closed until the dangerous pandemic has passed, or until there is clear scientific evidence it is safe for our citizens to go back.

Mr. Ambrosio read into the record comments from Captain Rob Emahiser, Jacksonville Beach Ocean Rescue [on file]:

"I recommend keeping the beaches closed for any use. Allowing uses as Volusia and Brevard are would bring very large crowds, which would be difficult to manage.

Some points that support this position:

1. Opening the beach for limited uses would require a crew of lifeguards and police to be on duty, increasing the risk of spread of the virus to our lifeguards and interactions with the public increasing the spread.
2. Opening the beach for limited uses would be very difficult to monitor and enforce. Enforcing social distancing while opening the beach with any conditions or specific allowed uses would be very difficult.
3. The current closure is being maintained and enforced effectively. Occasionally, people go on the beach, but when informed, comply with little problem.
4. Limited hours would mean making beachgoers leave and require interaction with those who push boundaries. Lifeguards and police would have to make judgments on how strictly to enforce times. Closed is clear and easy to interpret.

5. Residents only would mean checking proof of residency and frequent direct interaction. Closed to all is being accomplished by the presence of lifeguard and police vehicles with no direct interaction. We should let residents and visitors know that protecting them and our police and lifeguards is worth this inconvenience.”

Mayor Latham reiterated the beach would remain closed.

There being no further business, the meeting adjourned at 9:43 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

LS:sg

DRAFT

The Council Briefing began at 6:00 P.M. The meeting was held via video conference using the Zoom platform.

The following City Council Members were in attendance:

Mayor: William C. Latham

Council Members: Keith Doherty (absent) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang (late)

Also present was City Manager Mike Staffopoulos.

Purpose of Briefing

The purpose of the briefing was to update the Council Members about ongoing items in the City.

City Manager

Police Department Annual Statistical Review

Chief of Police Gene Paul Smith discussed the Jacksonville Beach Police Department (JBPD) Annual Statistical Review for 2019. He explained the data from 2019 and the findings for what he believed to be driving the increase in calls for service in the community. Chief Smith reviewed his findings:

- Increase for calls for service and police responses are related to self-initiated activity by JBPD officers
- Self-Initiated activity by JDPD officers is resulting in improved City safety by suppressing possible criminal activity
- Traffic stops are the most effective form of self-initiated officer activity

State of the City Attorney Office, six-month report

City Attorney Chris Ambrosio reviewed the status of his goals for the first six months of his employment. Mr. Ambrosio stated he had accomplished his goals with the exception of not having the time to attend Board meetings regularly. Mr. Ambrosio said he had an understanding with each Department Director and Board Member, if his assistance is needed, he would make himself available.

Mr. Ambrosio stated if the workload and projects continue to grow, an Assistant City Attorney may be needed in the future.

New Workspace for the Assistant to the City Manager and Legal Assistant

Mr. Ambrosio stated Elise Brosch had recently been hired as the Legal Assistant for the City Attorney's office. With this additional hire, new workstations have been ordered for the Assistant to the City Manager and the Legal Assistant. Mr. Staffopoulos explained he administratively approved the purchase, and he would need to seek retroactive approval from Council. Mr.

Staffopoulos stated the Northeast corner of the second floor in City Hall, including the new workstations, would not be affected by the upcoming space needs analysis.

COVID-19 Financial Relief Programs

Mr. Staffopoulos reviewed existing programs and recommended programs to provide short-term financial relief to our community as it faces the COVID-19 pandemic. The programs are as follows:

Programs currently in place:

- Late fee charges and services disconnections for non-payment of utility services have been stopped until further notice.
- The Bulk Power Cost Adjustment (BPCA) fee was suspended for April.

Recommendations for additional programs in the next 30-60 days:

- Suspend the BPCA fee again in May.
- Expand the Customer Assistance Relief Emergency (CARE) program. (Funds will be processed administratively by an internal budget modification to transfer budget dollars from savings in power costs to the CARE program)
- Provide rent relief for non-profit tenants at specific city-owned facilities
- Suspend late fees and allow for up to six months grace period for restaurant and industrial park tenants to pay outstanding monthly rental fees.

Mayor Latham stated he would contact the Mayor of Atlantic Beach and Neptune Beach in regards to additional funding for the CARE program (or other community programs) from either City.

Other topics

Mr. Staffopoulos stated the upcoming City Council meeting on April 20, 2020, and the Council Briefing on April 27, 2020, are scheduled for 6:00 P.M. and would be held via video conference.

The briefing adjourned at 7:06 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

City of

Jacksonville Beach

City Hall

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Jacksonville Beach

FL 32250

Phone: 904.247.6274

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MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Monthly Financial Reports for March 2020
DATE: April 14, 2020

Summary

The Summary Budget Reports show the cumulative actual revenues and expenditures compared to the actual amounts at the same point in time as last fiscal year. Exhibit 7 of the Summary Budget Reports compares actual revenues and expenditures to budget in total by fund. These financial reports are prepared on a cash basis.

Exhibit 1 - General Fund Revenues

General Fund revenues are slightly ahead of last year on a percentage of budget basis. We received the annual ad valorem tax distributions in December, bringing the tax revenue-to-date to 78.22% of the annual budget. The increase in permit revenues is largely attributable to the Springhill Suites project.

Miscellaneous revenues in the General Fund include interest on pooled investments, auction proceeds, facility rental fees, insurance reimbursements, and cemetery lots purchased. The 29.75% variance from last year is due to a decrease in amounts earned on the City's pooled investments.

Exhibit 2 - General Fund Expenditures

General Fund Expenditures are slightly behind the prior year expenditures on a percentage of budget basis. Total year to date expenditures in the General Fund are under budget by 6.95%. Fire Department expenditures are higher than budgeted because of sick and vacation accrued leave payouts made to personnel as part of the Fire Services Agreement with the City of Jacksonville.



Memorandum to Michael Staffopoulos

Financial Reports

April 14, 2020

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Exhibit 3 - Enterprise Fund Revenues

Enterprise Fund Revenues are 3.20% lower than the prior year revenues on a percentage of budget basis. Total year to date Electric Fund Revenues are 3.42% under amounts budgeted. This decrease is attributable to the suspension of the bulk power cost portion of the electric rate in October and an overall reduction in customer consumption compared to the same period in the prior year. The Golf Course year-to-year variance is a result of the course closing for renovations from January to November 2018.

Exhibit 4 - Enterprise Fund Expenditures

Total expenditures in the Enterprise Funds are 16.29% under budget for the current year. The year over year decrease in Electric expenses is largely due a reduction in power purchased from our supplier. Water & Sewer expenses were higher in the prior year primarily due to capital projects. The Sanitation Fund purchased a new street sweeper in the current year for \$213,891 attributing to the variance from the prior year.

Exhibit 5 – Special Revenue Fund Revenues

Revenues in the Special Revenue Funds are 14.08% ahead of last year on a percentage basis. We received the annual tax increment distributions in December bringing revenue-to-date slightly over the annual budget.

Exhibit 6 - Special Revenue Fund Expenditures

In total, Special Revenue Fund expenditures are under budget for the current year but 8.94% higher than last year on a percentage of budget basis. The Infrastructure Surtax debt was retired in March 2019, reducing the overall budget and expenditures in this fund for the current year. For the Tax Increment Funds, the year-to-year variance is due to the timing of capital project expenditures. Community Development Block Grant Fund expenditures will be reimbursed by grant funding.

Memorandum to Michael Staffopoulos

Financial Reports

April 14, 2020

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Exhibit 7 - Summary Revenues and Expenditures

- The unfavorable variance in the Convention Development Fund exceed revenues due to the timing of revenue receipts from the City of Jacksonville. Revenues are typically received 60 days after the month ends.
- The net income shown for the Electric Fund is overstated because monthly power bills are paid in arrears to FMPA.
- In response to the COVID-19 Coronavirus pandemic, the Federal, State, and Local governments issued State of Emergency declarations and "Safer at Home" executive orders beginning on March 9, 2020. Because taxes and other intergovernmental revenues are often received 30 to 60 days in arrears, the March financial reports do not reflect likely changes in consumer spending or revenue collections as a result of COVID-19.

Requested Action

Accept/Reject the financial reports for the month of March 2020, as submitted by the Chief Financial Officer.



Summary Budget Revenue Report

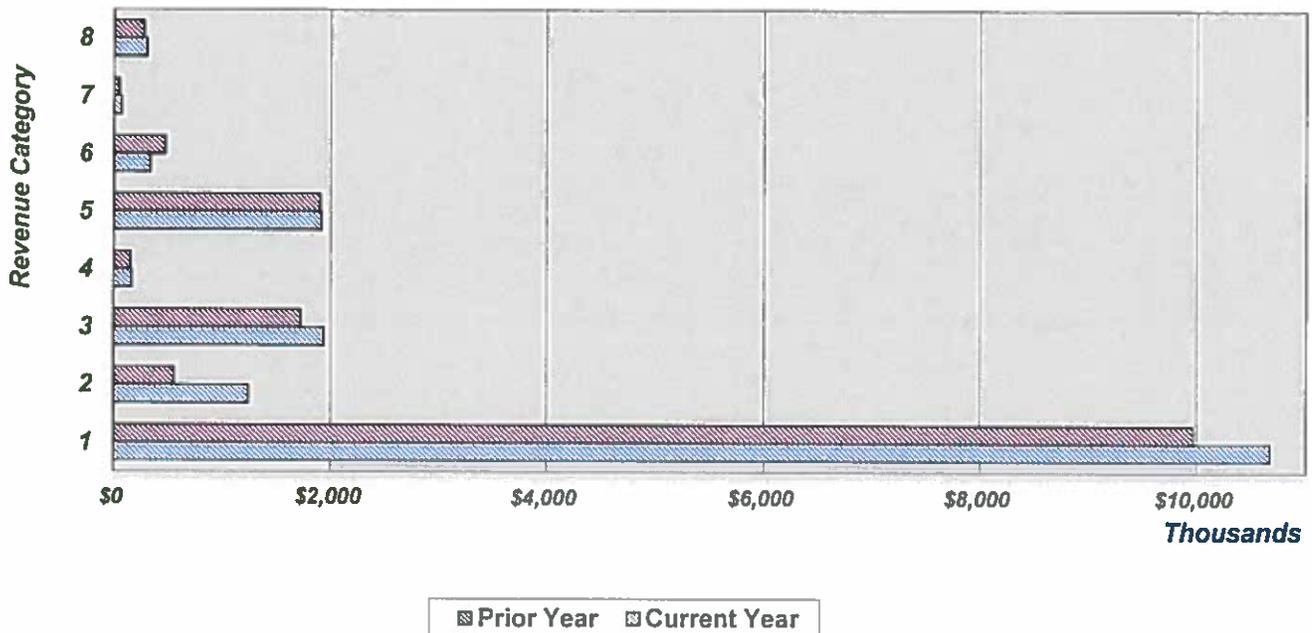
March 31, 2020

(50.00% of year has elapsed)

EXHIBIT 1 - GENERAL FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 Taxes	10,668,037	78.22%	9,963,174	81.24%	-3.02%	704,863
2 Licenses & Permits	1,234,502	205.78%	557,684	93.62%	112.17%	676,819
3 Intergovernmental Revenue	1,936,024	43.21%	1,718,918	40.60%	2.61%	217,105
4 Charges for Services	165,537	41.49%	155,278	39.92%	1.57%	10,260
5 Enterprise Contributions	1,918,660	50.00%	1,906,561	50.00%	0.00%	12,099
6 Miscellaneous Revenue	334,112	84.05%	471,680	113.79%	-29.75%	(137,567)
7 Fines & Forfeitures	68,743	42.83%	49,089	28.79%	14.04%	19,654
8 Interfund Transfers	306,874	59.70%	276,798	54.27%	5.43%	30,076
Total Revenues	\$ 16,632,488	69.22%	\$ 15,099,181	67.44%	1.79%	\$ 1,533,308

**GENERAL FUND REVENUES TO DATE
CURRENT YEAR VS PRIOR YEAR**



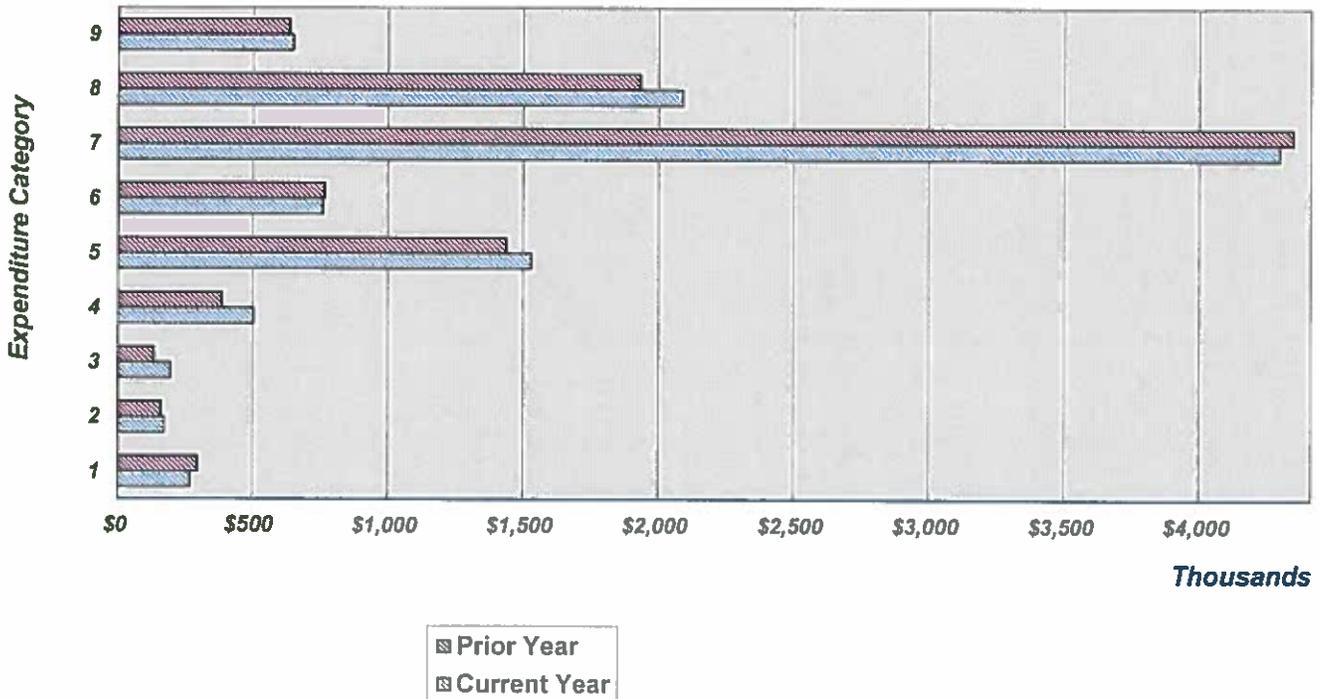


Summary Budget Expenditure Report
 March 31, 2020
 (50.00% of year has elapsed)

EXHIBIT 2 - GENERAL FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 City Administration	267,430	51.86%	296,676	59.26%	-7.40%	(29,246)
2 City Clerk	173,548	44.58%	161,316	46.61%	-2.03%	12,231
3 Building Maintenance	197,143	45.54%	134,104	33.12%	12.43%	63,039
4 Planning and Development	502,301	49.05%	388,450	42.71%	6.34%	113,851
5 Recreation and Parks	1,529,706	43.67%	1,439,163	41.14%	2.52%	90,543
6 Public Works	757,722	43.44%	765,096	46.37%	-2.92%	(7,374)
7 Police	4,284,765	42.88%	4,333,658	45.83%	-2.95%	(48,893)
8 Fire	2,091,188	45.05%	1,932,958	45.85%	-0.80%	158,230
9 Non-Departmental	648,037	31.84%	635,785	37.96%	-6.11%	12,252
Total Expenditures	\$ 10,451,839	43.05%	\$ 10,087,206	44.52%	-1.47%	\$ 364,633

**GENERAL FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



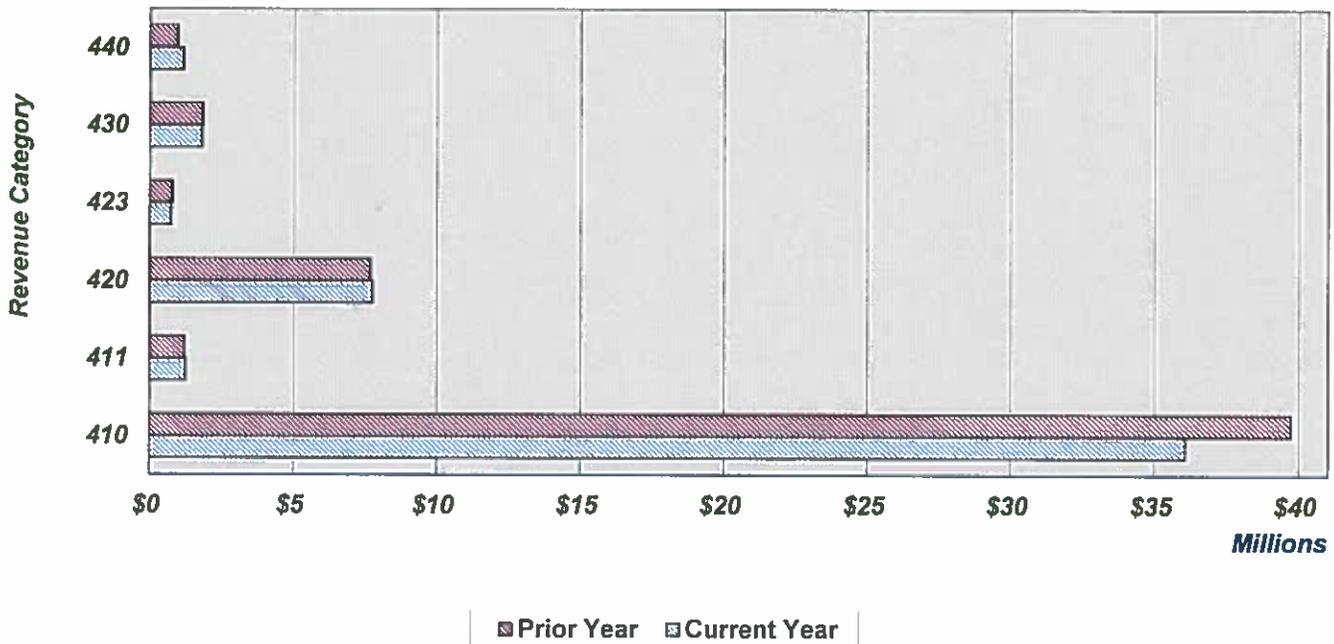


Summary Budget Revenue Report
 March 31, 2020
 (50.00% of year has elapsed)

EXHIBIT 3 -ENTERPRISE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	36,071,675	43.93%	39,751,328	47.35%	-3.42%	(3,679,652)
411 NATURAL GAS	1,263,831	52.54%	1,232,256	55.19%	-2.65%	31,575
420 WATER & SEWER	7,764,511	52.80%	7,686,512	56.51%	-3.71%	77,999
423 STORMWATER	751,252	51.69%	793,568	56.79%	-5.11%	(42,316)
430 SANITATION	1,815,129	51.65%	1,841,964	52.67%	-1.02%	(26,835)
440 GOLF COURSE	1,165,241	60.15%	970,705	63.24%	-3.10%	194,537
TOTAL REVENUES	\$ 48,831,640	46.01%	\$ 52,276,332	49.21%	-3.20%	\$ (3,444,692)

**ENTERPRISE FUND REVENUES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



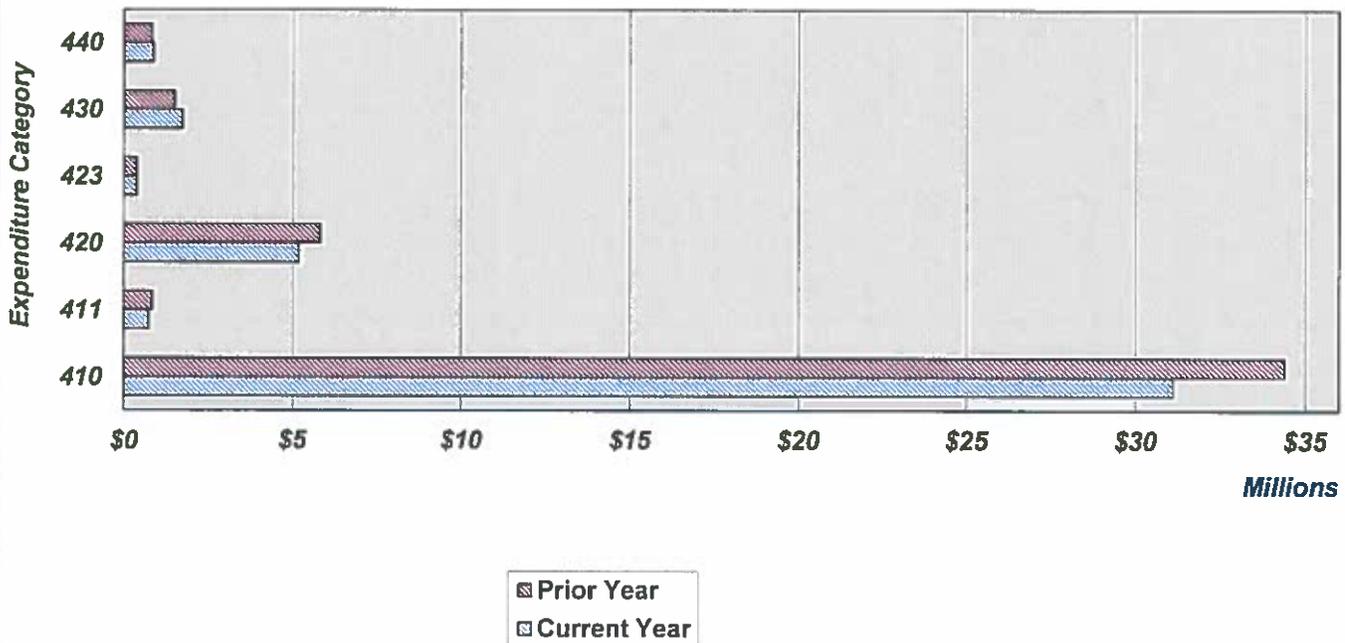


Summary Budget Expenditure Report
 March 31, 2020
 (50.00% of year has elapsed)

EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	31,096,014	33.63%	34,408,870	35.43%	-1.80%	(3,312,856)
411 NATURAL GAS	751,941	36.37%	851,703	43.34%	-6.97%	(99,762)
420 WATER & SEWER	5,187,084	33.96%	5,811,973	37.52%	-3.56%	(624,889)
423 STORMWATER	382,847	14.96%	377,404	25.22%	-10.25%	5,443
430 SANITATION	1,743,378	39.79%	1,507,688	40.54%	-0.74%	235,690
440 GOLF COURSE	876,183	43.34%	838,747	57.80%	-14.46%	37,436
TOTAL EXPENDITURES	\$ 40,037,448	33.71%	\$ 43,796,385	36.12%	-2.41%	\$ (3,758,938)

**ENTERPRISE FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



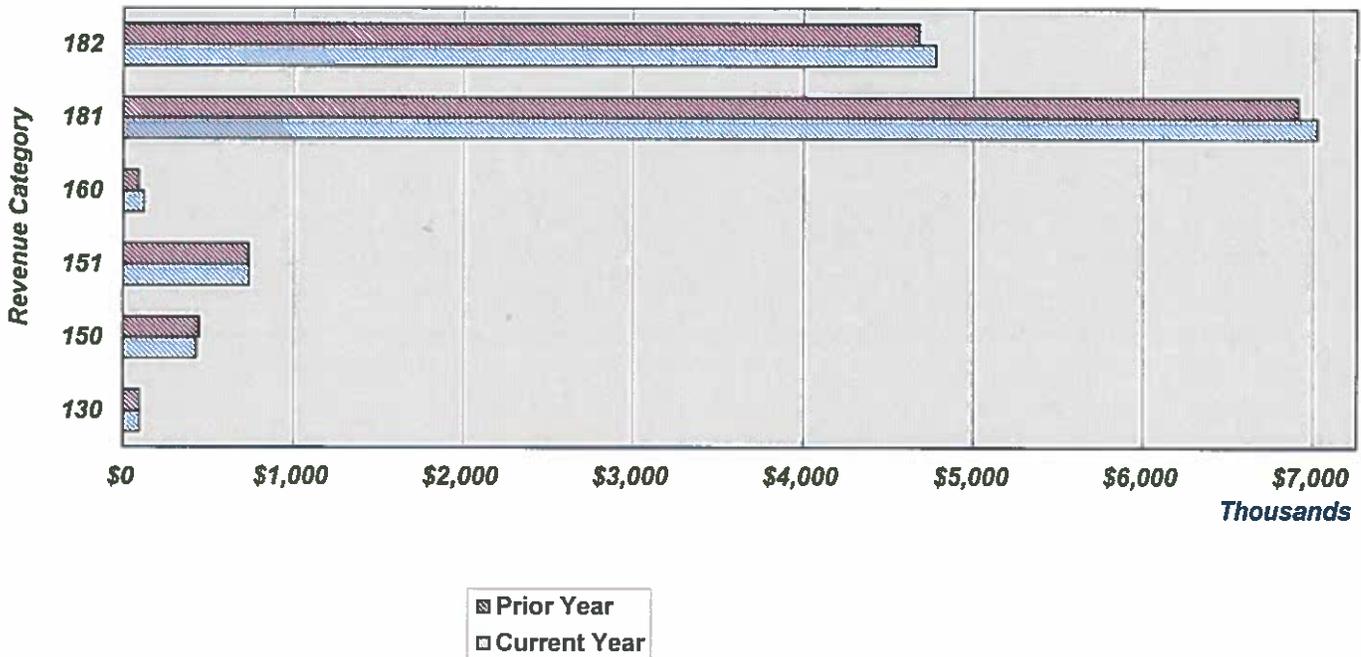


Summary Budget Revenue Report
 March 31, 2020
 (50.00% of year has elapsed)

EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	96,878	24.37%	96,821	27.03%	-2.66%	57
150 LOCAL OPTION GAS TAX	430,054	52.24%	445,834	54.75%	-2.51%	(15,780)
151 INFRASTRUCTURE SURTAX	739,359	53.62%	734,046	53.81%	-0.19%	5,312
160 COMMUNITY DEV. BLK. GRANT	120,874	87.59%	90,798	65.80%	21.79%	30,076
181 DOWNTOWN INCREMENT FUND	7,024,653	100.30%	6,913,679	103.53%	-3.23%	110,975
182 SOUTHEND INCREMENT FUND	4,776,391	190.79%	4,680,504	104.21%	86.57%	95,887
TOTAL REVENUES	\$ 13,188,208	107.70%	\$ 12,961,682	93.63%	14.08%	\$ 226,526

**SPECIAL REVENUE FUND REVENUES TO DATE
 CURRENT YEAR VS PRIOR YEAR**

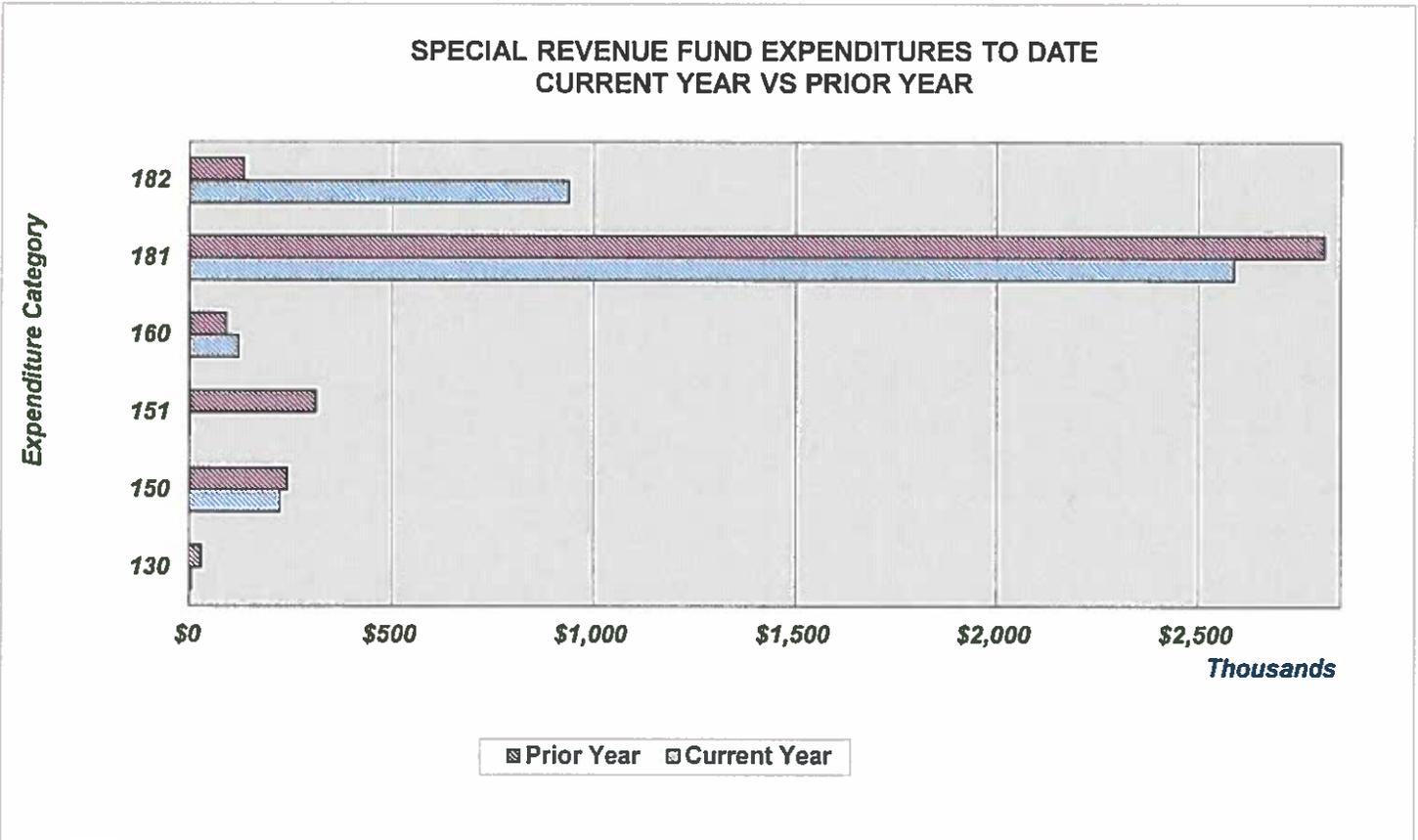




Summary Budget Expenditure Report
 March 31, 2020
 (50.00% of year has elapsed)

EXHIBIT 6 - SPECIAL REVENUE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	5,369	4.44%	29,050	10.62%	-6.18%	(23,681)
150 LOCAL OPTION GAS TAX	224,182	28.12%	241,653	30.27%	-2.15%	(17,471)
151 INFRASTRUCTURE SURTAX	2,069	0.62%	311,235	34.57%	-33.95%	(309,166)
160 COMMUNITY DEV. BLK. GRANT	120,874	85.12%	90,798	65.80%	19.33%	30,076
181 DOWNTOWN INCREMENT FUND	2,588,052	30.88%	2,809,838	22.48%	8.40%	(221,786)
182 SOUTHEND INCREMENT FUND	937,440	47.38%	133,771	31.86%	15.52%	803,669
TOTAL EXPENDITURES	\$ 3,877,985	33.00%	\$ 3,616,345	24.06%	8.94%	\$ 261,640





Summary Budget Report
 March 31, 2020
 (50.00% of year has elapsed)

EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES

Fund Name	Budgeted Revenues Fiscal Year 2020	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,027,407	12,013,704	16,632,488	4,618,785
130 Convention Development Tax	397,496	198,748	96,878	(101,870)
150 Local Option Gas Tax	823,223	411,612	430,054	18,442
151 Infrastructure Surtax	1,378,808	689,404	739,359	49,955
160 Community Dev. Blk. Grant	138,000	69,000	120,874	51,874
181 Downtown Increment Fund	7,003,700	3,501,850	7,024,653	3,522,803
182 Southend Increment Fund	2,503,537	1,251,769	4,776,391	3,524,623
410 Electric Utility	82,113,996	41,056,998	36,071,675	(4,985,323)
411 Natural Gas Utility	2,405,292	1,202,646	1,263,831	61,185
420 Water & Sewer Utility	14,705,017	7,352,509	7,764,511	412,002
423 Storm Water Management	1,453,505	726,753	751,252	24,500
430 Sanitation Fund	3,514,536	1,757,268	1,815,129	57,861
440 Golf Course Fund	1,937,261	968,631	1,165,241	196,611
460 Leased Facilities Fund	679,177	339,589	350,910	11,322
500 Internal Service Funds	13,268,599	6,634,300	6,352,407	(281,893)
Total Revenues	\$ 156,349,554	\$ 78,174,777	\$ 85,355,653	\$ 7,180,876

Fund Name	Budgeted Expenditures Fiscal Year 2020	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,278,365	12,139,183	10,451,839	1,687,344
130 Convention Development Tax	121,028	60,514	5,369	55,145
150 Local Option Gas Tax	797,306	398,653	224,182	174,471
151 Infrastructure Surtax	332,306	166,153	2,069	164,084
160 Community Dev. Blk. Grant	142,000	71,000	120,874	(49,874)
181 Downtown Increment Fund	8,381,899	4,190,949	2,588,052	1,602,897
182 Southend Increment Fund	1,978,372	989,186	937,440	51,746
410 Electric Utility	92,474,819	46,237,409	31,096,014	15,141,395
411 Natural Gas Utility	2,067,336	1,033,668	751,941	281,727
420 Water & Sewer Utility	15,274,268	7,637,134	5,187,084	2,450,049
423 Storm Water Management	2,558,735	1,279,368	382,847	896,521
430 Sanitation Fund	4,381,001	2,190,501	1,743,378	447,123
440 Golf Course Fund	2,021,631	1,010,816	876,183	134,632
460 Leased Facilities Fund	964,178	482,089	297,308	184,781
500 Internal Service Funds	13,430,657	6,715,329	5,585,063	1,130,266
Total Expenditures	\$ 169,203,902	\$ 84,601,951	\$ 60,249,643	\$ 24,352,308

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	6,180,649	6,306,128
130 Convention Development Tax	91,509	(46,725)
150 Local Option Gas Tax	205,872	192,913
151 Infrastructure Surtax	737,290	214,039
160 Community Dev. Blk. Grant	-	2,000
181 Downtown Increment Fund	4,436,601	5,125,701
182 Southend Increment Fund	3,838,951	3,576,368
410 Electric Utility	4,975,661	10,156,072
411 Natural Gas Utility	511,889	342,912
420 Water & Sewer Utility	2,577,426	2,862,052
423 Storm Water Management	368,406	921,021
430 Sanitation Fund	71,752	504,984
440 Golf Course Fund	289,058	331,243
460 Leased Facilities Fund	53,602	196,103
500 Internal Service Funds	767,344	848,373
Total	\$ 25,106,010	\$ 31,533,184



Cash and Investments by Fund
March 31, 2020

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Trust Treasury Strip	TS	3,148,000	3,148,000
TOTAL UTILITY FUNDS 410 and 420			\$3,148,000
Salem Mutual Fund	Portfolio	40,164,273	40,164,273
Sawgrass Asset Management	Portfolio	27,227,250	27,227,250
Wells Capital	Portfolio	12,921,833	12,921,833
JPMCB - Strategic Property Fund	Portfolio	5,215,979	5,215,979
TOTAL PENSION FUNDS 611, 612 and 613			\$85,529,335
TOTAL INVESTMENTS			\$88,677,335
State Board of Administration	Pool	17,073,788	17,073,788
Florida Trust	Pool	19,037,537	19,037,537
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,564,935	12,564,935
Bank of America	Cash	32,222,839	32,222,839
Sawgrass Asset Management	Portfolio	43,928,988	43,928,988
Galliard Capital Management	Portfolio	40,133,155	40,133,155
Garcia Hamilton & Associates	Portfolio	39,167,134	39,167,134
Salem Trust: Goldman Sachs Treasury	MM	15,736	15,736
TOTAL EQUITY IN POOLED CASH			\$204,144,113
Petty Cash	Cash	6,525	6,525
TOTAL CASH AND INVESTMENTS			\$292,827,973

Attorney Fees Paid During the Month

NAME	DESCRIPTION	CHECK DATE	CHECK AMOUNT
Allen, Dyer, Dopelt, Milbrath	Jax Beach Est. 1907 & Design	03/05/20	94
Stearns Weaver Miller Weissler	FL Resilient Coastline Grant Program	03/05/20	22,000
Sugarman & Susskind, P.A.	Retainer & Travel Fees	03/12/20	3,160
Gray Robinson, P.A.	General Telecommunications Ordinance	03/19/20	715
Marks, Gray, PA	General Matters and Land Use Matters	03/19/20	6,685
Rogers Towers, P.A.	Poline Metcalf Grievance	03/19/20	35
Sugarman & Susskind, P.A.	Retainer	03/26/20	2,550
TOTAL ATTORNEY FEES			\$35,239

City of Jacksonville Beach. 11 North Third Street. Jacksonville Beach, FL. 32250

www.jacksonvillebeach.org



Cash and Investments by Type
 Fiscal Year to Date
 March 31, 2020

Type of Investment	Beginning Balance 10/1/2019	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 3/31/2020	Weighted Net Return*
State Pooled Investment Fund	16,922,177	151,612	0	0	0	151,612	0	17,073,788	0.07%
Money Market: Goldman Sachs Treasury	11,103	4,948	0	0	(315)	4,633	(0)	15,736	0.00%
U.S. Treasury Stripped Coupons	3,129,238	0	0	0	0	0	18,762	3,148,000	0.00%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,397,619	167,316	0	0	0	167,316	0	12,564,935	0.08%
Sawgrass Asset Management	42,883,166	501,529	103,001	484,974	(43,682)	1,045,822	(0)	43,928,988	0.52%
Galliard Capital Management	39,449,933	479,540	87,243	142,950	(26,512)	683,222	(0)	40,133,155	0.34%
Garcia Hamilton & Associates	39,823,354	454,801	(28,000)	(1,042,009)	(41,013)	(656,220)	(0)	39,167,134	-0.31%
Florida Trust	18,876,515	161,023	0	0	0	161,023	(0)	19,037,537	0.08%
Operating Cash: Bank of America	14,185,724	26,298	0	0	(60,789)	(34,491)	18,071,605	32,222,839	-0.02%
Petty Cash	6,525	0	0	0	0	0	0	6,525	0.00%
TOTAL CITY MANAGED INVESTMENTS AND CASH	187,685,354	1,947,067	162,244	(414,084)	(172,310)	1,522,917	18,090,367	207,298,638	0.77%
Pension Fund: Salem Mutual Fund	48,546,020	1,294,949	473,450	(9,300,145)	0	(7,531,747)	(850,000)	40,164,273	-7.35%
Pension Fund: Sawgrass Asset Mgt	26,387,145	345,135	684,484	(147,917)	(41,596)	840,106	0	27,227,250	1.01%
Pension Fund: Wells Capital	14,330,608	45,261	139,879	(1,550,149)	(43,766)	(1,408,775)	0	12,921,833	-1.49%
Pension Fund: JPMCB - Strategic Property Fund	5,081,052	0	0	134,928	0	134,928	(0)	5,215,979	0.16%
TOTAL PENSION INVESTMENTS	94,344,824	1,685,344	1,297,813	(10,863,284)	(85,362)	(7,965,489)	(850,000)	85,529,335	-8.48%
TOTAL CASH AND INVESTMENTS	282,030,178	3,632,411	1,460,057	(11,277,368)	(257,672)	(6,442,572)	17,240,367	292,827,973	

*Fiscal year to date

Beaches Energy
Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com



**BEACHES ENERGY
SERVICES**

MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director, Beaches Energy Services
SUBJECT: Beaches Energy Services Supervisory Control and Data Acquisition (SCADA) Integration with Responder Outage Management System (OMS)
DATE: April 3, 2020

BACKGROUND

Beaches Energy completed the installation of its new Responder Outage Management System (OMS) in March 2020. This system utilizes the most current network state and an advanced prediction engine to predict and respond to outages in a more informed and efficient manner. Our dispatchers have real-time network information for accurately evaluating how an outage impacts our customers, how to prioritize responses, effectively assign crews and better determine possibilities for back-feeding power. The next step to enhancing this OMS system is to integrate it with the real time status of devices in the field via our SCADA system.

In April, Beaches Energy System Operators began training on this new OMS system with a planned go-live for this summer. This means that as calls from customers are input, OMS is able to track and predict where outages are occurring and provide that data to a customer-facing map along with other useful information.

Additionally, we have devices in the field that currently communicate with our SCADA system and notify an operator when a device has changed state (energized or de-energized) whether planned or unplanned.

Typically, when a device changes from closed (energized) to open (de-energizes) and it is unplanned, it means customers are without power. In the past, we did not have the ability to truly know if a customer calling in to report a power outage was related to an existing outage incident or not. This limited our ability to provide real-time accurate data to the public.

MEMORANDUM

Beaches Energy Services SCADA to OMS Integration

April 3, 2020

Page 2 of 2

Currently, in order to reflect a state change in the OMS, an operator must see the device change state in SCADA and then manually model that device status to reflect the outage in OMS. We want to automate that so that when a device changes and notifies SCADA, SCADA will notify OMS and make the necessary change in device state automatically in near real time. In order for the status of these devices to reflect in our OMS system automatically, it is necessary for our SCADA system to be integrated with OMS.

This integration will require work by both our SCADA system provider, Advanced Control Systems and our OMS system provider, Telvent USA. Both organizations are sole source. The estimate from each vendor are as follows:

Telvent USA - \$36,324

Advanced Control Systems - \$19,925

Total project cost is estimated at \$56,249.

Funding for this expenditure was included as part of the FY2020 CIP (Account #: 410-12-1212-531-63-563000).

REQUESTED ACTION

Approve/Disapprove a purchase order in the amount of \$56,249 to fund the integration between our Advanced Control Systems SCADA and Responder OMS.



Beaches Energy
Services

1460-A Shetter Ave
Jacksonville Beach
FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director, Beaches Energy Services
SUBJECT: Bid No. 1920-05, Fire Retardant Clothing for Beaches Energy Services
DATE: April 15, 2020

BACKGROUND

In order to conduct their day-to-day work safely, the employees in the above divisions are required to wear specifically rated fire retardant clothing while maintaining the overhead and underground electric system, substations and electric metering system.

The City of Jacksonville Beach solicited bids from seven (7) vendors. On March, 2020, seven (7) bids were received for Bid No. 1920-05. This bid covers six (6) different items of fire resistant and fire retardant clothing utilized by Beaches Energy Services Construction & Maintenance, Substation/Relay and Meter Reading divisions.

Based upon past experience, we expect to order:

- Three-hundred twelve (312) each of item 1;
- Forty-eight (48) each of item 2;
- Forty-nine (49) each of item 3;
- One-hundred seventy-seven (177) each of item 4;
- One-hundred twenty-five (125) each of item 5;
- Thirty-five (35) each of item 6; and
- The total cost is approximately \$58,815.10 annually.

The lowest bid meeting specifications and pricing is as follows:

MEMORANDUM

Bid No. 1920-05, Fire Retardant Clothing

April 15, 2020

Page 2 of 4

Item	Description	Vendor	Unit Cost
1	T-Shirts with Pockets - S	American Solutions for Business	\$77.80
1	T-Shirts with Pockets - M	American Solutions for Business	\$77.80
1	T-Shirts with Pockets - L	American Solutions for Business	\$77.80
1	T-Shirts with Pockets - LT	American Solutions for Business	\$83.85
1	T-Shirts with Pockets - XL	American Solutions for Business	\$77.80
1	T-Shirts with Pockets - XXL	American Solutions for Business	\$77.80
1	T-Shirts with Pockets - XXLT	American Solutions for Business	\$83.85
1	T-Shirts with Pockets - XXXLT	American Solutions for Business	\$83.85
2	Duck Quilt-Lined Active Jacket - S	Perfect Fit Image	\$175.00
2	Duck Quilt-Lined Active Jacket - M	Perfect Fit Image	\$175.00
2	Duck Quilt-Lined Active Jacket - L	Perfect Fit Image	\$175.00
2	Duck Quilt-Lined Active Jacket - LT	Perfect Fit Image	\$190.00
2	Duck Quilt-Lined Active Jacket - XL	Perfect Fit Image	\$175.00
2	Duck Quilt-Lined Active Jacket - XXL	Perfect Fit Image	\$175.00
2	Duck Quilt-Lined Active Jacket - XXLT	Perfect Fit Image	\$190.00
2	Duck Quilt-Lined Active Jacket - XXXLT	Perfect Fit Image	\$190.00
3	Flame-Resistant Hooded Sweatshirt - S	Perfect Fit Image	\$128.00
3	Flame-Resistant Hooded Sweatshirt - M	Perfect Fit Image	\$128.00
3	Flame-Resistant Hooded Sweatshirt - L	Perfect Fit Image	\$128.00
3	Flame-Resistant Hooded Sweatshirt - LT	Perfect Fit Image	\$138.00
3	Flame-Resistant Hooded Sweatshirt - XL	Perfect Fit Image	\$128.00
3	Flame-Resistant Hooded Sweatshirt - XXL	Perfect Fit Image	\$128.00
3	Flame-Resistant Hooded Sweatshirt - XXLT	Perfect Fit Image	\$138.00
3	Flame-Resistant Hooded Sweatshirt - XXXLT	Perfect Fit Image	\$138.00
4	Flame Resistant Cotton Jeans - Ladies 6	Perfect Fit Image	\$62.50
4	Flame Resistant Cotton Jeans - Ladies 10	Perfect Fit Image	\$62.50
4	Flame Resistant Cotton Jeans - 30x32	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 32x34	American Solutions for Business	\$59.80

MEMORANDUM

Bid No. 1920-05, Fire Retardant Clothing

April 20, 2020

Page 3 of 4

4	Flame Resistant Cotton Jeans - 33x30	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 33x32	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 33x34	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 34x30	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 34x32	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 34x34	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 36x29	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 36x30	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 36x32	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 38x31	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 38x32	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 40x30	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 40x32	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 40x38	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 42x30	American Solutions for Business	\$59.80
4	Flame Resistant Cotton Jeans - 42x32	American Solutions for Business	\$59.80
5	Flame Resistant Cargo Pants - 30x30	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 32x30	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 32x32	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 33x30	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 35x29	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 36x32	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 38x31	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 38x32	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 40x30	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 40x34	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 44x30	Dana Safety Supply	\$52.82
5	Flame Resistant Cargo Pants - 46x34	Dana Safety Supply	\$67.47

MEMORANDUM

Bid No. 1920-05, Fire Retardant Clothing

April 20, 2020

Page 4 of 4

6	Flame Resistant Uniform Pants - 30x32	Perfect Fit Image	\$58.50
6	Flame Resistant Uniform Pants - 32x30	Perfect Fit Image	\$58.50
6	Flame Resistant Uniform Pants - 36x30	Perfect Fit Image	\$58.50
6	Flame Resistant Uniform Pants - 36x32	Perfect Fit Image	\$58.50
6	Flame Resistant Uniform Pants - 38x32	Perfect Fit Image	\$58.50

Funds are budgeted annually in Beaches Energy Services' Operating Supplies.

REQUESTED ACTION

Award/Reject Bid No.1920-05 for Fire Retardant Clothing to the lowest bidder meeting specifications for each item listed above.

City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shelter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6211
904.247.6219
Fax: 904.247.6117

www.jacksonvillebeach.org



MEMORANDUM

TO: Mike Staffopoulos, City Manager

THRU: Dennis W. Barron, Jr., Director of Public Works

FROM: Phillip Brown, Wastewater Superintendent

SUBJECT: Authorization to fund and purchase one new vehicle for the Wastewater Division to result in vehicle assignment for the F.O.G Inspector Position for the Public Works Department, Wastewater Division

DATE: March 10, 2020

BACKGROUND

The Approved 2020 Business Plan and Budget included the approval of a new Fats, Oils and Grease (FOG) Inspector position for the Wastewater Division. During the budgetary workup and approval, a new vehicle for this position was not part of the approved 2020 budget. Currently this position is utilizing a vehicle dedicated to the Wastewater Division. This new additional vehicle will allow reimbursement of vehicles resulting in a dedicated vehicle for the FOG position.

Authorizing the funding and purchase of a new vehicle for the division would allow the Wastewater Division to continue successfully responding to sites and completing its daily activities. While this purchase was not budgeted for FY2020, funding is available in the Water and Sewer Utility Fund operating reserves. The budget will be amended as part of the FY2020 mid-year budget alignment. (420-07-0706-535-64-564001-)

The new vehicle to be purchased will utilize the terms, conditions and pricing from the current Florida Sheriffs Association Contract (FSA19-VEL27.0) (Item # 192), Ford, Explorer Mid-Size 4 Door Utility Vehicle 4X2 , from Bozard Ford LLC, at a cost of \$27,010.00 (see attached quote).

REQUESTED ACTION

Approve/Disapprove the purchase of one new vehicle for the Wastewater Division, resulting in an assigned vehicle for the FOG Inspector Contract Coordinator, from Bozard Ford LLC, at a cost of \$27,010.00 utilizing the Florida Sheriffs Association Contract (FSA19-VEL27.0).

BOZARD 
GOVERNMENT FLEET

March 5, 2020

PHIL BROWN
JACKSONVILLE BEACH

Bozard Ford is pleased to submit the following quote based on FSA Contract FSA 19-VEL27.0

SPEC265	2020 FORD EXPLORER BASE RWD (K7B)	\$26,164.00
99H	2.3L ECOBOOST ENGINE	STD
942	DAY TIME RUNNING LIGHTS	\$44.00
85W	CARGO MAT	\$99.00
16N	FRONT AND REAR HD FLOOR LINERS	\$119.00
3K	THIRD KEY WITH PROGRAMMED REMOTE	\$399.00
NST	NEW CITY TAG	\$185.00
7Z/7N	OXFORD WHITE EXTERIOR / SANDSTONE INTERIOR	STD

Total **\$27,010.00**

Sincerely,

Jeffrey Eason
Government Sales Director



BEACHES ENERGY SERVICES

Beaches Energy Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: Mike Staffopoulos
City Manager
FROM: Allen Putnam
Director, Beaches Energy Services
SUBJECT: Fiber Installation from Jacksonville Beach City Hall to Margaritaville Hotel Jacksonville
DATE: March 19, 2020

BACKGROUND

We are requesting your approval to proceed with agenda item number 20-066 which was originally scheduled for Council consideration at their 3/16/20 meeting.

Approve/Disapprove a Purchase Order in the amount of \$130,689 to fund the installation of a new fiber optic cable and associated supporting equipment from Jacksonville Beach City Hall to the top floor of the new Margaritaville Resort.

This is due to the fact that work has not ceased for the Margaritaville project and the city needs to proceed with the work to ensure that the fiber is installed in the available window for the construction on site.

Allen Putnam
Department Director

Albert J. Hault
Budget Officer

Chief Financial Officer

Mike Staffopoulos
City Manager



Beaches Energy
Services

1460-A Shetter Ave
Jacksonville Beach
FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director, Beaches Energy Services
SUBJECT: Fiber Installation from Jacksonville Beach City Hall to
Margaritaville Hotel
DATE: March 5, 2020

BACKGROUND

The City of Jacksonville Beach's wireless infrastructure was first installed approximately two (2) years ago, to support the downtown security cameras being deployed for the Jacksonville Beach Police Department. Initial testing indicated that the bandwidth would be sufficient at 5 GHz to handle the amount of traffic generated by the video feeds transmitted.

However, with the advancement of technology, local Internet Service Providers (ISPs) began delivering faster speeds to the community and the push for installation of 5 GHz home routers increased. The additional residential and commercial equipment deployed within the City by these ISPs has affected the performance due to interference introduced by this equipment. The resulting decreased performance causes interruptions in the video feed to the Police Department. To compensate, the video feed from our security system was relocated to the dedicated public safety frequency, which does not have the capacity for high traffic loads such as video. To mitigate this, the resolution of the video had to be decreased which further degraded video quality and resulting public safety. To solve the problem, wireless radios with backhaul to the City's fiber system are required to eliminate the interference.

During the process of designing the new electric and natural gas services to the Margaritaville Resort, Beaches Energy identified an opportunity to install fiber to the top of the new hotel to significantly improve video quality and move the video feed back to the non-public safety frequency, which better supports video feeds. This will include installing wireless radios and antennas at the top of the hotel.

MEMORANDUM

City of Jacksonville Beach Fiber Installation

March 5, 2020

Page 2 of 3

The City of Jacksonville Beach has worked with Siemens under the National Joint Powers Alliance (now Sourcewell) Contract 031517-SIE to implement much of the existing fiber system. Therefore, Siemens was requested to design and coordinate:

- A conduit pathway from the street in front of Margaritaville Resort to the top of the building (Phase I);
- Installation of a new fiber optic cable from City Hall to the top of the Margaritaville Resort (Phase II);
- Installation of all radios, antennas, and power equipment required (Phase II).

Phase I of this project was completed in November 2019. To date, the City has spent \$16,514 with Siemens Industry, Inc. to install a conduit pathway through the post-tension slab at the Margaritaville construction site. The additional portion of the work constituting Phase II (\$130,689) will bring the total project cost to \$147,203.

We are continuing to work with other building owners and developers (Elements Hotel, Pablo Towers and others) to install fiber, radios and antennas to expand and enhance this communications system to improve video monitoring and public safety. This will further increase the capabilities of this city-wide area network which can be further leveraged in the future to provide Smart City services. These could include such services as Smart Grid (electric, natural gas, public works, parks and recreation, etc.), Smart street lighting, Smart parking, digital services, public safety and real-time geo-locations to support more efficient operations such as inspections, maintenance, and repair requests from citizens.

Siemens presented the proposal to Beaches Energy and the City of Jacksonville Beach Information Technology on September 9, 2019.

Funding for this project is available within the current Electric Utility Fund budget, due to the Department not proceeding with the Advanced Metering Infrastructure project (approved in the 2020 Capital Improvement Plan). The funds will be spent from the following account: 410-12-1203-531-64-564000.

MEMORANDUM

City of Jacksonville Beach Fiber Installation

March 5, 2020

Page 3 of 3

The City Manager authorized the purchase order under emergency purchasing authority on March 19, 2020. This item is being brought to City Council for formal approval, as is required for all emergency purchases.

REQUESTED ACTION

Approve/Disapprove a purchase order in the amount of \$130,689 with Siemens Industry, Inc. to fund the installation of a new fiber optic cable and associated supporting equipment from Jacksonville Beach City Hall to the top floor of the new Margaritaville Resort.



MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Dennis W. Barron, Jr., Director of Public Works
SUBJECT: Change Order for New Well #16 Construction Well #11 Abandonment Design Modifications, Permitting and Bidding
DATE: April 8, 2020

BACKGROUND

We are requesting your approval to proceed with the execution of a change order to Four Waters Engineering, Inc. for professional engineering services for New Well #16 Construction Well #11 Abandonment design modifications.

Approve/Disapprove a change order to PO #190750 - DESIGN NEW WELL #16 & ABANDON WELL #11 in the amount of \$33,046.00 to Four Waters Engineering, Inc. for engineering services to evaluate required well capacity, design and permit and bidding services for a new well, Well #16, and to abandon existing Well #11.

Justification:

We do not know when the next Council meeting will take place, however, we would like to move forward with the well capacity evaluation and design and bid documents modifications as soon as possible so that the City can re-advertise the bid for construction services once normal operations resume.

Please select the option below which best describes the nature of this action:

~~Emergency (Items which have not followed our established Procurement procedures):~~

Continuity of Operations (Items which have followed our established Procurement procedures):

[Signature of Dennis W. Barron, Jr.]
Department Director

[Signature of Albert J. Santora]
Budget Officer

[Signature of Lee Galt]
Chief Financial Officer

[Signature of Mike Staffopoulos]
City Manager

City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6211
904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Dennis W. Barron, Jr., Director of Public Works

SUBJECT: Approval of Change Order for Well #16 Construction and Well #11 Abandonment Design Modifications, Permitting and Bidding

DATE: April 8, 2020

BACKGROUND

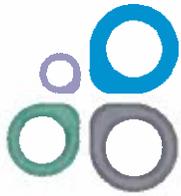
The FY2019-20 Business Plan included drilling a new water well and abandonment of another well. This project was bid as No. 1920-01. Subsequently, all bids were rejected at the March 2, 2020 Council meeting. A new scope/fee was established by the existing consulting engineer to re-evaluate well size based off lower flow needs. This change order allows the consulting engineer to continue working on this project to be ready to complete the RFP process when restrictions are lifted.

The City Manager authorized the change order under emergency purchasing authority on April 8, 2020. This item is being brought to City Council for formal approval, as is required for all emergency purchases.

REQUESTED ACTION

Approve/Disapprove a change order to PO #190750 – Design New Well #16 & Abandon Well #11 in the amount of \$33,046.00 to Four Waters Engineering, Inc. for engineering services to evaluate required well capacity, design and permit and bidding services for a new well, Well #16, and to abandon existing Well #11.





FOUR WATERS ENGINEERING, INC.
324 6th Avenue North
Jacksonville Beach, FL 32250
(904) 414-2400 Office

April 8, 2020
Sent Electronically

Marty Martirone, P.E.
City Engineer
City of Jacksonville Beach
1460-A Shetter Avenue
Jacksonville Beach, FL 32250
MMartirone@jaxbchfl.net

RE: Proposal for Professional Engineering Services
Required Well Capacity Evaluation, New Well #16 Construction Well #11 Abandonment
Design Modifications, Permitting and Bidding

Dear Mr. Martirone:

Four Waters Engineering, Inc. (4Waters) is pleased to provide this proposal to the City of Jacksonville Beach Public Works Department (City) for engineering services to evaluate required well capacity, design and permit and bidding services for a new well, Well #16, and to abandon existing Well #11. This proposal has been prepared based on information provided by the City via email on February 18 and March 13, 2020.

4Waters prepared design documents for Well # 16 Construction / Well #11 Abandonment for a new water supply well with a capacity of 2000 gallons per minute (gpm) (Original Project). The City received bids on December 11, 2019. The City rejected all bids because the apparent low bid exceeded the City's FY2018-2021 Capital Improvement Plan (CIP) budget approximately 200%. As a result, the City intends to reevaluate the required Well #16 capacity to meet the City's long-term water supply needs without existing Well #11 and reissue the Project design documents to reduce capital construction costs (Modified Project).

This fee proposal for the Modified Project includes the tasks below. A description of each task and their corresponding assumptions are presented herein. Tasks included:

- Task 1: Well # 16 Firm Capacity Evaluation.
- Task 2: Well #16 Design Modifications.
- Task 3: Permitting.
- Task 4: Bidding Assistance.

Task 1.0 – Well # 16 Firm Capacity Evaluation

This task will evaluate the required firm capacity of the proposed Well # 16 after Well # 11 is removed from service to meet the City's current and future water supply needs. The Original Project Well # 16 capacity was established at 2000 gpm. The Modified Project will evaluate the actual firm capacity required, based on historical demand data and future demand projections.

4Waters anticipates that the firm capacity evaluation will require the following information from the City:

- Future demands and peak day demand or factor.
- Population and equivalent residential connection (ERC) estimates - current and future.
- Current unaccounted for water.
- WTP No. 1 operational records – most recent 3- 5 years.
- Wells # 11, 14 and 15 operational records – most recent 3- 5 years.

4Waters will submit a technical memorandum (electronic format, PDF) to the City summarizing the firm capacity evaluation, results and recommendations. The Technical Memorandum will include the following evaluations:

- Estimate future water supply needs based on population / ERC projections, peak day demand factor and unaccounted for water.
- Estimate existing WTP No. 1 supply availability (Wells # 14 and #15 only) and well operations schedule, with one of the two existing wells out of service. Both wells are rated at 2000 gpm.¹
- Estimate the required Well # 16 production rate (gpm) to replace Well # 11 and meet future City water supply needs.

Task 2.0 – Well #16 Design Modifications

4Waters will conduct a hydraulic analysis for the proposed Well #16 at firm capacity production rate established in Task 1 to estimate the well pump operating conditions, pump electric motor and power requirements. 4Waters will then coordinate with pump vendors to select appropriate well pumps from approved manufacturers. The hydraulic evaluation will include the recently constructed 12” PVC raw water force main from the Well # 16 site to the Well # 15 site.

The Original Project documents will be revised as follows:

- Base Bid:
 - Reduced Well # 16 size from 15” to 12” diameter. The Original Project borehole and casing depths will be retained.
 - Reduced Well # 16 vertical turbine pump and discharge piping sizes.
 - Connect to the existing 12” raw water main at the Well # 16 site.
 - Reduced Well # 16 building footprint.
 - Well # 16 building: Precast concrete with tilt-up walls and a precast concrete roof.
 - Contractor well development water disposal plan for Engineer / City approval. Documents will not indicate catch basin locations.
- Alternate Bid Item: Original Project Well # 16 building.

If the Task 1 evaluation determines that more than 1500 gpm is required, retaining the Well # 16 Original Project capacity will be considered, and the Original Project documents will be revised as follows:

- Base Bid:
 - Connect to the existing 12” raw water main at the Well # 16 site.
 - Well # 16 building: Precast concrete with tilt-up walls and a precast concrete roof.

¹ SJRWMD Consumptive Use Technical Staff Report. 10 April 2013. Application #: 2-031-793-3.

April 8, 2020

Page 3

- Contractor well development water disposal plan for Engineer / City approval. Documents will not indicate catch basin locations.
- Alternate Bid Item: Original Project Well # 16 building.

The 4Waters design team for this project includes: Earth Systems (ES) for hydrogeological design, W.D. Lassetter, PE for electrical engineering, and dig Architecture for the well building design. The 4Waters team proposes the following two (2) design submittals:

- Task 2.1 - 90%
- Task 2.2 - Bid Documents.

The 90% Design submittal will provide the City with an opportunity for staff to review and comment on the proposed modifications. 4Waters will issue Bid documents after the City's 90% review comments are received. Each design submittal will include three (3) hard copies and one (1) electronic copy (PDF) of the following deliverables:

- Technical Memorandum - Design Changes
- Drawings (90% - 11 x 17; Bid - 11 x 17 and 24 x 36)
- Specifications
- Engineer's Opinion of Probable Capital Construction Cost
- Anticipated construction schedule.

The Bid document hard copies will be signed and sealed by a Florida Registered Professional Engineer. One (1) electronic copy (PDF and Word/Excel) of the 90% and bidding documents will be provided to the City. Bid documents will be emailed to Luis Flores, Property and Procurement Office for advertisement and placement on the City's website during bidding.

Task 3.0 - Permitting

4Waters has discussed permitting efforts for the Modified Project with both the Florida Department of Environmental Protection (FDEP) and the St. Johns River Water Management District (SJRWMD). Additional permitting applications beyond what was completed for the Original Project are not anticipated for the Modified Project. Moderate permitting efforts are required for the SJRWMD to update the City's existing Consumptive Use Permit (CUP) and obtain a deadline extension to abandon existing Well # 11, based on discussions with SJRWMD for this proposal.

SJRWMD Permitting

SJRWMD permitting efforts will include the following:

- Letter requesting an extension for abandoning Well # 11
- Letter modification for the CUP.

4Waters will prepare a letter request to SJRWMD for a time extension to abandon Well # 11. SJRWMD required the City to plug and abandon Well # 11 prior to the March 31, 2020. Discussions with SJRWMD for this fee proposal indicate the District is prone to issue an extension for the City to plug and abandon Well # 11. The extension request will include a narrative of events, summarizing the efforts to meet the District's deadline to construct Well # 16 / abandon Well # 11 and the approach / action items to complete the project & abandon Well # 11.

4Waters will prepare a CUP letter modification to SJRWMD. The letter modification will request the removal of Well # 11 and addition of Well # 16 to the City's current CUP, after Well # 11 is plugged and abandoned. After the CUP modification, the City would be required to monitor Well # 16 water quality and would no longer be required to monitor Well # 11 water quality.

FDEP Permitting

Additional FDEP permitting efforts are not required for the Modified Project, based on discussions with FDEP for this fee proposal. The Original Project received an approved FDEP Permit Construct Specific Potable Water System Components on December 12, 2019 (FDEP Permit 0128730-146-WC). 4Waters confirmed with FDEP that if the Modified Project includes a reduced capacity well and well pump, the deviation from the original design should be documented by the contractor in form - FDEP Form 62-555.900(9), page 2; Section II. This would be identified in the Modified Project specification section 01065 - Permits and Fees.

Task 4.0 – Bidding Assistance

The 4Waters team will assist the City during the bidding period including the following services:

- Pre-bid meeting attendance and meeting minutes.
- Contractor Requests for Information (RFI) responses.
- Up to two (2) addenda.
- Bid certification.
- Recommendation of award letter.
- Conformed construction documents.

4Waters has included anticipated fees not included in the architectural / structural proposal for time for RFI responses.

Schedule and Professional Service Fees

4Waters understands the City wishes to start construction as soon as possible. We are available to begin work immediately upon receipt of a purchase order. The City has indicated the Modified Project target advertisement date is June 2020. We anticipate the above tasks can be completed within the following time frame to meet the City's target schedule:

- Task 1: 1 month from Notice to Proceed (NTP).
- Tasks 2 – 4: 2 months from NTP.

We appreciate this opportunity to work with the City and have attached a detailed fee summary sheet for the project. The proposed fee to complete the tasks outlined above including permit fees is \$33,046.00. If you have any questions, please contact me at ndeguida@4weng.com or (904) 414-2400 Ext. 55.

With best regards,
Four Waters Engineering, Inc.



Nick DeGuida, P.E.,

**City of Jacksonville Beach
Proposal for Professional Engineering Services
New Well #16 and Well #11 Abandonment - Modified Project**

Task Description	Project Manager	Senior Engineer	Project Engineer	Engineer	Engineer In Training	CAD Draft	Administrative	Sub-Consultant Hydrogeologist (Earth Systems)	Sub-Consultant Electrical (WDL)	Sub-Consultant Architect (dig) / Structural	Direct Costs	Total Professional Service Fees
	\$165.00	\$145.00	\$115.00	\$110.00	\$85.00	\$95.00	\$60.00					
	Hours	Hours	Hours	Hours	Hours	Hours	Hours					
Task 1.0	2.0	6.0	0.0	16.0	0.0	0.0	0.0					
Required Capacity Evaluation	\$330.00	\$870.00	\$0.00	\$1,760.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,960.00
Task 2.0	7.0	18.0	0.0	43.0	0.0	12.0	0.0					
Design Modifications	\$1,155.00	\$2,610.00	\$0.00	\$4,730.00	\$0.00	\$1,140.00	\$0.00	\$5,300.00	\$4,500.00	\$3,300.00	\$630.00	\$23,365.00
Task 2.1	4	10	0	28	0	8	0					
90% Submittal	\$660.00	\$1,450.00	\$0.00	\$3,080.00	\$0.00	\$760.00	\$0.00	\$3,500.00	\$3,750.00	\$2,400.00	\$190.00	\$15,780.00
Task 2.2	3	8	0	15	0	4	0					
Bid Submittal	\$495.00	\$1,160.00	\$0.00	\$1,650.00	\$0.00	\$380.00	\$0.00	\$1,800.00	\$750.00	\$900.00	\$440.00	\$7,575.00
Task 3.0	0.0	2.0	0.0	4.0	0.0	0.0	0.0					
Permitting	\$0.00	\$290.00	\$0.00	\$440.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$730.00
Task 4.0	7.0	6.0	0.0	14.0	0.0	6.0	0.0					
Bidding Assistance	\$1,155.00	\$870.00	\$0.00	\$1,540.00	\$0.00	\$570.00	\$0.00	\$0.00	\$500.00	\$600.00	\$756.00	\$5,991.00
TOTAL	16	32	0	77	0	18	0	\$5,300.00	\$5,000.00	\$3,900.00	\$1,386.00	\$33,046.00

Nick DeGuida

From: David L Smith <groundwater@mac.com>
Sent: Wednesday, February 26, 2020 12:54 PM
To: Nick DeGuida
Subject: Re: Jax Beach PWS - Earth Systems Request for Proposal

Nick,

Our cost to complete the tasks outlined in your email as listed below is \$5300. We assume you will take care of the pump, wellhead and above ground details.

Earth Systems proposal is for the following scope:

- Design of a 1500 gpm well at the proposed Well # 16 site. Max distance is 900 ft BLS into the upper Floridan Aquifer.
- Include surface and intermediate casings diameters, borehole and depths.
- Deliverables:
 - Technical memorandum for well design
 - 90% Design and Bid documents: Drawing, specification (see attached) and Construction cost estimates
- Bidding Support: Response to contractor questions.

Sent from my iPhone

On Feb 24, 2020, at 1:21 PM, Nick DeGuida <ndeguida@4weng.com> wrote:

Geoff,

JAX Beach has decided to reevaluate the Well 16 project for a smaller well and less expensive well building (Low bid was 3x the budget). Thus, the proposal for CA services that Earth Systems submitted is on hold for now.

However, JAX Beach has asked us to include Earth Systems on our team for the well redesign. The City is thinking a 12" well could provide 1500 gpm (instead of a 15" well @ 2000 gpm). 4Waters will evaluate City well capacity, production and future demands to determine if a 12" well @ 1500 gpm would be adequate. Contractor would provide a submittal for management and disposal of well development water as per the specification.

We would a proposal from Earth Systems for the following scope:

- Design of a 1500 gpm well at the proposed Well # 16 site. Max distance is 900 ft BLS into the upper Floridan Aquifer.
- Include surface and intermediate casings diameters, borehole and depths.
- Deliverables:
 - Technical memorandum for well design
 - 90% Design and Bid documents: Drawing, specification (see attached) and Construction cost estimates
- Bidding Support: Response to contractor questions.

Discussions w/ both FDEP and SJRWMD regarding the reduced capacity well have indicated that there are no additional requirements for project permitting in the redesign. CA services would be in a separate proposal.

If you have any questions or need additional information, please feel free to contact our office.
Sincerely,

Nick DeGuida, PE
Principal Engineer
Four Waters Engineering, Inc.

<image002.png> **cell** (757) 617-1663
office (904) 414-2400 ext. 55
address 324 6th Avenue North
Jacksonville Beach, FL 32250
website www.4WEng.com

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From: Geoff Beardall <gbeardall@earthsys.net>
Sent: Thursday, January 16, 2020 1:51 PM
To: Nick DeGuida <ndeguida@4weng.com>
Cc: Jim Paxton <jpaxton@earthsys.net>; David Smith (groundwater@mac.com) <groundwater@mac.com>
Subject: RE: Jax Beach PWS - Earth Systems Proposal

Hi Nick,

The additional tasks are included in the attached proposal – I bumped up the price a little accordingly.

Glad you connected with David Smith – he actually knows all about the scope of work while I am simply ornamental!

Regards,

Geoffrey Beardall | Principal/Owner | gbeardall@earthsys.net
223 12th Avenue North | Jacksonville Beach, FL 32250
T. 904.247.0740 | M. 904.307.3939
<image005.png>

From: Nick DeGuida <ndeguida@4weng.com>
Sent: Wednesday, January 15, 2020 2:27 PM
To: Geoff Beardall <gbeardall@earthsys.net>
Cc: Jim Paxton <jpaxton@earthsys.net>; David Smith (groundwater@mac.com) <groundwater@mac.com>
Subject: RE: Jax Beach PWS - Earth Systems Proposal

ENGINEERING SERVICES FEE PROPOSAL

DATE: March 3, 2020

TO: Nick DeGuida, PE
Four Waters Engineering, Inc.
324 6th Avenue N.
Jacksonville Beach, FL 32250

FROM: David Lassetter
WD Lassetter, PE
3837 Buckskin Trail East
Jacksonville, Florida 32277

RE: Well 16 Re-Design
Jacksonville Beach, Florida

This Fee Proposal is based upon CAD drafting services and word processing services to be provided by Four Waters. My understanding of the project scope is based on the attached email correspondence received from Nick DeGuida.

<u>Services During Design Phase</u>	<u>Engineering Man-hours</u>
Design Coordination and Field Investigation	0
Preliminary Design	0
Electrical Plans and Specifications	32
Client & QC Reviews	4
Bidding Assistance and Conformed Drawings	4
Subtotal Engineering Manhours	40
Subtotal Engineering Budget @ \$125.00 /Hour	\$5,000
Reimbursible Expense Budget	\$0
Proposed Lump Sum Fee Authorization	\$5,000

<u>Services During Construction</u>	<u>Engineering Man-hours</u>
Preconstruction Meeting	2
Shop Drawing Reviews and RFIs	8
Project Progress Inspections	8
Subtotal Engineering Manhours	18
Subtotal Engineering Budget @ \$120.00 /Hour	\$2,160
Reimbursible Expense Budget	\$120
Proposed Lump Sum Fee Authorization	\$2,280



Water Supply Well Building - Revised

09 March 2020

This agreement is made by and between dig Architecture, the Architect, and Four Waters Engineering the Client.

Scope

The scope of the proposal is to create alternative designs for the Jacksonville Beach Pump House revision, which we previously provided contract documents for. The Commission is to provide the services requested by the Client and Jacksonville Beach.

The commission for this phase of the project is identified below. A change in scope greater than 20% of what is described above may result in an adjustment to the fee.

The Client is responsible for providing the Architect with all pertinent information concerning this project in a timely manner. This includes but is not limited to the boundary survey, building setbacks, site elevations (if required), tree survey (if required), easements, drainage requirements, and jurisdiction lines. The Architect will not assume the responsibility for obtaining any of the required information.

Total Fixed Commission

\$3,300.00

Design Development

25% of the Commission

The design development documents will show further development and refinement of the approved Schematic Design.

Design Development will include:

1. Code Review
 - Building
 2. Floor Plans
 - Area Schedule
 3. Elevations
 - Material Schedule
1. 3D exterior views
 2. 3D Interactive Digital Model

Contract Documents

75% of the Commission

The Contract Document phase of the project will begin after the final approval of the design drawings.

The Construction Documents will include:

1. Cover Sheet
2. Index Sheet
 - General Notes and Code Information
 - Project Location Map
 - Sheet Index
3. Life Safety Plan
4. Structural Drawings
 - Foundation Plans
 - Framing Plans
 - Required Sections and Details
5. Floor Plans
 - Door Schedule
 - Coded Notes
 - Area Schedule
6. Roof Plan
 - Roof Details
7. Ceiling Plans
 - Ceiling Design
 - Fixture Type and Count Schedule
 - Fixture Placement
 - Ceiling Height and Material
8. Elevations
 - Elevations at all Facades
 - Final Material Schedule
9. Building Perspectives
10. Building Sections
 - Section Call-out Plan
11. Wall Sections
12. Enlarged Details as Required to Better Define the Design Intent
13. County Required Information for Permitting
14. 3D Views incorporated into Drawing Set to Better Define the Design Intent
15. 3D Interactive Digital Model

Construction Administration (If Requested)

\$150/Hour

Construction Administration will only occur with a written request from the owner, by letter or email.

The Construction Administration phase of the project will begin at the commencement of construction and continue until the completion of construction for the scope of this agreement. Construction Administration may include:

Contract Notes

1. The fees for the Construction Document phase and any additional fees incurred are due when the Construction Documents are completed and before any drawings will be released to the Owner.
2. Revisions made after phase sign-offs will be billed at an hourly rate of \$150.00 per hour.
3. The Owner agrees that all drawings are the sole property of the Architect and that the Architect holds the exclusive rights and copyright to this project. This is a custom home designed specifically for this site and the design will not be reproduced on any other site without written consent from the owner.
4. Two signed and sealed copies of the Construction/Permit set shall be provided by the Architect. Additional prints will be billed at two dollars fifty cents (\$2.50) per sheet.
5. Not Included in this Fee: Civil Design and MEP Engineering

Pursuant to Section 558.0035, Florida Statutes, an individual employee or agent of Renard Architecture may not be held individually liable for negligence.

Billing will be monthly based on a percentage of work completed to date. Reimbursable expenses will be invoiced at cost plus 0%. A non-refundable deposit fee of **\$500.00** will be billed prior to commencement of work and will be applied to the final invoice. Additional services, as requested by client, will be billed hourly at \$135.00 per hour.

I, Nick DeGuida the Client have read and understand this Design Agreement on this date _____ and agree to the terms and conditions contained within.

Approved by:



Nicholas James Renard, AIA
Dig Architecture, LLC
President

Nick DeGuida
Four Waters Engineering



MEMORANDUM

TO: Mike Staffopoulos
City Manager

FROM: Luis Flores
Property & Procurement Officer, Finance Department

SUBJECT: Construction of two workstations for the Legal Assistant and the
Assistant to the City Manager

DATE: March 23, 2020

BACKGROUND

We are requesting your approval to proceed with agenda item number 20-063 which was originally scheduled for Council consideration at their 3/16/20 meeting.

Approve/Disapprove a purchase order in the amount of \$33,711.77 to Workscapes, Inc. for the construction of two workstations for the Legal Assistant and the Assistant to the City Manager.

We do not know when the next Council meeting will take place, however, we would like to place the order now so that the materials are ready for construction as soon as possible once normal operations resume.


Budget Officer

Department Director



Chief Financial Officer



City Manager

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6268

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Karen Nelson, Deputy City Manager
SUBJECT: Office Space for Legal Assistant
DATE: March 9, 2020

BACKGROUND

On December 2, 2019, City Council approved the addition of a Legal Assistant to the Position Classification and Pay Plan for Managerial, Professional and Administrative Employees. The Legal Assistant will provide administrative and paralegal support to the City Attorney.

We recently hired a Legal Assistant who will begin employment on March 30, 2020. The City does not currently have office space available in City Hall to accommodate this new employee. Staff is preparing to reconfigure the workspace occupied by the Assistant to the City Manager to create two separate but collaborative workspaces. The Procurement Officer secured Workscapes, Inc., under State Contract #425.001.12.1 and GSA Contract #GS-07F-0005T, to provide the design and construction of the workspaces. The total project cost of \$33,711.77 will be funded from the General Fund and the budget will be amended as part of the mid-year budget modification.

The City Manager authorized the purchase order under emergency purchasing authority on March 23, 2020. This item is being brought to City Council for formal approval, as is required for all emergency purchases.

REQUESTED ACTION

Approve/Disapprove a Purchase Order in the amount of \$33,711.77 to Workscapes, Inc. for construction of two workstations for the Legal Assistant and Assistant to the City Manager.



CITY OF JACKSONVILLE BEACH



2.25.2020



WORKSTATIONS WITHIN DIRTT WALLS

Herman Miller Canvas Workstations

- 7.5' x 2' Worksurface and 3'-6" x 2' Worksurface with a 30" and 42"W Lateral File Underneath and 54" x 24" Return.
- Station 1 has a 30"W Overhead and 24"W Overhead with 2 LED Task Lights. Station 2 has a 42"W Overhead with 1 LED Task Light.
- Each Workstation Powered at the Base Coming from the Drywall Basefeed
- 68"H Panel Separation Between 2 Workstations with 22"H Glass Frame
- 35"H Panels and 68"H Panels



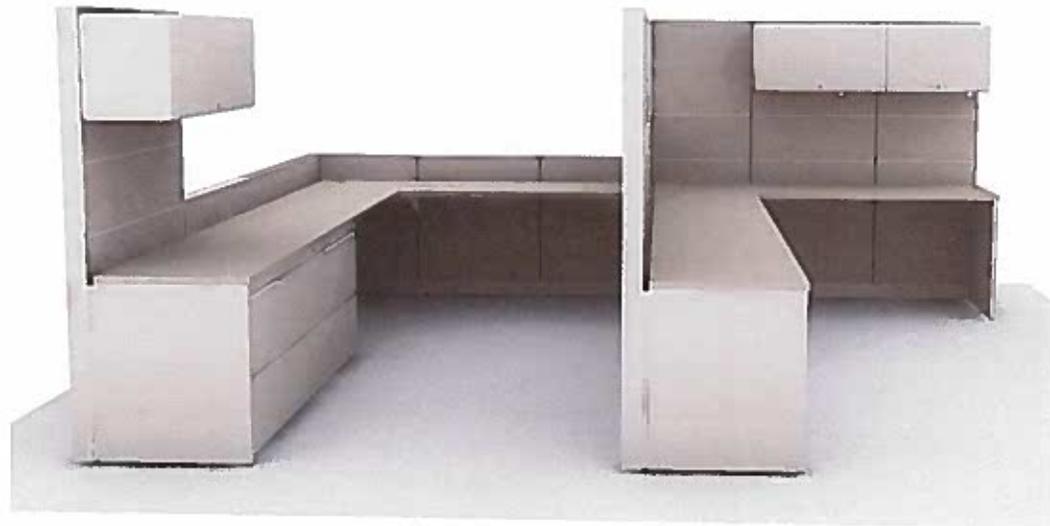
Paint Color:
Sandstone for Trim
and Storage

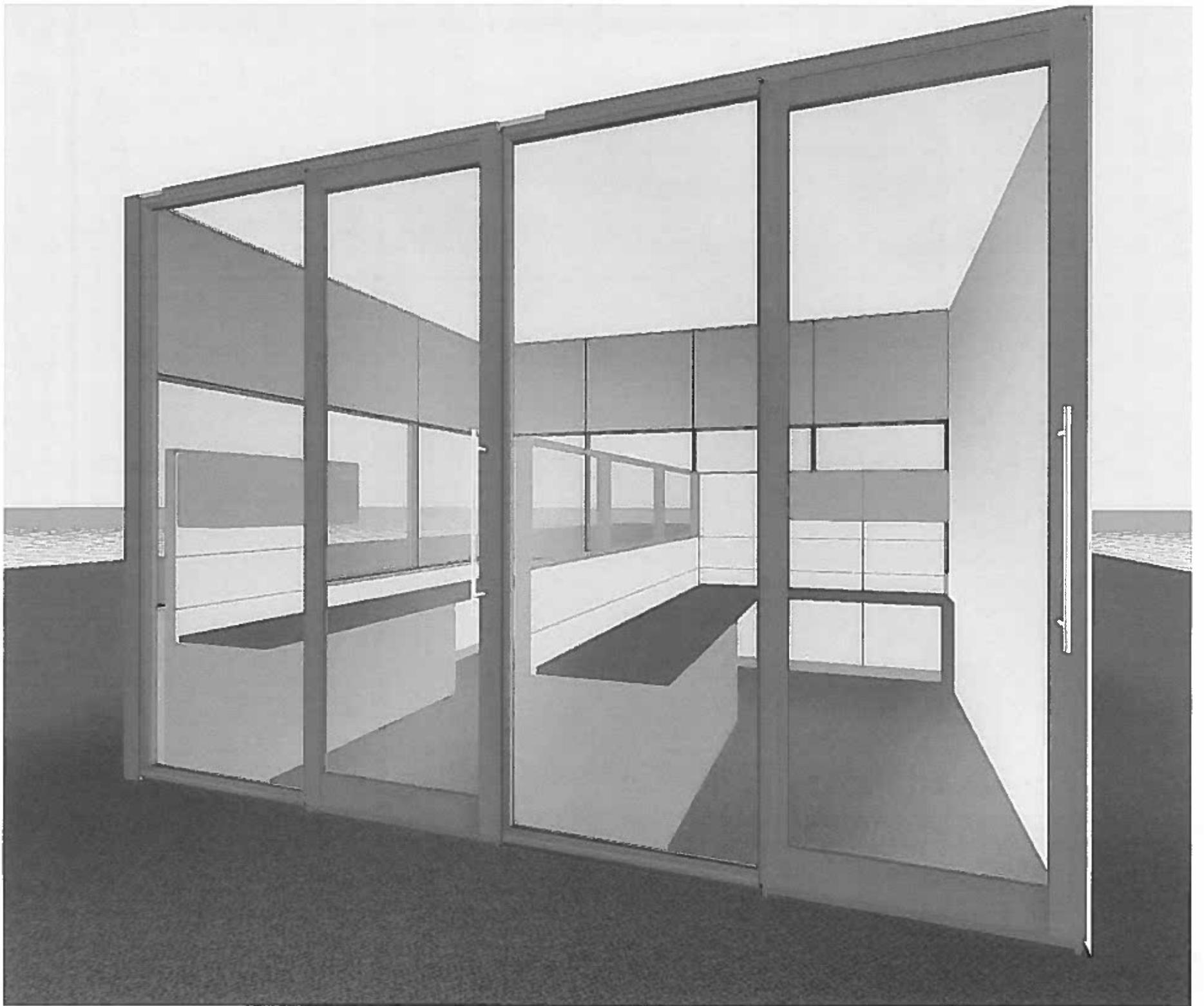


Laminate:
Neutral Twill



HMI Grasscloth
in Lea for
Canvas Fabric







worksapes

Proposal

49590

COJ JAX BCH CITY MNGR - HMI product

for

City of Jacksonville Beach



Proposal

Workscapes - Jacksonville
 121 W. Forsyth Street
 Suite 100
 Jacksonville, FL 32202
 Phone: 904.858.9918
 www.workscapes.com

Order Number	49590
Date	03/06/2020
Customer PO No	
Customer Name	City of Jacksonville Beach
Salesperson	John Prather
Project Coordinator	LINDA FORTUNATO
Terms	DUE UPON RECEIPT
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workscapes

B City of Jacksonville Beach
 I 1460A Shelter Avenue
 L Jacksonville Beach, Florida , FL 32250
 L
 T ATTN: Luis Flores - (904) 247-6226
 O

S City of Jacksonville Beach
 H 1460A Shelter Avenue
 I Jacksonville Beach, Florida , FL 32250
 P
 T ATTN: Luis Flores - (904) 247-6226
 O

Order Name : COJ JAX BCH CITY MNGR - HMI product

Pricing per Florida State Contract 425.001.12.1

Line	Quantity	Description	Unit Price	Extended Amount
1	4.00 Each	Herman Miller FT181.1148T-WL-2I-07 +Upper Tile, Tackable Fabric 11H 48W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	25.20	100.80
2	2.00 Each	Herman Miller FT181.2230T-WL-2I-07 +Upper Tile, Tackable Fabric 22H 30W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	28.73	57.46
3	4.00 Each	Herman Miller FT128.35 +Connection Hardware, Frame-to-Frame 35H Tag: Tag GC: FT % Off List: 74.79 Contract #: 425-001-12-1	6.05	24.20
4	4.00 Each	Herman Miller FT181.1142T-WL-2I-07 +Upper Tile, Tackable Fabric 11H 42W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea	24.19	96.76



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Line	Quantity	Description	Unit Price	Extended Amount
		Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1		
5	4.00 Each	Herman Miller FT181.2224T-WL-2I-07 +Upper Tile, Tackable Fabric 22H 24W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	25.96	103.84
6	4.00 Each	Herman Miller FT181.1124T-WL-2I-07 +Upper Tile, Tackable Fabric 11H 24W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	19.15	76.60
7	8.00 Each	Herman Miller FT170.3048T-WL-2I-07 +Lower Tile, Tackable Fabric 30H 48W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	44.35	354.80
8	4.00 Each	Herman Miller FT170.3042T-WL-2I-07 +Lower Tile, Tackable Fabric 30H 42W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80	41.83	167.32



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Line	Quantity	Description	Unit Price	Extended Amount
9	4.00 Each	Contract #: 425-001-12-1 Herman Miller FT170.3030T-WL-2I-07 +Lower Tile, Tackable Fabric 30H 30W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	36.54	146.16
10	8.00 Each	Herman Miller FT170.3024T-WL-2I-07 +Lower Tile, Tackable Fabric 30H 24W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	34.78	278.24
11	2.00 Each	Herman Miller FT181.2242T-WL-2I-07 +Upper Tile, Tackable Fabric 22H 42W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	33.26	66.52
12	2.00 Each	Herman Miller FT2G2.S24LL-WL-WL @Support Panel, Frame-Att, Sq-Edge, Left-Hand Support, Lam 24D WL:@sandstone WL:@sandstone Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	75.85	151.70
13	2.00 Each	Herman Miller FT151. +Power Harness Extender	7.56	15.12



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Line	Quantity	Description	Unit Price	Extended Amount
		% Off List: 74.80 Contract #: 425-001-12-1		
14	1.00 Each	Herman Miller FT2G2.S24RL-WL-WL @Support Panel, Frame-Aft, Sq-Edge, Right-Hand Support, Lam 24D WL:@sandstone WL:@sandstone Tag: Tag GC: FT	75.85	75.85
		% Off List: 74.80 Contract #: 425-001-12-1		
15	2.00 Each	Herman Miller FT128.68 +Connection Hardware, Frame-to-Frame 68H Tag: Tag GC: FT	8.57	17.14
		% Off List: 74.79 Contract #: 425-001-12-1		
16	1.00 Each	Herman Miller FT121.246 +Conn 90,Universal,2way,90 deg-for 46H frames and lower Tag: Tag GC: FT	15.62	15.62
		% Off List: 74.81 Contract #: 425-001-12-1		
17	1.00 Each	Herman Miller FT121.346 +Conn 90,Universal,3way-for 46H frames and lower Tag: Tag GC: FT	18.40	18.40
		% Off List: 74.79 Contract #: 425-001-12-1		
18	1.00 Each	Herman Miller FT122.2 +Conn 90-Deg Universal,Stacking,2way,90 deg Tag: Tag GC: FT	10.08	10.08
		% Off List: 74.80 Contract #: 425-001-12-1		
19	2.00 Each	Herman Miller FT128.46	6.30	12.60



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Line	Quantity	Description	Unit Price	Extended Amount
		+Connection Hardware, Frame-to-Frame 46H Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1		
20	2.00 Each	Herman Miller FT181.1130T-WL-2I-07 +Upper Tile, Tackable Fabric 11H 30W WL:+sandstone 2I:+grasscloth-Pr Cat 1 07:+grasscloth lea Tag: Tag GC: FT % Off List: 74.80 Contract #: 425-001-12-1	20.66	41.32
21	1.00 Each	Herman Miller FT123.135BP-WL +Conn Cover 90-Deg, 1 Side Covered,Base Cover Ptd 35H WL:+sandstone Tag: Tag GC: FT Tag T3: 1/35B % Off List: 74.79 Contract #: 425-001-12-1	9.83	9.83
22	1.00 Each	Herman Miller FT123.233NP-WL +Conn Cover 90-Deg, 2 Sides Covered,No Base Ptd 33H WL:+sandstone Tag: Tag GC: FT Tag T3: 2/33 % Off List: 74.80 Contract #: 425-001-12-1	15.37	15.37
23	1.00 Each	Herman Miller FT123.235BP-WL +Conn Cover 90-Deg, 2 Sides Covered,Base Cover Ptd 35H WL:+sandstone Tag: Tag GC: FT Tag T3: 2/35B % Off List: 74.79 Contract #: 425-001-12-1	13.36	13.36
24	2.00	Herman Miller	73.58	147.16



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Line	Quantity	Description	Unit Price	Extended Amount
	Each	FTS10.2448LF--LBF-LBF +Rectangular Surface,Sq-Edge, Lam Top/Thermo Edge, 24D 48W, Frame A1ch LBF:+neutral twill LBF:+neutral twill Tag: Tag GC: FT Tag T3: 24/48 % Off List: 74.80 Contract #: 425-001-12-1		
25	2.00 Each	Herman Miller FTS10.2454LF--LBF-LBF +Rectangular Surface,Sq-Edge, Lam Top/Thermo Edge, 24D 54W, Frame A1ch LBF:+neutral twill LBF:+neutral twill Tag: Tag GC: FT Tag T3: 24/54 % Off List: 74.80 Contract #: 425-001-12-1	86.44	172.88
26	2.00 Each	Herman Miller FTS10.2490LF--LBF-LBF +Rectangular Surface,Sq-Edge, Lam Top/Thermo Edge, 24D 90W, Frame A1ch LBF:+neutral twill LBF:+neutral twill Tag: Tag GC: FT Tag T3: 24/90 % Off List: 74.80 Contract #: 425-001-12-1	144.90	289.80
27	2.00 Each	Herman Miller FT126.2AP--WL +Top Cap, Conn 90-Deg, Connects-2 Frame Top Caps, 90-Deg P1d WL:+sandstone Tag: Tag GC: FT Tag T3: 2A % Off List: 74.81 Contract #: 425-001-12-1	8.06	16.12
28	2.00 Each	Herman Miller LW200.301--SS-WL-KA-CB-2R	251.09	502.18



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		+Lat File,W-Pull Freestd 2 Dwr Raised Hgt 30W SS:+smooth paint on smooth steel WL:+sandstone KA:+keyed alike CB:+counterweight (recommended) 2R:+side-to-side filing rail Tag: Tag GC: UL Tag T3: 30/FFR % Off List: 74.30 Contract #: 425-001-12-1		
29	1.00 Each	Herman Miller FT161.33AP-WL +Finished End,Chg of Ht Standard Ptd 33H WL:+sandstone Tag: Tag GC: FT Tag T3: 33A % Off List: 74.80 Contract #: 425-001-12-1	14.11	14.11
30	2.00 Each	Herman Miller FT110.3524J-WL +Frame,Base Covers, Pwr/Data knockouts 35H 24W WL:+sandstone Tag: Tag GC: FT Tag T3: 35/24J % Off List: 74.80 Contract #: 425-001-12-1	49.14	98.28
31	1.00 Each	Herman Miller FT110.3530J-WL +Frame,Base Covers, Pwr/Data knockouts 35H 30W WL:+sandstone Tag: Tag GC: FT Tag T3: 35/30J % Off List: 74.80 Contract #: 425-001-12-1	48.38	48.38
32	2.00 Each	Herman Miller FT110.3548J-WL +Frame,Base Covers, Pwr/Data knockouts 35H 48W WL:+sandstone Tag: Tag GC: FT	63.00	126.00



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		Tag T3: 35/48J % Off List: 74.80 Contract #: 425-001-12-1		
33	2.00 Each	Herman Miller LW200.421-SS-WL-KA-CB-2R +Lat File,W-Pull Freestd 2 Dwr Raised Hgt 42W SS:+smooth paint on smooth steel WL:+sandstone KA:+keyed alike CB:+counterweight (recommended) 2R:+side-to-side filing rail Tag: Tag GC: UL Tag T3: 42/FFR % Off List: 74.30 Contract #: 425-001-12-1	314.05	628.10
34	1.00 Each	Herman Miller FT1 10.4642N-WL +Frame,Base Covers, no knockouts 46H 42W WL:+sandstone Tag: Tag GC: FT Tag T3: 46/42N % Off List: 74.80 Contract #: 425-001-12-1	59.72	59.72
35	1.00 Each	Herman Miller FT1 10.4648J-WL +Frame,Base Covers, Pwr/Data knockouts 46H 48W WL:+sandstone Tag: Tag GC: FT Tag T3: 46/48J % Off List: 74.80 Contract #: 425-001-12-1	67.03	67.03
36	1.00 Each	Herman Miller FT1 10.4648N-WL +Frame,Base Covers, no knockouts 46H 48W WL:+sandstone Tag: Tag GC: FT Tag T3: 46/48N % Off List: 74.80	63.50	63.50



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
37	1.00 Each	Contract #: 425-001-12-1 Herman Miller FT140.06--LZ +Power Entry, External Direct Connect 6'long LZ:+PVC-free Tag: Tag GC: FT Tag T3: 6 % Off List: 74.80 Contract #: 425-001-12-1	45.36	45.36
38	2.00 Each	Herman Miller FT110.6824J--WL +Frame,Base Covers, Pwr/Data knockouts 68H 24W WL:+sandstone Tag: Tag GC: FT Tag T3: 68/24J % Off List: 74.80 Contract #: 425-001-12-1	59.98	119.96
39	1.00 Each	Herman Miller FT110.6830J--WL +Frame,Base Covers, Pwr/Data knockouts 68H 30W WL:+sandstone Tag: Tag GC: FT Tag T3: 68/30J % Off List: 74.80 Contract #: 425-001-12-1	63.00	63.00
40	1.00 Each	Herman Miller FT110.6842J--WL +Frame,Base Covers, Pwr/Data knockouts 68H 42W WL:+sandstone Tag: Tag GC: FT Tag T3: 68/42J % Off List: 74.80 Contract #: 425-001-12-1	69.80	69.80
41	3.00 Each	Herman Miller FT160.68BP--WL +Finished End,Base Cover Pld 68H WL:+sandstone Tag: Tag GC: FT Tag T3: 68B	17.89	53.67



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		% Off List: 74.80 Contract #: 425-001-12-1		
42	4.00 Each	Herman Miller FT112.24AP--WL +Frame Top Cap,Standard Ptd 24W WL:+sandstone Tag: Tag GC: FT Tag T3: A	7.56	30.24
		% Off List: 74.80 Contract #: 425-001-12-1		
43	1.00 Each	Herman Miller FT155.A--WL +15 Amp Receptacle 4 Circuit, Duplex, Circuit A 6/Pkg WL:+sandstone Tag: Tag GC: FT Tag T3: A	47.12	47.12
		% Off List: 74.80 Contract #: 425-001-12-1		
44	2.00 Each	Herman Miller FT112.30AP--WL +Frame Top Cap,Standard Ptd 30W WL:+sandstone Tag: Tag GC: FT Tag T3: A	8.32	16.64
		% Off List: 74.79 Contract #: 425-001-12-1		
45	2.00 Each	Herman Miller FT112.42AP--WL +Frame Top Cap,Standard Ptd 42W WL:+sandstone Tag: Tag GC: FT Tag T3: A	10.33	20.66
		% Off List: 74.80 Contract #: 425-001-12-1		
46	4.00 Each	Herman Miller FT112.48AP--WL +Frame Top Cap,Standard Ptd 48W WL:+sandstone	11.09	44.36



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		Tag: Tag GC: FT Tag T3: A % Off List: 74.80 Contract #: 425-001-12-1		
47	1.00 Each	Herman Miller FT155.B-WL +15 Amp Receptacle 4 Circuit, Duplex. Circuit B 6/Pkg WL:+sandstone Tag: Tag GC: FT Tag T3: B % Off List: 74.80 Contract #: 425-001-12-1	47.12	47.12
48	1.00 Each	Herman Miller FT29B.2 +Surface Ganging Bracket,pair Tag: Tag GC: FT Tag T3: BKT % Off List: 74.79 Contract #: 425-001-12-1	10.84	10.84
49	1.00 Each	Herman Miller FT155M.C-WL @Controlled Receptacle. 15 Amp, Duplex, Circuit C, 6/Pkg WL:@sandstone Tag: Tag GC: FT Tag T3: C % Off List: 74.80 Contract #: 425-001-12-1	47.12	47.12
50	1.00 Each	Herman Miller FT420.24PL-KA-WL-WL-SM +Flip Dr Unit,B-Style Pntd, Lock 24W KA:+keyed alike WL:+sandstone WL:+sandstone SM:+on module Tag: Tag GC: FT Tag T3: FD/B24 % Off List: 74.80 Contract #: 425-001-12-1	110.12	110.12



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
51	1.00 Each	Herman Miller FT420.30PL-KA-WL-WL-SM +Flip Dr Unit,B-Style Pntd, Lock 30W KA:+keyed alike WL:+sandstone WL:+sandstone SM:+on module Tag: Tag GC: FT Tag T3: FD/B30 % Off List: 74.80 Contract #: 425-001-12-1	116.17	116.17
52	1.00 Each	Herman Miller FT420.42PL-KA-WL-WL-SM +Flip Dr Unit,B-Style Pntd, Lock 42W KA:+keyed alike WL:+sandstone WL:+sandstone SM:+on module Tag: Tag GC: FT Tag T3: FD/B42 % Off List: 74.80 Contract #: 425-001-12-1	135.32	135.32
53	1.00 Each	Herman Miller FT187.2242-WL-TR-WL-LD +Thin-Profile Stacking Window 22H 42W WL:+sandstone TR:+clear WL:+sandstone LD:+stacking on 35", 46", 57", 68", 79" base frame Tag: Tag GC: FT Tag T3: G22/42 % Off List: 74.80 Contract #: 425-001-12-1	136.58	136.58
54	2.00 Each	Herman Miller FT187.2248-WL-TR-WL-LD +Thin-Profile Stacking Window 22H 48W WL:+sandstone TR:+clear WL:+sandstone LD:+stacking on 35", 46", 57", 68", 79" base frame	144.90	289.80



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workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		Tag: Tag GC: FT Tag T3: G22/48 % Off List: 74.80 Contract #: 425-001-12-1		
55	8.00 Each	Herman Miller FT290.24L-WL +Surface Cantilever, for 20"-or 24" deep surface,ift-hnd WL:@sandstone Tag: Tag GC: FT Tag T3: L % Off List: 74.80 Contract #: 425-001-12-1	8.82	70.56
56	3.00 Each	Herman Miller FT150.48-LZ +Base Power Harness 48W LZ:+PVC-free Tag: Tag GC: FT Tag T3: PH/B % Off List: 74.80 Contract #: 425-001-12-1	39.31	117.93
57	4.00 Each	Herman Miller FT150.24-LZ +Base Power Harness 24W LZ:+PVC-free Tag: Tag GC: FT Tag T3: PH/B % Off List: 74.80 Contract #: 425-001-12-1	32.76	131.04
58	1.00 Each	Herman Miller FT150.42-LZ +Base Power Harness 42W LZ:+PVC-free Tag: Tag GC: FT Tag T3: PH/B % Off List: 74.80 Contract #: 425-001-12-1	37.04	37.04
59	2.00 Each	Herman Miller FT150.30-LZ	34.02	68.04



Proposal

Workscapes - Jacksonville
 121 W. Forsyth Street
 Suite 100
 Jacksonville, FL 32202
 Phone: 904.858.9918
 www.workscapes.com

Order Number	49590
Date	03/06/2020
Customer PO No	
Customer Name	City of Jacksonville Beach
Salesperson	John Praher
Project Coordinator	LINDA FORTUNATO
Terms	DUE UPON RECEIPT
Page	15 of 17

workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		+Base Power Harness 30W LZ:+PVC-free Tag: Tag GC: FT Tag T3: PH/B % Off List: 74.80 Contract #: 425-001-12-1		
60	6.00 Each	Herman Miller FT290.24R-WL +Surface Cantilever, for 20"-or 24" deep surface,rt-hnd WL:@sandstone Tag: Tag GC: FT Tag T3: R % Off List: 74.80 Contract #: 425-001-12-1	8.82	52.92
61	4.00 Each	Herman Miller 1B2JK7---230 +Lock Plug and Key,Chrome UM Series 230:+key number 230 Tag: Tag T3: STATION 1 KEYS % Off List: 73.80 Contract #: 425-001-12-1	2.62	10.48
62	1.00 Each	Herman Miller G6160.CM +Twist LED Task Light,Add-on unit,Magnet Att Tag: Tag T3: STATION 2 % Off List: 73.80 Contract #: 425-001-12-1	99.82	99.82
63	4.00 Each	Herman Miller 1B2JK7---231 +Lock Plug and Key,Chrome UM Series 231:+key number 231 Tag: Tag T3: STATION 2 KEYS % Off List: 73.80 Contract #: 425-001-12-1	2.62	10.48
64	3.00 Each	Herman Miller G6160.AM +Twist LED Task Light,Single unit,Magnet Att Tag: Tag GC: A	115.28	345.84



Proposal

Workscapes - Jacksonville
121 W. Forsyth Street
Suite 100
Jacksonville, FL 32202
Phone: 904.858.9918
www.workscapes.com

Order Number	49590
Date	03/06/2020
Customer PO No	
Customer Name	City of Jacksonville Beach
Salesperson	John Prather
Project Coordinator	LINDA FORTUNATO
Terms	DUE UPON RECEIPT
Page	16 of 17

workscapes

Line	Quantity	Description	Unit Price	Extended Amount
		Tag T3: TL/TW % Off List: 73.80 Contract #: 425-001-12-1		
65	1.00 Each	Interior Space Solution LABOR RECEIVE, DELIVER, AND INSTALL DURING NORMAL BUSINESS HOURS Tag: Tag TG: XX Tag T3: XLABOR % Off List: 0.00	1,100.00	1,100.00
Order Sub-Total :				\$7,550.38
TOTAL ORDER :				\$7,550.38

PAYMENT REMIT TO:
WORKSCAPES, INC. P.O. BOX 441088 MIAMI, FL 33144-1088

Monthly Payments As Low As
\$243.27 for 36 months
\$189.36 for 48 months
\$157.20 for 60 months

Above, you will find an estimated monthly payment amount for this proposal based on a 60, 48 and 36 month, \$1 Purchase Option Lease. The proposed financing is SUBJECT TO CREDIT APPROVAL by LEAF Commercial Capital, Inc. or its affiliates. This monthly payment does not include sales tax and is subject to change.

** Client is responsible for ensuring all finishes as outlined on this proposal are correct. **

By engaging in business with Workscapes, you agree to the company terms and conditions.



Proposal

Workscapes - Jacksonville
 121 W. Forsyth Street
 Suite 100
 Jacksonville, FL 32202
 Phone: 904.858.9918
 www.workscapes.com

Order Number	49590
Date	03/06/2020
Customer PO No	
Customer Name	City of Jacksonville Beach
Salesperson	John Prather
Project Coordinator	LINDA FORTUNATO
Terms	DUE UPON RECEIPT
Page	17 of 17
Total Order	\$ 7,550.38

workscapes

TERMS AND CONDITIONS OF SALE, DELIVERY & INSTALLATION

Seller accepts Buyer's orders on the condition that Buyer assents to the terms and conditions set forth below. Such assent will be evidenced by acceptance of product hereunder. If Buyer rejects anything on the terms hereunder, a written response must be made prior the actual schedule of production of said product.

1. Please note that you are ordering custom product. PLEASE MAKE YOUR SELECTION CAREFULLY FOR FURNITURE IS MADE TO ORDER AND CANNOT BE RETURNED OR EXCHANGED. Once orders are processed by the manufacturer they cannot be cancelled, and thus deposits paid for such product are non-refundable to the customer.
2. Seller shall not be required to proceed with performance of Buyer's order while Buyer is in default under this or any other contract with Seller.
3. No salesperson, agent, or employee of Seller has authority to make any representation, promise of agreement, inconsistent with the provisions hereof. These terms and conditions constitute the entire contract between the Buyer and Seller.
4. A sales tax exemption certificate will need to be supplied by the buyer in order to have sales tax removed from the total sales price. Buyer shall reimburse Seller for any excise, sales, or use taxes incident to this transaction for which Seller may be liable or which seller is required by law to collect.
5. A 50% DEPOSIT OF THE TOTAL ORDER WILL BE REQUIRED AT TIME OF PURCHASE WHICH SUM SHALL BE CREDITED TOWARD THE TOTAL PURCHASE PRICE. BALANCE OF 50% TO BE INVOICED UPON SHIPMENT, DUE IN 15 DAYS. 5% CAN BE RETAINED UNTIL ALL ITEMS ARE INSTALLED.
6. IF PAYMENT IS MADE TO SELLER VIA CREDIT CARD, BUYER SHALL BE REQUIRED TO PAY 100% UPON PLACING ORDER. (Not to exceed \$15,000.00).
7. If Buyer accepts partial delivery and installation, that portion of contract delivered shall be due and payable under contract terms. CONTRACTS WILL BE INVOICED AT SUBSTANTIAL COMPLETION AND REMAINDER OF INVOICE (LESS ANY PAID DEPOSITS) WILL BE DUE AND PAYABLE UNDER CONTRACT TERMS.
8. A 100% PAYMENT SHALL BE REQUIRED ON ALL PRODUCT ORDERS UNDER \$5,000.00 AND ORDERS TO BE DROP SHIPPED.
9. Labor and service invoices are due upon receipt Delivery & Installation terms and conditions attached.
10. It is understood that and agreed that the above merchandise remains the property of Workscapes, Inc. until paid for in full. Also, purchaser agrees to pay 1 1/2 % per month interest (18% annual rate) on delinquent accounts and to pay all collection costs and reasonable attorney fees if suit is instituted.
11. DELAYS AND RETURNS: Please note that it is the responsibility of the customer to advise Workscapes of any unexpected delays. Workscapes will do their best to delay shipments from our manufacturers, however, please note that most products are made to order and orders may not be delayed. Workscapes can store products in our warehouse in which case storage charges will apply. It is understood and agreed that any customer owned product returned to Workscapes Inc. warehouse after installation will be charged storage on a monthly basis at a rate of \$2.50 per square foot per month (or .08 a day). It will be the sole responsibility of the customer to notify Workscapes, Inc. in writing to dispose of any unwanted product, otherwise, storage charges will be due and payable per terms as outlined above. It is also understood that under certain circumstances Workscapes has a lien against the ballor on the goods covered by a warehouse receipt or on the proceeds thereof in Workscapes possession for charges for storage. Such circumstances include those whereby delivery of the warehoused goods is held due to delays not caused by

- Workscapes, Inc. These delays could include any of the following, but are not limited to: those originating with the Buyer, the Buyer's general contractors, and subcontractors, state, local and/or federal government agencies, including permitting agencies. In such circumstances, Workscapes will charge the Buyer a storage fee for such furniture at a rate of \$2.50 per square foot per month (or .08 a day, and reserves the right to hold furniture under such lien until all storage fees have been paid in full.
12. Workscapes, Inc. will use information provided by established commercial credit agencies to determine open account status and amount of credit offered.

DELIVERY AND INSTALLATION

1. Labor and service invoices are due upon receipt.
 2. Labor cost is based upon direct shipment of product to site, unless otherwise noted.
 3. In the event that a shipment must be diverted from site to a warehousing facility, double handling fees shall apply. In addition, storage will be billed to the client at a rate of \$2.50 per square foot. Product will not be released for installation unless the storage invoices are paid in full.
 4. Labor is to be non-union and all work is to be completed during normal business hours.
 5. Installation site is to have ceiling tile, wall finishes, carpet and baseboard complete prior to installation.
 6. Permanent overhead lighting must be in place and operable prior to installation.
 7. Air conditioning or fan ventilation must be provided by client/general contractor during the course of the installation.
 8. If installation is to take place on the 2nd floor or above, an elevator must be made available for the movement of all freight, tools, equipment and personnel.
 9. In the event an elevator is unavailable, installation shall cease until an elevator can be provided.
 10. Workscapes must be provided with at least one dock position and use of both the loading dock and freight elevator during specified offload hours.
 11. In the event that site does not have a dock, Workscapes must be provided with a safe street level offload zone.
 12. Workscapes shall not be responsible for obtaining any permits relating to the installation of the systems furniture.
 13. While Workscapes provides power infeeds for systems furniture, it is the responsibility of the general contractor or client to have the infeeds hard wired to the building by a certified electrician.
- Upon acceptance by the Buyer, its agent or its customer of the goods sold under the invoice, the Buyer hereby grants to Workscapes, Inc. (Secured Party), a security interest in said goods or the proceeds therefore, regardless of form, to secure the payment of the purchase price and any other sums then or hereafter owed to the Secured Party of the Buyer. If payment is not made in accordance with the terms specified herein, the Secured Party shall have the rights and remedies afforded to a Secured Party under Article 9 of the Uniform Commercial Code.

I certify that I am empowered by this corporation to enter into contracts and agreements on behalf of said corporation.

Accepted by: _____

Print Name

Company Name

Title

Authorized Signature

Date



Proposal

51071

City of JAXBCH City Mgr - DIRT

for

City of Jacksonville Beach



Proposal

Workscapes - Build | Scapes
 501 East Kennedy Blvd
 Suite 100
 Tampa, FL 33602
 Phone: 813.620.0048
 www.workscapes.com

Order Number	51071
Date	03/06/2020
Customer PO No	
Customer Name	City of Jacksonville Beach
Salesperson	Zack Gates
Project Coordinator	KATHERINE MOON
Terms	DUE UPON RECEIPT
Page	2 of 3

B City of Jacksonville Beach
I 1460A Shelter Avenue
L Jacksonville Beach, Florida , FL 32250
L
T ATTN: Luis Flores - 9042476226
O

S City of Jacksonville Beach
H 1460A Shelter Avenue
I Jacksonville Beach, Florida , FL 32250
P
T ATTN: Luis Flores - 9042476226
O

Order Name : City of JAXBCH City Mgr - DIRTT

Pricing Per GSA Contract GS-07F-0005T REMIT PAYMENT TO: DIRTT Environmental Solutions c/o Workscapes Inc. 7303, 30th St, SE, Calgary, Alberta, T2C1N6 Canada

Line	Quantity	Description	Unit Price	Extended Amount
1	1.00 Each	DIRTT ENVIRONMENTAL SOLUTIONS PRODUCT 10'h ceiling, stack glass & fabric walls, Goldie barn doors, locking, GSA discount 1.26% Tag: Tag TG: WALL	17,521.39	17,521.39
2	1.00 Each	DIRTT ENVIRONMENTAL SOLUTIONS FREIGHT Freight Sav/ Cal Tag: Tag TG: WALL	3,230.00	3,230.00
3	1.00 Each	TO BE DETERMINED INSTALL Installation of 40 LF of DIRTT walls/ 2 Doors, Normal Hours, Easy Access Tag: Tag TG: ZZ WORKSCAPES SERVIC	5,085.00	5,085.00
4	5.00 Each	DIRTT ENVIRONMENTAL SOLUTIONS DESIGN TIME DESIGN SERVICES Tag: Tag TG: ZZ WORKSCAPES SERVIC	65.00	325.00
Order Sub-Total :				\$26,161.39
TOTAL ORDER :				\$26,161.39

PAYMENT REMIT TO:
WORKSCAPES, INC. P.O. BOX 441088 MIAMI, FL 33144-1088

Monthly Payments As Low As
 \$824.35 for 36 months
 \$637.55 for 48 months
 \$525.58 for 60 months

Above, you will find an estimated monthly payment amount for this proposal based on a 60, 48 and 36 month, \$1 Purchase Option Lease. The proposed financing is SUBJECT TO CREDIT APPROVAL by LEAF Commercial Capital, Inc. or its affiliates. This monthly payment does not include sales tax and is subject to change.

** Client is responsible for ensuring all finishes as outlined on this proposal are correct. **

By engaging in business with Workscapes, you agree to the company terms and conditions.



Proposal

Workscapes - Build | Scapes
 501 East Kennedy Blvd
 Suite 100
 Tampa, FL 33602
 Phone: 813.620.0048
 www.workscapes.com

Order Number	51071
Date	03/06/2020
Customer PO No	
Customer Name	City of Jacksonville Beach
Salesperson	Zack Gates
Project Coordinator	KATHERINE MOON
Terms	DUE UPON RECEIPT
Page	3 of 3
Total Order	\$ 26,161.39

TERMS AND CONDITIONS OF PROJECT, DELIVERY & INSTALLATION

- Please note that you are ordering custom materials. PLEASE MAKE CERTAIN YOUR SELECTION OF CONSTRUCTION MATERIALS IS CAREFULLY REVIEWED. Once orders are processed by the manufacturer they cannot be cancelled, and thus deposits paid for such product are non-refundable to the customer.
- Build | Scapes shall not be required to proceed with performance of Clients order while Client is in default under this or any other contract with Build | Scapes.
- A sales tax exemption certificate will need to be supplied by the client to have sales tax removed from the total sales price.
- A 50% FABRICATION AND MOBILATION FEE OF THE TOTAL PROJECT WILL BE REQUIRED AT TIME OF CONTRACT, WHICH SHALL BE CREDITED TOWARD THE TOTAL BALANCE OF MATERIALS. CONSTRUCTION MATERIALS WILL BE INVOICED UPON SHIPMENT, DUE IN 15 DAYS. 5% CAN BE RETAINED UNTIL ALL ITEMS ARE INSTALLED.
 _____(initial here)
- IF PAYMENT IS MADE TO BUILD | SCAPES VIA CREDIT CARD, CLIENT SHALL BE REQUIRED TO PAY 100% UPON PLACING ORDER. (Not to exceed \$15,000.00).
- If Client accepts partial delivery and installation, that portion of contract delivered shall be due and payable under contract terms. CONTRACTS WILL BE INVOICED AT SUBSTANTIAL COMPLETION and remainder of invoices (less any paid deposits) will be due and payable under contract terms.
 _____(initial here)
- Labor and service invoices are due upon receipt per Delivery & Installation terms and conditions outlined in section 13.
- It is understood and agreed that all materials remain the property of Build | Scapes until paid for in full. Also, Client agrees to pay 1 1/2 % per month interest (18% annual rate) on delinquent accounts and to pay all collection costs and reasonable attorney fees if suit is instituted.
- DELAYS AND RETURNS: Please note that it is the responsibility of the Client to advise Build | Scapes of any unexpected project delays not caused by Build | Scapes.
- Build | Scapes can store products in our warehouse in which case storage charges will apply. It is understood and agreed that any client-owned product returned to Build | Scapes warehouse after installation will be charged storage on a monthly basis at a rate of \$2.50 per square foot per month (or .08 a day).
 _____(initial here)

DELIVERY AND INSTALLATION

- Labor and service invoices are due upon receipt.
- Labor cost is based upon direct shipment of construction material and product to site, unless otherwise noted.
 _____(initial here)
- In the event a shipment must be diverted from project site to a warehousing facility resulting from site conditions or construction delays not the cause of Build | Scapes, **double handling fees will apply.** In addition, storage will be billed to the client at a rate of \$2.50 per square foot. Product will not be released for installation unless the storage invoices are paid in full.

- Installation site is to have ceiling tile (or grid track), wall finishes (paint and drywall), carpet and baseboard complete **prior to installation.**
 _____(initial here)
- Permanent overhead lighting must be in place and operable prior to installation.
- Air conditioning or fan ventilation must be provided by client/general contractor during the installation.
- If installation is to take place on the 2nd floor or above, an elevator must be made available for the movement of all freight, tools, equipment and personnel.
- In the event an elevator is unavailable or cannot accommodate material size, installation shall cease until an elevator can be provided. Fees may be incurred.
- Build | Scapes must be provided with at least one dock position and use of both the loading dock and freight elevator during specified offload hours.
- In the event that site does not have a dock, Build | Scapes must be provided with a safe street level offload zone or fees will be incurred.
 _____(initial here)
- Build | Scapes shall not be responsible for obtaining any permits relating to the installation of the wall power.

ADDITIONAL ITEMS FOR FLOORING

Build | Scapes will furnish, deliver, and install the flooring material in accordance with all transmitted plans, specifications and general conditions for the listed price. The price includes all applicable freight and taxes, unless otherwise noted. Unless specifically included in this proposal: excludes all demolition, repair or take-up of existing flooring; excludes vacuuming, damp mopping, buffing, waxing or floor protections; excludes floor floating, leveling or repair; excludes sealing of floor, cleaning or removal of oil, grease, solvents, paints, plaster or other foreign substances; excludes asbestos control/abatement; includes no attic stock of material beyond installation coverage; includes work only during regular hours and for a single phase job; excludes any furniture movement; excludes any addenda beyond the base bid; Per CR1-104-96, 5.3 site conditions; The owner or general contractor must submit to the flooring contractor a written report on moisture and surface alkalinity of the slab to determine its suitability as a substrate for the material to be installed. Floor preparation will be billed on a time and material bases at \$85.00 per man-hour plus the cost of the materials. Client is subject to payment for stored materials. Build | Scapes will not accept charge backs of damage or cleaning without the option to inspect claim(s) to repair or without the option to decide for acceptable repairs at their expense. Build | Scapes is not responsible for any claims that might result from product delivery date changes beyond their control. If a manufacturer requires a deposit to manufacture/ship certain items, client will pay that amount. This proposal is valid for forty-five (45) days. Full balance payment is due fifteen (15) days from receipt of invoice unless otherwise specified. Workmanship warranty is for 1 year from install date. **WARRANTY DOES NOT INCLUDE ANY MOISTURE RELATED SUBFLOOR FAILURES.**

Print Name: _____

SIGN: _____ Date ____-____-____

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6274

www.jacksonvillebeach.org

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Mid-Year Budget Adjustment
DATE: April 13, 2020

BACKGROUND

Each year the City adopts budget amendments adjusting the budget for expenditures that have become necessary since the original budget was adopted. These adjustments provide spending authority for projects authorized by the City Council during the year which were not included in the original budget, projects that may have been budgeted in a previous year, but due to the timing of a contract award, were not begun or encumbered before the previous year's end, and emergency expenditures.

The attached budget resolution reflects proposed adjustments to be made which represent changes in departmental or fund budgets. Detailed explanations are also provided as a part of these adjustments.

The budget adjustments were previously approved by the City Council, Community Redevelopment Agency or Pension Boards, or discussed with the City Council at budget workshops with the following exceptions:

Funding	Amount	Description
General Fund	\$45,000	Planning and Development grant received from the Florida Department of Environmental Protection for the Florida Resilient Coastlines Program. (revenues and expenses will be adjusted)
General Fund	\$14,750	City Attorney's Office budget adjustment
General Fund	(\$249,979)	Fire Department budget true-up to reflect Fire Services Agreement with City of Jacksonville

Monies are available to fund all requested expenditures.

REQUEST ACTION

Adopt/Deny Resolution 2055-2020 authorizing the mid-year budget adjustment.



Introduced by: _____
Adopted: _____

RESOLUTION NO. 2055-2020

**A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE
BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING
SEPTEMBER 30, 2020**

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

**SECTION 1: The following items of appropriations for the functions, agencies and departments
of the City government for the fiscal year beginning October 1, 2019 and ending September 30,
2020 be amended as follows:**

General Fund – 001

General Fund Revenues:

Donations and contributions - Parks & Recreation	a.	\$	11,000	001-00-0000-366-00-366009-
Short-term Vacation Rental fees	b.	\$	4,200	001-00-0000-329-00-329010-
State Grants - FDEP	c.	\$	45,000	001-00-0000-334-00-334000-
Insurance reimbursements	d.	\$	1,393	001-00-0000-364-00-364003-
Donations and contributions - Police Department	e.	\$	30,000	001-00-0000-366-00-366012-
Donations and contributions - Fire Department	f.	\$	750	001-00-0000-366-00-366015-

- a. To adjust the budget for contributions from the Jacksonville Track Club for installation of water fountains.
- b. To adjust the budget for fees collected from Short-Term Vacation Rentals. RES 2033-2019 & ORD 2019-8118 approved at 9-16-2019 Council meeting.
- c. To adjust the budget for a grant received from the Florida Department of Environmental Protection for the Florida Resilient Coastlines Program.
- d. To adjust the budget for insurance proceeds that will be used to offset the cost of the vehicle repairs or replacement.
- e. To adjust the budget for the purchase of replacement workstations for the Police Department Communications Center. Item approved at 2-3-2020 Council meeting.
- f. To adjust the budget for contributions from special events to offset Fire Department overtime costs for the events.

General Fund Expenditures:

City Attorney

Operating - various	a.	\$	14,750	Various
---------------------	----	----	--------	---------

- a. At the time the FY 20 City Attorney budget was developed, the City Attorney position had not been filled. As this office continues to establish its operations, expense budgets will need to be adjusted.

Parks & Recreation

Operating - supplies	a.	\$	11,000	001-06-0603-572-46-546000-
Capital outlay - Improvements	b.	\$	44,925	001-06-0606-572-63-563000-

- a. To adjust the budget for contributions from the Jacksonville Track Club for installation of water fountains.
- b. To adjust the budget for resurfacing of seven tennis courts. Item approved at 10-7-2019 Council meeting.

Planning & Development

Operating - professional services	a.	\$	19,459	001-04-0401-515-31-531000-
Operating - professional services	b.	\$	45,000	001-04-0401-515-31-531002-
Operating - professional services	c.	\$	75,000	001-04-0402-524-31-531000-

- a. To adjust budget for fees collected from Short-Term Vacation Rentals. RES 2033-2019 & ORD 2019-8118 approved at 9-16-2019 Council meeting. (This is for host compliance cost)
- b. To adjust the budget for a grant received from the Florida Department of Environmental Protection for the Florida Resilient Coastlines Program.
- c. To adjust the budget for inspection services for the Building Inspection Division. Item approved at 8-19-2019 Council meeting.

Police

Operating - vehicle repairs and maintenance	a.	\$	1,393	001-09-0904-521-46-546003-
Capital outlay - equipment	b.	\$	60,000	001-09-0905-521-64-564000-

- a. To adjust the budget for insurance proceeds that will be used to offset the cost of the vehicle repairs or replacement.
- b. To adjust the budget for the purchase of replacement workstations for the Police Department Communications Center. Item approved at 2-3-2020 Council meeting.

Fire

Personal services - overtime	a.	\$	750	001-10-1001-522-14-514000
Personal services - various	b.	\$	(2,147,432)	Various
Operating - various	c.	\$	1,897,453	Various

- a. To adjust the budget for contributions from special events to offset Fire Department overtime costs for the events.
- b. At the time the FY 20 Fire budget was developed, the Fire Services agreement with Duval County had not been executed yet. As we continue with the first year of this agreement, expense budgets will need to be adjusted.
- b. At the time the FY 20 Fire budget was developed, the Fire Services agreement with Duval County had not been executed yet. As we continue with the first year of this agreement, expense budgets will need to be adjusted.

Non-departmental

Operating - other charges	a.	\$	(82,698)	001-00-0000-519-49-549000-
Capital outlay - Machines & Equipment	b.	\$	33,712	001-00-0000-519-64-564000-

- a. To adjust the budget for net General Fund costs of budget adjustments.
- b. To adjust the budget for the construction of two workstations for the Legal Assistant and the Assistant to the City Manager. (Item being considered at 4-20-2020 Council meeting)

Southend Redevelopment Fund - 182

Expenses:

Capital outlay - improvements	a.	\$	28,132	182-16-1602-515-63-563000-
-------------------------------	----	----	--------	----------------------------

- a. To adjust the budget of the Ocean Terrace Drainage improvements project to fund the design of a new 8-foot wide concrete path on a portion of Jacksonville Drive. Item approved at 2-24-2020 CRA and 3-2-2020 Council meeting.

General Capital Projects Fund - 315

Expenses:

- | | | | | |
|---------------------------------------|----|----|---------|----------------------------|
| Capital outlay - Machines & Equipment | a. | \$ | 134,409 | 315-00-0000-519-64-564000- |
|---------------------------------------|----|----|---------|----------------------------|
- a. To adjust the budget for installation of the new Citywide phone system. Item approved at 10-7-2019 Council meeting.

Electric Fund - 410

Expenses:

- | | | | | |
|-------------------------------|----|----|-----------|----------------------------|
| Capital outlay - improvements | a. | \$ | 150,000 | 410-12-1229-531-63-563000- |
| Capital outlay - improvements | b. | \$ | 2,915,000 | 410-12-1229-531-63-563000- |
| Capital outlay - improvements | c. | \$ | 82,000 | 410-12-1212-531-63-563000- |
- a. To adjust the budget to fund a change order to the Guana Substation expansion project. Item approved at 10-21-2019 Council meeting.
- b. To adjust the budget to fund the remaining design-build services for the Sampson Substation Autotransformer # 2 replacement project. Item approved at 2-03-2020 Council meeting.
- c. To adjust the budget for automated utility designer and implementation services. Item approved at 12-16-2019 Council meeting.

Water & Sewer Fund - 420

Expenses:

- | | | | | |
|-----------------------------------|----|----|---------|----------------------------|
| Capital outlay - improvements | a. | \$ | 34,560 | 420-07-0707-536-63-563000- |
| Capital outlay - improvements | b. | \$ | 503,770 | 420-07-0706-535-63-563000- |
| Operating - repairs & maintenance | c. | \$ | 41,448 | 420-07-0707-536-63-563000- |
- a. To adjust the budget for new electrical service for water production well # 23. Item approved at 11-4-2019 Council meeting.
- b. To adjust the budget for the sanitary sewer lift station # 29 rehabilitation project. Item approved at 1-21-2020 Council meeting.
- c. To adjust the budget for the emergency repair of the sanitary sewer force main located on Beach Blvd near Hopson Rd. Item approved at 2-17-2019 Council meeting.

Equitable Sharing Trust Fund - 631

Revenues:

- | | | | | |
|-------------------------|----|----|-----|----------------------------|
| Insurance reimbursement | a. | \$ | 668 | 631-00-0000-364-00-364003- |
|-------------------------|----|----|-----|----------------------------|

Expenses:

- | | | | | |
|-----------------------------------|----|----|-----|----------------------------|
| Operating - repairs & maintenance | a. | \$ | 668 | 631-09-0910-521-46-546003- |
|-----------------------------------|----|----|-----|----------------------------|
- a. To adjust budget for insurance proceeds that will be used to offset the cost of the vehicle repairs or replacement.

SECTION 2. The Chief Financial Officer is hereby authorized and directed to perform all acts necessary to carry out and accomplish the budget amendments in conformity with the provisions of SECTION 3. The City Council recognizes that the Budget is a revenue and spending plan which requires adjustment from time to time as circumstances change. The City Council gives authorization to the City Manager to make Budget Amendments in the budget for the fiscal period beginning October 1, 2019 and ending September 30, 2020, at the department level as long as the amendments do not increase or decrease the overall budget for the related department in the General Fund, or at the fund level in a fund other than the General Fund.

SECTION 4. The City Council authorizes the City Manager to use funds from any relevant account to pay for items such as staffing, contract services, rental equipment, communications equipment, emergency repairs, and supplies in response to a named storm or declaration of a state of emergency issued by the Mayor for a severe weather event or other emergency of similar magnitude.

SECTION 5. The City Council further authorizes the City Manager to make budget amendments in the budget for the fiscal period beginning October 1, 2019 and ending September 30, 2020, in furtherance of improvements or works which were approved by the City Council and begun in a previous year, but which were not completed in those years, and any such adjustment shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

SECTION 6. The City Council further authorizes the City Manager to expend donated monies, so long as the expenditure is consistent with the purpose of the donation.

SECTION 7. In compliance with the Convention Development Tax Act, Florida Statutes, Chapter 212.0305, the City of Jacksonville Beach, being unable to use Convention Development revenue solely for the purposes stated in the section, is hereby authorized to use the revenue to acquire and develop municipal parks, lifeguard stations or athletic fields.

SECTION 8. This Resolution shall take effect upon its passage and publication as required by law.

AUTHENTICATED this ____th day of _____, 2020.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Chris Ambrosio, City Attorney
SUBJECT: Ordinance No. 2020-8136 amending City Code Ch. 28, Art. IV to adopt new Florida Statute requirements, regulations and standards of wireless communications facilities within the public right-of-way.
DATE: March 18, 2020

BACKGROUND

In City Code Ch. 28, Art. IV “Communications Rights-Of-Way Ordinance” and Sec. 34-409 through Sec. 34-410 for “Personal Wireless Service Facilities”, the City has regulations for placement, maintenance, design standards, spacing and location requirements of wireless communications facilities within the public right-of-way (ROW).

In 2017, Section 337.401, Florida Statutes “Use of right-of-way for utilities subject to regulation; permit; fees” was amended. The law regulates the placing of new utility poles in the City’s ROW to support small wireless facilities and micro wireless facilities. In response to that act, the City adopted the Communications Rights-of-Way Ordinances (Ordinance No. 2017-8099 and Ordinance No. 2017-8101).

In 2019, the Florida Legislature adopted additional modifications to the 2017 law that prohibit, restrict, specify, and create exemptions to the City’s ability to protect municipal proprietary property. These amendments took effect on July 1, 2019. Since that time, the Florida League of Cities and three member cities have challenged the constitutionality of significant portions of the 2017 and 2019 laws. This legal challenge has not been resolved. While there are unresolved matters, the City nevertheless needs to be able to work with applicants in a manner consistent with the new statutory changes.

Key points of the 2019 state law are:

1. Prohibits adoption of local regulations or imposition of fees upon the placement of communications facilities in public the ROW.
2. Prohibits registration fees.
3. Increases public notice requirements prior to adopting new city rules that impact communication facilities.

4. Limits what local governments can require and what information may be requested when reviewing communications facilities applications for work in the public the ROW.
5. Mandates that all renewals be for no less than 5 years.
6. Shortens local government review time frames for the review of communication facilities.
7. Makes it easier to permit the construction of new utility poles in the ROW.
8. Prohibits moratoria or other delays in the issuance of permits.
9. Sets statewide criteria for small wireless facilities sizing.
10. Prohibits local government performance bonds or security funds and limits the terms of construction bonds.
11. Creates a new cause of action against cities that violate the new law, including the assessment of attorney's fees.
12. Preempts many issues that were once within the purview of cities to require.

Ordinance No. 2020-8136 implements the changes contained in the 2019 law by amending City Code Ch. 28, Art. IV, Sections 28-71, 28-72, 28-73, 28-75, 28-76, and 28-84. The objective of the City Code update is to manage the growth of wireless communications facilities within the City limits in the best interests of the public in safety, health and prudent land use, including the limited resource of the ROW, in a manner to bring City Code current with statutes.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8136 amending City Code Ch. 28, Art. IV to adopt new Florida Statute requirements, regulations and standards of wireless communications facilities within the public right-of-way.

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

ORDINANCE NO. 2020-8136

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; REVISING ARTICLE IV TO BE CONSISTENT WITH AMENDMENTS TO SECTION 337.401, FLORIDA STATUTES ADOPTING REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY, REPEAL OF CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 337.401, Florida Statutes “Use of right-of-way for utilities subject to regulation; permit; fees”, local governments may grant the use of the public right-of-way (“ROW”) to support small wireless and micro wireless facilities in accordance with regulations as the local government may adopt; and

WHEREAS, local governments having jurisdiction of the public ROW are authorized to prescribe and enforce reasonable regulations over the placing and maintaining across, on, or within the ROW limits, any electric transmission or other communications services lines or wireless facilities, pole lines, poles, or other structures; and

WHEREAS, the City of Jacksonville Beach (“City”) adopted reasonable regulations, standards, spacing and location requirements for placement and maintenance of communications facilities within the public ROW by the passage of Ordinance No. 2017-8099 and Ordinance No. 2017-8101, as contained in City Code of Ordinances Chapter 28, Article IV known as “Communications Rights-Of-Way Ordinance” and Sections 34-409 through 34-410 for “Personal Wireless Service Facilities”; and

WHEREAS, Florida Legislature 2019 amendments to Section, 337.401, Florida Statutes prohibit, restrict, specify, and create exemptions to the City’s ability and authority to regulate small and micro wireless communications facilities within the public ROW that necessitates that the City amend Chapter 28, Article IV, to comply with new state laws; and

WHEREAS, the City Council desires to manage the growth of wireless communications facilities within the City limits in the best interests of the public safety, health and prudent land use of the limited resource of the ROW, in a manner consistent with new 2019 state laws; and

WHEREAS, the City complied with statutory notice requirements concerning the adoption of this Ordinance to amend City Code consistent with new Florida laws related to wireless facilities and utilities activities in the ROW; and

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. AMENDMENTS TO SECTION 28-71, CODE OF ORDINANCES. That Section 28-71, Chapter 28, Article IV, Communications Rights-of-Way, of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended to read as follows:

Sec. 28-71. - Intent and purpose.

- (a) The City hereby makes and declares the following findings and declares its legislative intent as follows:
 - (1) The public rights-of-way within the City of Jacksonville Beach are a unique and physically limited resource and important amenity that are critical to the travel and transport of persons and property in the City.
 - (2) The demand for telecommunications services has grown exponentially in recent years, requiring the continual upgrading of telecommunications equipment and services to satisfy such demand.
 - (3) The placement of telecommunications equipment and facilities in the public rights-of-way to satisfy the demand for telecommunications services raises important issues with respect to the City’s responsibility to manage its public rights-of-way.
 - (4) The public rights-of-way must be managed and controlled in a manner that enhances the health, safety and general welfare of the City and its citizens.
 - (5) The use and occupancy of the public rights-of-way by providers of communications services must be subject to regulation, which can ensure minimal inconvenience to the public, coordinate users, maximize available space, reduce maintenance and costs to the public, and facilitate entry of an optimal number of providers of cable, telecommunications, and other services in the public interest.
 - (6) Section 166.041, Florida Statutes, provides for procedures for adoption of an ordinance which is a regulation of general and permanent nature and enforceable as local law.
 - (7) Section 337.401, Florida Statutes, addresses the authority of municipalities to regulate the placement and maintenance of communication facilities, and other utilities, in the public rights-of-way.
 - (8) In 2017, Florida passed Chapter 2017-136, Laws of Florida, which among other things, amends § 337.401, Florida Statutes, to create the new Subsection (7) known as the Advanced Wireless Infrastructure Deployment Act (“Wireless Deployment Act”), effective July 1, 2017, to address municipalities’ regulation of access to the

public rights-of-way for wireless communications facilities and wireless support structures.

- (9) The Wireless Deployment Act provided that municipalities may require a registration process in accordance with § 337.401(3), Florida Statutes, may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, municipality liability or municipal warranties and further provides that, for any applications filed before the effective date of ordinances implementing this subsection, an authority may apply current ordinances relating to the placement of communications facilities in the rights-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, municipality liability or municipal warranties.
- (10) The City is exempt under 47 U.S.C. § 224 from federal pole attachment requirements, and finds that it is a “municipal electric utility” such that the City utility poles are not subject to the Wireless Deployment Act's “Collocation” requirements as stated in § 337.401(7)(1), Florida Statutes, currently set forth in Chapter 2017-136, Laws of Florida.
- (11) The communication industry is in a constant state of emerging technology that includes the infrastructure required to support the increased demand and capacity to receive and to transmit increased data and voice communications.
- (12) A new network of wireless communications infrastructure has emerged comprised of a series of small individual antenna (“Small Cells”), or nodes (“Distributed Antenna Systems” or “DAS”), and wireless backhaul networks that are linked to a larger hub site.
- (13) The City has received requests to place new utility poles, wireless communications facilities, and wireless support structures within the public rights-of-way.
- (14) The current City Code contains requirements for registration, insurance, permitting, insurance coverage, indemnification, ~~performance bonds, security funds,~~ construction bonds, force majeure, abandonment, municipality liability or municipal warranties that address sufficiently the placement or maintenance within the public rights-of-way for wireline and wireless communications facilities or wireless support structures, ~~but needs to be updated to incorporate state law changes since the adoption of the original ordinance in 2004.~~
- (15) Consistent with state law, the City finds that, to promote the public health, safety and general welfare, and as a prudent land use, including the limited resource of the right-of-way, it is necessary to:
 - i. Provide for the placement or maintenance of Communications Facilities in the public rights-of-way within the City limits,

- ii. Adopt and administer reasonable rules, regulations and general conditions not inconsistent with applicable state and federal law,
 - iii. Manage the placement and maintenance of Communications Facilities in the public rights-of-way by all communications services providers,
 - iv. Minimize disruption to the public rights-of-way, and
 - v. Require the restoration of the public rights-of-way to original condition.
- (16) ~~It is the intent of the City to require that the placement or maintenance of any wireline or wireless communications facility or wireless support structure in the public rights of way must have an effective registration which satisfies the requirements set forth herein for such registration, to the extent not inconsistent with applicable federal and state laws and regulations.~~ The City's intent is that these rules and regulations must be generally applicable to all providers of communications services, taking into account the distinct engineering, construction, operation, maintenance, public works, and safety requirements of the provider's facilities, and, notwithstanding any other law, may not require a provider of communications services to apply for or enter into an individual license, franchise, or other agreement with the City as a condition of placing or maintaining communications facilities in its roads or rights-of-way.
- (17) It is also the City's intent to exercise the City's retained authority to regulate and manage the City's roads and rights-of-way in exercising its police power over communications services providers' placement and maintenance of facilities in the public rights-of-way in a nondiscriminatory and competitively neutral manner.
- (18) ~~Since the adoption of amendments to § 337.401, Florida Statutes, in 2017 by Chapter 2017-136, Laws of Florida (the "Advanced Wireless Infrastructure Deployment Act"), the Florida Legislature adopted in 2019 additional modifications that prohibit, restrict, specify, and create exemptions to the City's ability to protect municipal proprietary property held in trust for the benefit of the City's taxpayers and citizens under threat of the imposition of lawsuits, attorneys' fees, and the suspension of local legislative power.~~
- (19) ~~Based upon the additional modifications that took effect on July 1, 2019, the City now seeks to amend the Jacksonville Beach Communications Rights-of-Way Ordinance consistent with both the legislative intent of these amendments and consistent with the provisions of the Florida Constitution as interpreted by the courts of the State of Florida.~~
- (20) ~~It is the City's express legislative intention that it shall take no action or issue no permit that is not subject to and conditioned upon this reserved authority of the Florida Legislature and the Florida Constitution as interpreted by the courts of the State of Florida, and in the event of a conflict, the Florida Constitution as interpreted by the courts of the State of Florida shall control.~~

- (b) This Article IV of City Code Chapter 28 shall apply to any public or private entity who seeks to construct, place, install, maintain or operate a communications system or facilities, as such terms are defined herein, in the public rights-of-way, unless otherwise exempt by operation of applicable state or federal law. Notwithstanding the above, this Article IV of City Code Chapter 28 shall not apply whatsoever to a City owned or controlled communications system.

SECTION 3. AMENDMENTS TO SECTION 28-72, CODE OF ORDINANCES. That Section 28-72, Chapter 28, Article IV, Communications Rights-of-Way, of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended to read as follows:

Sec. 28-72. - Definitions.

For purposes of this article, the following terms, phrases, words, and their derivations shall have the meanings given. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “will” are mandatory, and the word “may” is permissive. Words not otherwise defined shall be given the meaning set forth in the Communications Act of 1934, 47 U.S.C. §§ 151 et seq., as amended (collectively the “Communications Act”), and, if not defined therein, as defined by Chapter 202, Florida Statutes, or Chapter 337, Florida Statutes, and, if not defined therein, be construed to mean the common and ordinary meaning.

.....

Wireless Support Structure means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole, pedestal, or other support structures for ground-based equipment not mounted on a Utility Pole and less than 5 feet in height.

SECTION 4. AMENDMENTS TO SECTION 28-73, CODE OF ORDINANCES. That Section 28-73, Chapter 28, Article IV, Communications Rights-of-Way, of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended to read as follows:

Sec. 28-73. Registration.

- (a) A communications services company or provider that desires to place or maintain a communications facility in public rights-of-way in the City shall first register with the City in accordance with this article. Subject to the terms and conditions prescribed in this section, as amended, a Registrant may place and maintain communications facilities in public rights-of-way.
- (b) The act of registration shall not convey any title, equitable or legal, to the Registrant in the City’s public rights-of-way. Registration under this article embodies only the placement or maintenance of communications facilities in public rights-of-way. Other ordinances, codes, or regulations apply to the placement or maintenance in the public rights-of-way of facilities, which are not communications facilities. Registration does not excuse a communications services company or provider from obtaining appropriate and required

access or pole attachment agreements before locating communication facilities on the City's facilities or another person's facilities. Registration does not excuse a communications services company or provider from complying with all applicable City ordinances, codes, or regulations including this section.

(c) Each communications services company or provider that desires to place or maintain a communications facility in public rights-of-way in the City shall file a registration with the City, which shall include the following information:

- (1) Name of the applicant;
- (2) Name, address, and telephone number of the applicant's primary contact person in connection with the registration, and the name, address, and telephone number of the person to contact in case of an emergency;
- ~~(3) Registrations submitted prior to December 18, 2017, shall state if the applicant provides local service, toll service, or both;~~
- (34) Evidence of the insurance coverage required under this section and acknowledgment that applicant has received and reviewed a copy of this section; however, the acknowledgment of the receipt of this section shall not be deemed an agreement;
- (45) The type of communications services that the applicant intends to provide within the corporate limits of the City (if more than one, state all that apply), or, if none, state that the applicant is a pass-through provider or is intending only to place and maintain pass-through facilities, as the case may be;
- ~~(6) For registrations submitted on or after December 18, 2017, a copy of both the applicant's resale certificate and certificate of registration issued by the Florida Department of Revenue to engage in the business of providing communications services in the State of Florida; and~~
- (57) The applicant's certificate of authorization or license number to provide communications services issued by the state public service commission, the Federal Communications Commission, or other federal or state authority, if any, having jurisdiction; and
- (68) For an applicant that does not provide a state public service commission certificate of authorization number, if the applicant is a corporation, proof of authority to conduct business in the state. A certificate number from, or filing with, the Florida Department of State will be acceptable.
- ~~(9) For an applicant that is a pass through provider, in lieu of paragraphs (5), (6), (7) and (8) above, the applicant shall provide a certified copy of the certificate or~~

~~license issued by the Florida Department of State, or other appropriate state agency or department, authorizing the company to do business in the State of Florida~~

- (d) The City shall review the information submitted by the applicant. The City Manager or the City Manager's designee shall conduct such review. If the applicant submits information in accordance with this article, the registration shall be effective and the City shall notify the applicant in writing of the effectiveness of the registration. If the City determines that the information has not been submitted in accordance with this article, the City shall notify the applicant in writing of the non-effectiveness of the registration, and reasons for the non-effectiveness. The City shall notify an applicant within thirty (30) calendar days after receipt of the registration information from the applicant. Non-effectiveness of registration shall not preclude an applicant from filing subsequent applications for registration.
- (e) A Registrant may cancel a registration upon written notice to the City stating that Registrant will no longer place or maintain any communications facilities in public rights-of-way within the City and Registrant will no longer require permits to perform work in public rights-of-way. A Registrant shall not cancel a registration if the Registrant continues to place or maintain any communications facilities in public rights-of-way.
- (f) Registration does not establish a right or provide authority to place and maintain or establish priority for the future placement or maintenance of a communications facility in public rights-of-way within the City, but shall establish for the Registrant, a right to apply for a permit from the City. Registrations are expressly subject to any future amendment to or replacement of this article and further subject to any new or existing City laws, as well as any new or existing federal or state laws, rules, and regulations which may be enacted or which have been enacted.
- (g) A Registrant shall renew its registration with the City by the first day of April of the fifth year following Registration (i.e., 2024 if registered in 2019, and so forth) ~~of even-numbered years~~ in accordance with the registration requirements in this section, ~~except that a Registrant that initially registers during the even-numbered year when renewal would be due or the odd-numbered year immediately preceding such even-numbered year shall not be required to renew until the next even-numbered year.~~ Within ninety thirty (930) ~~ninety (90)~~ calendar days of any change in the information required herein, a Registrant shall provide updated information to the City. If the information in the then-existing registration has not changed, the renewal may provide that no information has changed. Failure to renew a Registration may result in the City restricting the issuance of additional permits until the communications services company or provider has complied with the registration requirements of this article.
- (h) In accordance with applicable City ordinances, codes, regulations, or policies a permit shall be required of a communications services company or provider that desires to place or maintain a communications facility in public rights-of-way unless otherwise exempt by state statute or this ordinance. An acceptable and approved registration shall be a condition precedent to requesting and obtaining a permit. Notwithstanding an acceptable and approved registration, permitting requirements shall always apply. A permit may be

obtained by a Registrant having an acceptable and approved registration if all permitting requirements are met.

SECTION 5. AMENDMENTS TO SECTION 28-75, CODE OF ORDINANCES. That Section 28-75, Chapter 28, Article IV, Communications Rights-of-Way, of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended to read as follows:

Sec. 28-75. - Placement or maintenance of communications facilities.

As a condition of allowing the placement or maintenance of a communications system or any communications facility in the public rights-of-way, and under additional authority granted pursuant to Chapter 337, Florida Statutes, the City hereby imposes the following rules, regulations and general conditions. Unless otherwise provided in this Article IV, these rules, regulations and general conditions shall apply to all communications services providers, including those that are pass-through providers irrespective of whether they place and maintain only conduit, dark fiber or pass-through facilities. Any permit application required hereunder for the placement of communications facilities shall be processed and acted upon in accordance with the following:

- (a) Within 14 days after receiving an application, the City shall determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the City fails to provide notification to the applicant within 14 days.
- (b) An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if the City fails to approve or deny the application within 60 days after receipt of the application. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the City.
- (c) The City must notify the applicant of approval or denial by electronic mail. The City shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the City must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the City denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The City shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.
- (da) A Registrant shall, at all times, comply with and abide by all applicable provisions of federal and state laws, regulations, rules and the City ordinances, codes, regulations, and policies in placing and maintaining a communications facility in public rights-of-way.
- (eb) Neither a Registrant nor a communications service provider shall commence to place or maintain a communications facility in public rights-of-way until all applicable permits, if any, have been issued by the City and other appropriate authorities. Registrant

acknowledges and accepts, that as a condition of granting any permits, the City may impose reasonable rules, regulations, and policies governing the location, placement, and maintenance of a communications facility in public rights-of-way. The communications services provider shall provide prompt notice to the City of the placement or maintenance of a Communications Facility in the public rights-of-way in the event of an emergency and shall, after-the-fact, be required to submit plans and Record Drawings and As-Built Surveys, if required by the City Manager or his designee, showing the placement or relocation of a communications facility undertaken in connection with the emergency.

(fe) As part of the permit application to place a new ~~or replace or maintain an existing~~ communications facility in public rights-of-way, the Registrant shall, unless otherwise exempt pursuant to this ordinance or state statute, provide not less than the following:

~~(1) A description of the location of the proposed facilities including a narrative description and a scaled pictorial drawing of the facilities to be installed, where the facilities are to be located, and the size of facilities to be located in public rights-of-way; and~~

~~(2) A description of the construction methods or techniques which will be used to install the facilities; and~~

(13) A maintenance plan for disruption of traffic; and

(24) A statement concerning the ability of the public rights-of-way to accommodate the proposed facility; and

(35) An estimate of the cost of the restoration to the public rights-of-way; and

~~(6) A timetable for project construction and each phase thereof, and the areas within the City which will be affected; and~~

(47) Such additional information as the City finds necessary with respect to the placement or maintenance of the communications facility that is the subject of the permit application.

(5) Such information shall not include an inventory of communications facilities, maps, locations of such facilities, or other information by an applicant, but the City requires as part of a permit application that the applicant identify at-grade communications facilities within fifty (50) feet of the proposed installation location for the placement of at-grade communications facilities. Notwithstanding anything to the contrary set forth in this ordinance, the City, as mandated by state statute, hereby exempts communications service providers from the requirement to obtain a permit for the acts of maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities between existing wireline communications facility attachments on utility poles.

- (gd) To the extent not otherwise prohibited by federal or state laws, the City shall have the power to prohibit or limit the placement of new or additional communications facilities within particular areas of all public rights-of-way.
- (he) All communications facilities shall be placed and maintained so as not to interfere with the use of the public rights-of-way by the public and with the rights and convenience of property owners who adjoin the public rights-of-way. The use of trenchless technology, joint trenching, and co-locating of facilities in existing conduit in the public rights-of-way is encouraged and shall be employed when feasible. The City Manager or the City Manager's designee may promulgate rules, regulations, and policies concerning the placement and maintenance of a communications facility in public rights-of-way consistent with this article and other applicable federal and state laws.
- (if) All safety practices required by applicable municipal, state, and federal laws or accepted industry practices and standards, shall be used during the placement or maintenance of communications facilities in public rights-of-way.
- (ig) After the completion of any placement or maintenance of a communications facility in public rights-of-way or each phase thereof, the Registrant shall at the Registrant's expense, restore the public rights-of-way to the original condition, or superior to the original condition, which existed before such placement or maintenance. If the Registrant fails to complete the restoration within thirty (30) calendar days, following the completion of such placement or maintenance, the City may perform the restoration and charge the total costs of the restoration to the Registrant in accordance with §337.402, Florida Statutes as amended. For twelve (12) calendar months following the original completion date of the work, the Registrant shall guarantee the restoration work and shall correct, at the Registrant's expense, any restoration work, which does not satisfy the requirements of the City.
- (kh) Removal or relocation, at the direction of the City of a Registrant's existing communications facility in public rights-of-way, shall be governed by the provisions of §337.403 and §337.404, Florida Statutes, as amended.
- (li) An approved permit from the City shall constitute authorization to undertake only certain activities in public rights-of-way in accordance with this article, and the permit does not create a property right or grant authority to impinge upon the rights of others who have an interest in the public rights-of-way.
- (mj) A Registrant shall maintain its communications facility in public rights-of-way in a manner consistent with accepted industry practice and applicable law.
- (nk) In connection with excavation in the public rights-of-way, a Registrant shall where applicable, comply with the Underground Facility Damage Prevention and Safety Act set forth in Ch. 556, Florida Statutes, as amended.

- (o) A Registrant shall use and exercise due caution, care, and skill in performing work in the public rights-of-way and shall take all reasonable and necessary steps to safeguard the entire work area and the general public.
- (p) Upon request of the City, and as notified by the City of the other work, construction, installation, or repairs, a Registrant may be required to coordinate all placement and all maintenance activities with any other work, construction, installation, or repairs which may be occurring, or scheduled to occur, in public rights-of-way. A Registrant may be required to alter an installation and maintenance schedule to minimize disruptions and disturbance in the public rights-of-way.
- (q) A Registrant shall not place or maintain communications facilities, which interfere with, displace, damage, or destroy other facilities including, but not limited to, sewer mains, gas mains, water mains, electric facilities, stormwater drains, pipes, cables, conduits, and all other facilities occupying the public rights-of-way.
- (r) The City makes no expressed or implied warranties or representations regarding the fitness, suitability, or availability of the City public rights-of-way for the Registrant's communications facilities and any performance of work, costs incurred, or services provided by Registrant shall be at Registrant's exclusive risk. Nothing in this article shall affect the City authority to add, increase, vacate, or abandon public rights-of-way, and the City makes no expressed or implied warranties or representations regarding the availability of any added, increased, vacated, or abandoned public rights-of-way for communications facilities.
- (s) The City shall have the right and authority to make any inspections, at any time, of communications facilities placed or maintained in public rights-of-way as the City determines necessary to ensure compliance with this article.
- (t) A permit application to place a new ~~or maintain an existing~~ communications facility in public rights-of-way shall include plan and profile drawings, which show the actual location of the facilities in the public rights-of-way. If the drawings require revision based upon actual installation, the Registrant shall promptly provide the revised as-built drawings to the City. The City prefers as-built drawings shall be in a hard copy format and an electronic format specified by the City. All such drawings, data and information shall be provided at no cost to the City.
- (u) The City reserves, without limitation, the exclusive right to place, maintain, and permit to be placed or maintained, all sewer, gas, water, electric, stormwater drainage, communications, all other types of facilities, cables, or conduits and to do, and to permit to be done, any underground and overhead installations or improvements which may be deemed necessary or proper by the City in public rights-of-way that may be occupied by a Registrant. The City further reserves, without limitation, the exclusive right to alter, change, or cause to be altered or changed the grading, installation, relocation, or width of the public rights-of-way within the limits of the City and within said limits as the limits may, from time to time, be altered.

- (vs) A Registrant shall, upon request of any person holding a permit issued by the City, temporarily adjust any communications facilities to allow for work authorized by other permits. The expense of such temporary adjustments of facilities shall be paid by the person requesting the adjustment and the Registrant shall have the right to request such payment of expense in advance. If the City requests temporary or permanent adjustments of a Registrant's existing or proposed facilities to allow for work to be done by the City, its contractors, or its agents, however, all expenses and costs related to the adjustments of the Registrant's temporary or permanent facilities, shall be the responsibility of and shall be paid by the Registrant. The Registrant shall be given not less than fifteen (15) calendar days advance written notice to arrange for such temporary or permanent adjustments.
- (wt) Any communications facilities placed in the public rights-of-way by the communications services provider without first having obtained the required communications facilities development permits shall be removed within thirty (30) days of written notice by the City to remove the same and in default of compliance with such notice, such facilities may be removed by order of the City Manager or his designee and the cost of removal shall be borne and paid by the communications services provider upon demand.
- (xu) The placement or maintenance of all communications facilities shall be underground unless otherwise approved in writing and in compliance with the most current version of the provisions of Article IV, City Code Chapter 28. Communications facilities shall be placed between the property line and the curb line of all streets and avenues and shall not be within the roadway or the roadway recovery area unless specifically approved in writing by the City Manager or his designee. All communications facilities shall have consistent alignment parallel with the edge of pavement, a thirty-six inch (36") minimum depth of cover for and shall have a minimum of two feet (2') of horizontal clearance from other underground utilities and their appurtenances. Where approved by the City Manager or his designee, facilities to be placed in the street shall be laid according to the permanent grade of the street and at a depth below the surface of the permanent grade as each is determined by the City Manager or his designee. The City retains the final decision on vertical depth and/or height location and horizontal location within the right-of-way of communications facilities and appurtenances.
- (yv) The placement or maintenance of facilities aboveground, including new utility poles and aerial wires, is subject to written approval and to compliance with the most current version of the provisions of Article IV, City Code Chapter 28. Attachment to any pole or other aboveground structure must be pursuant to a valid and effective pole attachment agreement or similar instrument. Location on any utility pole or other above-ground structure shall not be considered a vested interest of the communications services provider and such Utility Poles or structures, if owned by the communications services provider, shall be removed or modified by the communications services provider at its own expense whenever the City or other governmental authority determines that the public convenience would be enhanced thereby. The communications services provider shall, at such time as the electric utility facilities or other communications facilities are placed underground or are required by the City to be placed underground, concurrently place its communications

facilities underground without cost to the City. The City retains the final decision on vertical depth and/or height location and horizontal location within the right-of-way of communications facilities and appurtenances.

- (zw) The placing of any new utility pole or other aboveground structure to support communications facilities is subject to written approval and to compliance with the most current version of the provisions of Article IV, City Code Chapter 28 and shall be done under the supervision of the City Manager or his designee. No such utility pole or other aboveground structure shall be placed in any gutter or drainage area and must be behind the curb to avoid damage to any sidewalk. In areas of the City where either electric utility wires or other communications facilities are aboveground and such facilities are moved, either voluntarily or at the direction of the City, to a new utility pole or other above-ground structure, the communications services provider or wireless infrastructure provider shall likewise move all its above-ground facilities on such utility poles or structures to such new utility pole or structure within thirty (30) days after receipt of written notice from either the City or the owner of the new utility pole or structure, without cost to the City. New utility poles installed by wireless infrastructure providers shall also be subject to and may avail themselves of the requirements and process set forth in § 28-76 hereof. The City retains the final decision on vertical depth and/or height location and horizontal location within the rights-of-way of communications facilities and appurtenances.
- (~~aa~~) A communications services provider, in an effort to minimize the adverse impact on the useful life of the public rights-of-way, shall, whenever possible, enter into joint use agreements with the City and other parties who have registered with, or who are expressly authorized by, the City to use its public rights-of-way; provided that the terms of such agreements are satisfactory to the communications services provider. Nothing herein contained shall mandate that the communications services provider enter into joint use agreements with parties other than the City or an agency of the City. However, prior to placement of any new or additional underground conduit in the public rights-of-way, a communications services provider is required to certify in writing to the City Manager or his designee that it has made appropriate inquiry to all existing utilities and other entities possessing a right to occupy the public rights-of-way as to the availability of existing or planned conduit that the particular communications services provider could reasonably utilize to meet its needs, and that no such conduit is available or planned at a reasonable cost by any other entity on the time schedule reasonably needed. The communications services provider shall not be permitted to perform any placement or maintenance of facilities in those segments of the public rights-of-way where there exists vacant or available conduit, dark fiber or surplus fiber owned by the City, an agency of the City or another governmental body which is or, through a reasonable amount of effort and expense, can be made compatible with the communications services provider's system or network. Under such circumstances the communications services provider shall have the opportunity to enter into a use agreement or lease arrangement with the City or an agency of the City at or below reasonable and prevailing market rates for such conduit or fiber or, where owned by another governmental body, shall, in good faith, first exhaust all means of obtaining use of such conduit or fiber before applying for a communications facilities development permit from the City. The City retains the final decision on vertical depth

and/or height location and horizontal location within the rights-of-way of communications facilities and appurtenances.

- (bb) Provision and Form of Record Drawings and As-Built Surveys. Within forty-five (45) days after completion of any placement or maintenance of a Communications Facility in the Public Rights-of-Way, the Communications Services Provider shall provide the City with identification by means of Record Drawings showing the final location of any constructed at-grade such Facility in the Public Rights-of-Way. Upon request by the City Manager or his designee, the Communications Services Provider shall also provide the City with As-Built Surveys of such constructed Communications Facilities within forty-five (45) days after completion of any placement or maintenance of the at-grade a Communications Facility in the Public Rights-of-Way. The Record Drawings and As-Built Surveys shall be provided to the City at no cost.

SECTION 6. AMENDMENTS TO SECTION 28-76, CODE OF ORDINANCES. That Section 28-76, Chapter 28, Article IV, Communications Rights-of-Way, of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended to read as follows:

Sec. 28-76. —Wireless facilities.

- (a) Generally. The placement of telecommunication towers and antennae anywhere in the corporate limits of the City shall in all cases be subject to the City’s zoning and land use regulations, including those set forth in the most current version of §§ 34-409 and 34-410 in the City’s Land Development Code, which is a part of the City Code. Where placement of a wireless antenna in the public rights-of-way has been approved by the City and to the extent not inconsistent with any City zoning and land use regulations, a wireless antenna attached to a permitted and legally maintained vertical structure in the public rights-of-way, such as a light pole or utility pole, shall, unless otherwise agreed to by the City in writing:
- (1) Not extend more than 10 feet above the highest point of the vertical structure;
 - (2) Not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
 - (3) Comply with any applicable Federal Communications Commission Emissions Standards;
 - (4) Comply with any applicable local building codes in terms of design, construction and installation; and
 - (5) Not contain any commercial advertising thereon.
- (b) Small Wireless Facilities in Public Rights-of Way. The City is exempt under 47 U.S.C. § 224 from federal pole attachment requirements, and finds that it is a “municipal electric utility” such that the City utility poles are not subject to the Wireless Deployment Act’s

“Collocation” requirements as stated in §337.401(7)(i), Florida Statutes, ~~currently set forth in Chapter 2017-136, Laws of Florida.~~ Unless and until the City adopts an ordinance regulating pole attachments, the City reserves the right to approve or deny individual requests for pole attachments to City utility poles within its sole discretion.

(c) Placement of Utility Poles in the Public Rights-of-Way in Support of Collocation of Small Wireless Facilities. A wireless infrastructure provider may apply to the City to place utility poles in the public rights-of-way to support the collocation of small wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within 9 months after the date the application is approved by the City, and the application must contain an attestation that the applicant cannot find a leasable site for the utility pole on private property within the City. The City shall accept and process the application in accordance with the procedure set forth below and any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way. Applicants seeking permission to install new utility poles within public rights-of-way shall comply with the registration, insurance coverage, indemnification, ~~performance bonds, security funds,~~ force majeure, abandonment, City liability, and City warranties provisions contained in this Chapter 28.

(1) Filing, Review, and Processing of Applications. The City shall accept applications for permits and shall process and issue permits for the placement of utility poles in the public rights-of-way in support of collocation of small wireless facilities subject to the following requirements:

a. Prior to filing any such application, the applicant shall notify the City ~~and schedule a pre-application conference~~ for the purpose of notifying and disclosing all information relevant to the City’s assessment of any application to be filed hereunder. ~~No such application may be filed until the pre-application meeting has been scheduled and conducted. The pre-application meeting shall be scheduled and held at least fourteen (14) days prior to the filing of any such application.~~

b. The applicant shall as a part of its application provide information necessary to demonstrate the applicant’s compliance with §337.401(7), Florida Statutes, the applicable provisions of Chapter 28 and other applicable provisions of the City Code for the placement of a new utility pole in the locations identified in the application, and shall bear the burden of demonstrating compliance therewith.

c. Within fourteen (14) days after receiving an application, the City must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the City must specifically identify the missing information. An application is deemed complete if the City fails to provide notification to the applicant within fourteen (14) days. If the applicant fails to complete the application

- within thirty (30) days after receiving a notice from the City that the application is deemed incomplete, then the City may deny the application.
- d. The City shall process all applications on a nondiscriminatory basis. If the City fails to approve or deny a complete application within 60 days after receipt of the application, the application is deemed approved. The parties may mutually agree to extend the 60-day application review period. The City shall grant or deny the application at the end of the extended period.
 - e. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the City.
 - f. The City shall notify the applicant of approval or denial by electronic mail. The City shall approve a complete application unless it does not meet the applicable provisions of § 337.401(7), Florida Statutes, this Chapter 28, and other applicable provisions of the City Code.
 - g. If the application is denied, the City shall specify in writing the basis for denial, including the specific statutory or code provisions on which the denial is based, and shall send the documentation to the applicant by electronic mail on the day the City denies the application.
 - h. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days after notice of the denial is sent to the applicant. Failure by the applicant to resubmit the application timely shall result in a final denial of the application. The City shall approve or deny a timely filed revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial. If the City provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. A denial must identify the specific code provisions on which the denial is based.
- (2) The City may deny a proposed new utility pole in the public rights-of-way if the proposed new utility pole violates or fails to comply with one or more of the following:
- a. Violates or fails to comply with any provision of §337.401(7), Florida Statutes.
 - b. Violates or fails to comply with any provision of Chapter 28, City Code, as amended from time to time.
 - c. Violates or fails to comply with any provision of § 34-409 and § 34-410 in the City's Land Development Code.

- d. Violates or fails to comply with any provision related to historic preservation set forth in the City Code, as amended from time to time.
- e. Materially interferes with the safe operation of traffic control equipment.
- f. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
- g. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

SECTION 7. AMENDMENTS TO SECTION 28-84, CODE OF ORDINANCES. That Section 28-84, Chapter 28, Article IV, Communications Rights-of-Way, of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended to read as follows:

Sec. 28-84. - Security-account Construction bond; Communications Facilities.

~~At or prior to the time a Registrant receives the initial permit to place or maintain a communications facility in public rights of way after the effective date of this section, the Registrant shall, at the sole discretion of the City, be required to file with the City, for the City approval, an annual bond, cash deposit, or irrevocable letter of credit in the sum of one hundred thousand dollars (\$100,000.00) having as a surety a company qualified to do business in the state, and shall be referred to as the "security account." The security account shall be maintained from such time through the: (a) transfer, sale, assignment, or removal of all communications facilities in the public rights of way; or (b) twelve (12) calendar months after the termination or cancellation of any registration. The security account shall be conditioned upon the full and faithful performance by the Registrant of all requirements, duties, and obligations imposed upon Registrant by the provisions of this section and other ordinances, as amended. The security account shall be furnished annually or as frequently as necessary to provide a continuing guarantee of the Registrant's full and faithful performance at all times. In the event a Registrant fails to perform the duties and obligations imposed upon the Registrant by the provisions of this section, there shall be recoverable, jointly and severally from the principal and surety of the security account, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, cost of removal, relocation, or abandonment of any facilities of the Registrant in public rights of way, including a reasonable allowance for attorneys' fees, up to the full amount of the security account. The City shall not pay Registrants interest on any monies held by the City in a Registrant's security account.~~

(a) Except in the case of an emergency, which shall include without limitation an out of service condition affecting 911 service, prior to performing any work in the public rights-of-way, a Registrant shall establish in the City's favor a construction bond in an amount specified in an engineering permit or other authorization as necessary to ensure the Registrant's faithful performance of the construction or other work in the public rights-of-way, in accordance with the City code and/or regulations. The amount of the construction bond shall be as set forth in the engineering permit, and may be modified in the City Manager's reasonable discretion, based on

the cost of the restoration to take place in the public rights-of-way, and any previous history of the Registrant concerning construction within the public rights-of-way of the City.

(b) In the event a Registrant subject to such a construction bond fails to complete the work in a safe, timely and competent manner in accordance with the provisions of the permit, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the Registrant, or the cost of completing the work, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond.

(c) No less than 12 months after the completion of the construction of the telecommunications facility and satisfaction of all obligations in accordance with the bond, the City may eliminate the bond. However, the City may subsequently require a new bond for any subsequent work in the public rights-of-way.

(d) The construction bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property-Casualty Edition; shall be subject to the approval of the City Attorney; and shall provide that:

"This bond may not be canceled, or allowed to lapse, until 60 days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

(e) The rights reserved by the City with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Chapter, or at law or equity.

(f) The rights reserved to the City under this section are in addition to all other rights of the City, whether reserved in this chapter, or authorized by other law, and no action, proceeding or exercise of a right with respect to the construction bond will affect any other right the City may have.

SECTION 8. SEVERABILITY. It is the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence paragraph or section of this Code shall be declared unconstitutional by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 9. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon its final adoption in accordance with applicable law.

Ordinance No. 2020-8136

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Chris Ambrosio, City Attorney
SUBJECT: Ordinance No. 2020-8138 to create a new Sec. 31-61 of Ch. 31 of the City Code, to codify elements of the City's Paid Parking Program.
DATE: March 4, 2020

BACKGROUND

In 2019, the City of Jacksonville Beach established a Paid Parking Program ("Program") at four City parking lots ("parking lots") as authorized by Resolution No. 1987-2017. The City and SP PLUS Corporation ("SP PLUS") entered into a Parking Management Services Agreement for SP PLUS to provide parking facility management services and create the Program for an initial services period from March 15, 2019, through October 27, 2019, at the parking lots ("Services Agreement"). Recently, City Council approved Resolution No. 2050-2020 which continued the Program, and amended and extended the SP PLUS Services Agreement, and approved a First Amendment that established a parking fees schedule, resident fee policy, issuance of citations, violation fees and collections process. These aspects of the Program are not codified as enforceable local laws.

Also in Resolution No. 2050-2020, City Council directed staff to prepare and submit to Council an Ordinance that will revise the City Code of Ordinances Ch. 31 - Traffic and Motor Vehicles; Art. III – Stopping, Standing and Parking; Div. 3 – Parking Regulations, and any other Sections necessary to codify the elements of and objectives of the Program and the Services Agreement.

The proposed Ordinance No. 2020-8138 will create a new Sec. 31-61 of Ch. 31 of the City Code of Ordinances to provide for designation of the Paid Parking Program, parking and violation fees, issuance of citations, collections, enforcement and dispute resolution as enforceable local laws.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8138 to create a new Section 31-61 of Chapter 31 of the City Code of Ordinances to codify elements of the City's Paid Parking Program as enforceable local laws.

Introduced by: Councilmember Hoffman
1st Reading: April 6, 2020
2nd Reading: April 20, 2020

ORDINANCE NO. 2020-8138

AN ORDINANCE TO CREATE A NEW SECTION 31-61 - PAID PARKING PROGRAM IN CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE III – STOPPING, STANDING, AND PARKING, DIVISION 3 – PARKING REGULATIONS, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, TO CODIFY ELEMENTS OF THE CITY’S PAID PARKING PROGRAM IN CERTAIN CITY LOTS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance pursuant to Art. VIII, § 2 of the Constitution of the State of Florida; and Chapter 166, Florida Statutes; and

WHEREAS, Section 162.021(1) and (2), Florida Statutes, authorizes a municipality to exercise any power for municipal purposes, except when expressly prohibited by law, consisting of any activity or power which may be exercised by the state or its political subdivisions; and

WHEREAS, Section 125.01(1), Florida Statutes, grants counties, political subdivisions, the power and authority to provide and regulate parking facilities, so a municipality holds this power and authority as well; and

WHEREAS, Sections 162.22 and 125.01, Florida Statutes, authorize the City Council to designate enforcement methods and penalties to be imposed for the violation of City ordinances, which may include, but are not limited to, issuance of a citation, summons, or a notice to appear in court; and

WHEREAS, in 2019, the City established a Paid Parking Program (the “Program”) at four City parking lots (“parking lots”) as authorized by Resolution No. 1987-2017; and

WHEREAS, in March of 2019, the City and SP PLUS Corporation (“SP PLUS”) entered into a Parking Management Services Agreement for SP PLUS to provide parking facility management services and create the Program for an initial services period from March 15, 2019 through October 27, 2019, at the designated parking lots (“Services Agreement”); and

WHEREAS, City staff evaluated the Program and SP PLUS’s performance under the Services Agreement, and staff advised and recommended to City Council that the City continue the Program and amend and extend the Services Agreement with SP PLUS; and

WHEREAS, on March 2, 2020, City Council approved Resolution No. 2050-2020 for the continuation of the Services Agreement and approval of a First Amendment that extended the

Agreement and amended the parking fees schedule, resident fee policy, issuance of citations, violation fees, collections and enforcement; and

WHEREAS, also in Resolution No. 2050-2020, City Council directed staff to prepare and submit to Council an Ordinance that will revise the City Code of Ordinances Chapter 31 - Traffic and Motor Vehicles; Article III – Stopping, Standing, and Parking; Division. 3 – Parking Regulations, and any other Sections necessary to codify elements of the Program as enforceable local laws; and

WHEREAS, the City Council deems it beneficial and in the City’s best interests to continue the Program as it generates public revenue that benefits the City’s residents, communities, businesses, and funds some City operations; and

WHEREAS, the City Council desires to create a new Section 31-61 of the City Code of Ordinances to create local laws that govern the Program; and

WHEREAS, the City Council, after notice and public hearing, has considered this Ordinance, staff reports, information provided and any public testimony given at public hearings; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes, it is a permissible exercise of the City’s powers and authority, and benefits the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING A SECTION, TO BE NUMBERED SEC. 31-61, WHICH SAID SECTION SHALL READ AS FOLLOWS.¹ Chapter 31, Traffic and Motor Vehicles, Article III. – Stopping, Standing, and Parking, Division 3. – Parking Regulations:

Sec. 31-61. - Paid Parking Program.

(1) The City of Jacksonville Beach established a Paid Parking Program at four City parking lots located at the Pier Parking Lot, the Third Avenue North Parking Lot, the Second Street North Lot and the Latham Plaza Parking Lot. The City established a parking fee schedule and resident registration free parking program, as well as a citation and violation fees schedule, and collections and enforcement program. The City determined that it is reasonably necessary and appropriate to engage the services of an experienced vendor to provide Paid Parking Program parking facility management services and to empower that vendor to collect parking fees, issue citations, collect violation fees, handle enforcement, administer, and manage the collections and dispute resolution processes for the City.

¹ Code additions are indicated with underline text to designate the new Sec. 31-61 to the City Code of Ordinances.
Ordinance No. 2020-8138

(2) Fees are to be paid for parking in any of the Paid Parking Program parking lot facilities located at the Pier Parking Lot, the Third Avenue North Parking Lot, the Second Street North Parking Lot and the Latham Plaza Parking Lot.

a. All vehicles parked in any of the designated Paid Parking Program parking lots at any time shall pay the applicable hourly or daily fees at the designated kiosks as follows:

<u>Less than 2 hours</u>	<u>\$3.00.</u>
<u>Over 2 hours</u>	<u>Additional \$1.00 per hour up to max parking rate.</u>
<u>Max Parking Rate</u>	<u>\$7.00 All day parking.</u>
<u>Holiday/Special Event Rate</u>	<u>\$12.00 All day parking.</u>

b. All fees charged for the use of the parking facilities shall be collected via electronic payment at the parking facility kiosks. Evidence of the proper parking fee payment will be made through a confirmation check using the vehicle license plate. The City’s vendor has exclusive authority to administer, manage and collect all parking fees, fines, and charges.

(3) Parking violations fees and charges.

a. The City’s vendor has authority to issue parking citations and charge violation and administration fees to any vehicle that has not paid the proper parking fee or that remains parked after exceeding the permissible time paid for. The following violation and administrative fees are to be charged in the event of a parking violation:

<u>Regular Parking Fee</u>	<u>\$3.00</u>	<u>\$4.00</u>	<u>\$5.00</u>	<u>\$6.00</u>	<u>\$7.00</u>	<u>\$12.00</u>
<u>City Parking Violation Fee</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>	<u>\$25.00</u>
<u>Vendor Administrative Fee</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$10.00</u>
<u>TOTAL VIOLATION FEE</u>	<u>\$38.00</u>	<u>\$39.00</u>	<u>\$40.00</u>	<u>\$41.00</u>	<u>\$42.00</u>	<u>\$47.00</u>

b. A registered owner or operator of a vehicle who believes a parking citation has been issued in error or in an improper manner may request an administrative dispute review of the conditions for issuance of the citation in accordance with and as set forth on the vendor’s parking violation citation. The City’s vendor has exclusive authority to engage and enforce fees collections efforts and to review and resolve all disputes concerning parking violation collections and disputes as relates to the Paid Parking Program.

c. Residents of the City of Jacksonville Beach may park at no charge in the City’s paid parking lots by registering their vehicles in the Resident Parking Program. Residents’ vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries. In order to qualify for this free parking benefit, residents must submit a request either in person or on-line. In-person requests are received at the Jacksonville Beach Police Department, 101 Penman Rd. S. Jacksonville Beach, FL 32250 or at Utility Billing in City Hall, 11 North Third Street, Jacksonville Beach, FL

32250. Online requests are available to be made at www.jacksonvillebeach.org by searching, "Resident Parking Program."

SECTION 3. CONFLICTING ORDINANCES AND ACTS. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity

SECTION 5. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Chris Ambrosio, City Attorney
SUBJECT: Revision of Ordinance No. 2020-8140 making amendments to Sec. 6-8 - Sea Turtle Protection, of the City Code of Ordinances to conform to current model lighting ordinance regulations, standards and guidelines.
DATE: March 17, 2020

BACKGROUND

The City adopted Ordinance No. 2000-7789 which created Sec. 6-8 - Sea Turtle Protection. Sec. 6-8 is designed to protect sea turtles and hatchlings from adverse effects of artificial interior and exterior lighting in and around the coast line, for mitigation of potential harmful effects of lighting, and penalties for violation of the section and for injury or harassment of sea turtles.

Two years ago, City Council and the prior City Manager directed staff to research other local governments' model Sea Turtle Protection ordinances and model lighting ordinances for marine turtle protection in order to revise Sec. 6-8 to the extent achievable and practicable for City departments. Several advocates have publicly requested that the City revise Sec. 6-8.

The City Attorney assumed this project. He researched and evaluated model lighting ordinances for sea turtle and hatchlings protection, guidelines and recommendations from the Florida Fish and Wildlife Conservation Commission, Florida Administrative Code, Florida Department of Environmental Protection, the University of Florida Conservation Clinic, Sea Turtle Conservancy, Beaches Sea Turtle Patrol, and Florida Sea Turtle Watch. He consulted with representatives from some of these organizations. He also researched ordinances from many other local governments, including Nassau, Duval and St. Johns Counties. He also met with directors from City Parks and Recreation Department, Beaches Energy Services and the Police Chief to discuss how the revisions set forth in this proposed Ordinance would impact their departments' delivery of services and ability to comply with the new Sec. 6-8.

The resulting proposed Ordinance is a consolidation of all the research and a comprehensive collection of the models and current standards.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8140 to make amendments to Sec. 6-8 - Sea Turtle Protection, of the City Code of Ordinances to conform to current model lighting ordinance regulations, standards and guidelines.

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

ORDINANCE NO. 2020-8140

AN ORDINANCE TO AMEND SECTION 6-8 – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS, STANDARDS AND GUIDELINES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance pursuant to Art. VIII, § 2 of the Constitution of the State of Florida; and Chapter 166, Florida Statutes; and

WHEREAS, sea turtles are protected by both the Federal Endangered Species Act and the Florida Marine Protection Act; and

WHEREAS, Section 379.2431, Florida Statutes, the Marine Turtle Protection Act, establishes that the Florida Fish and Wildlife Conservation Commission (“FWC”) has authority to implement its responsibilities for the protection and conservation of sea turtles and hatchlings, and their coastal habitats and nests; and

WHEREAS, Section 161.163, Florida Statutes, requires the Florida Department of Environmental Protection (“FDEP”) to adopt by rule, guidelines for local government regulations that control beachfront lighting to protect hatchling sea turtles; and

WHEREAS, the State of Florida developed a model lighting ordinance for marine turtle protection in Chapter 62B-55 Florida Administrative Code (“FAC”), which provides local governments with guidelines and regulations in developing ordinances that control beachfront lighting to protect sea turtle hatchlings from adverse effects of artificial lighting and improvement in nesting habitat degraded by light pollution, nesting activity and production of hatchlings; and

WHEREAS, the City Council adopted Ordinance No. 2000-7789 which created Section 6-8 - Sea Turtle Protection, designed to protect sea turtles and hatchlings from adverse effects of artificial interior and exterior lighting in and around the coast line, for mitigation of potential harmful effects of lighting, and penalties for violation of the section and for injury or harassment of sea turtles; and

WHEREAS, the City Council recognizes that the City’s beach and shoreline provides a vitally important natural nesting habitat for sea turtles and hatchlings; and

WHEREAS, the City Council recognizes that artificial lighting of beaches is a threat to sea turtles, and that nesting adults and hatchlings are negatively affected by disorientating artificial light that is visible from the beach; and

WHEREAS, the City Council recognizes that a healthy sea turtle population and the safety of hatchlings is important for the marine environment, promotes the quality and reputation of the City's beach community and businesses, and it enriches the quality of life of its residents, guests and tourists; and

WHEREAS, the City Council desires to amend Section 6-8 of the City Code of Ordinances to conform with the current model lighting ordinances for sea turtle, hatchlings and nesting habitat protection on the beach in the City of Jacksonville Beach; and

WHEREAS, the City Attorney evaluated model lighting ordinances for sea turtle and hatchlings protection, guidelines and recommendations from the FWC, FAC, FDEP, the University of Florida Conservation Clinic, Sea Turtle Conservancy, Beaches Sea Turtle Patrol, and Florida Sea Turtle Watch, and he consulted with representatives from some of these organizations to prepare this Ordinance; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes, it is a permissible exercise of the City's powers and authority, and benefits the public health, safety, and welfare of the citizens of the City of Jacksonville Beach; and

WHEREAS, the City Council hereby finds that this Ordinance helps to protect nesting and hatchling sea turtles on the beaches in the City of Jacksonville Beach by safeguarding that their nesting habitat is not degraded and the turtles are not disorientated by artificial light.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. THAT SECTION 6-8 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.¹ Chapter 6 – Beaches and Bulkheads, Article I. – In General:

Sec. 6-8. - Sea Turtle Protection.

(a) Title and citation. This section shall be known and may be cited as the “City of Jacksonville Beach Sea Turtle Protection Regulations.”

¹ Revisions to the Code are indicated with ~~strikethrough~~ text to indicate deletions and underline text to indicate additions.

(b) Purpose. The purpose of this section is to protect the threatened and endangered sea turtles that may nest along the beaches of Jacksonville Beach, Florida, by safeguarding sea turtles and hatchlings from sources of artificial light, and adult and hatchling sea turtles from injury or harassment.

(c) Definitions.

For purposes of this article, the following terms shall have the meanings as set forth within this section.

Artificial light or artificial lighting means the light emanating from any human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Bug type bulb means any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.

City means the City of Jacksonville Beach, a municipal corporation of the State of Florida.

Coastal construction activities means any work or activity that is likely to have a physical effect on existing coastal conditions or natural shore and inlet processes or having any portion of work or activity located seaward of the coastal construction control line established by the Florida Department of Environmental Protection.

Coastal construction control line means that portion of the beach and coastal barrier dunes as established pursuant to the provisions of section 161.053, Florida Statutes that lies within the City.

Department means the Florida Department of Environmental Protection.

Directly visible means the line of sight visibility of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source by an observer standing on the beach.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

Existing development means any building or structure for which a building permit has been issued prior to the adoption of this section.

Ground-level barrier shall mean any vegetation, natural feature or artificial structure rising from the ground, which prevents artificial lighting from being directly or indirectly visible.

Hatchling(s) shall mean any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

Indirectly illuminated means illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach.

Long wavelength lighting means light bulbs that produce light that measures five hundred sixty (560) nanometers or greater and absent wavelengths below five hundred sixty (560) nanometers on a spectroscope, which include low-pressure sodium (LPS), true red, orange, or amber light-emitting diode (LED), or other lighting sources that produce light that measures greater than five hundred sixty (560) nanometers and absent wavelengths below five hundred sixty (560) nanometers.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricate* (hawksbill), and *Lepidochelys kemp* (Kemp's ridley). For purposes of this section, marine turtle is synonymous with sea turtle.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 through October 31 of each year.

New development or construction means new construction of a structure, and remodeling, renovation or development of existing structures when such work includes new, replacement or alteration of exterior lighting or any exterior window, glass, glass door, or glazing.

Nighttime means the locally effective time period between sunset and sunrise.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Point source means the bulb, lamp or glowing elements of a fixture from which light is emitted.

Sea turtle protection area shall mean the City Beach area located between the north City limits boundary with Neptune Beach at 20th Ave. North, also known as Seagate Ave., and the south City limits boundary with St. Johns County, at the intersection of Duval Drive and Ponte Vedra Boulevard.

Shielded shall mean a light fixture which is constructed in a manner that the point source is not directly visible from the beach.

Tinted glass shall mean any glass treated to achieve an industry-approved, inside-to outside light transmittance value of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (four hundred [400] to seven hundred [700] nanometers) and is measured as the percentage of light that is transmitted through the glass.

(d) Prohibition of activities disruptive to marine turtles.

The following activities are prohibited on the beach at nighttime during the nesting season:

- (1) The operation of all motorized vehicles, except emergency and law enforcement vehicles, those permitted to be on the beach for marine turtle conservation or research, or those permitted to be on the beach by the City Manager.
- (2) The building of campfires or bonfires.

(e)(e) New development. Lighting standards for new development or construction. For In addition to the requirements of the Florida Building Code and other regulating entities, the following lighting standards shall be required for all new development, construction and building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers and other outdoor lighting for real property if there is lighting associated with such construction or development on real property having any portion located seaward of the coastal construction control line (CCCL) established by the Florida Department of Environmental Protection (DEP), or if there are any light sources or any reflective surfaces of the light fixture illuminated by such sources that will be visible from the beach within the sea turtle protection area, such lighting shall be in compliance with the following:

(1) Outdoor lighting shall be held to the minimum necessary for security and safety. Exterior artificial light fixtures used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detectors that keep lights off except when approached and that switch lights off within five (5) minutes are required. Floodlights and landscape or accent lights that will be visible from the beach are prohibited. Floodlights, up-lights or spotlights designed for decorative and accent purposes that are directly visible from the beach shall not be used.

(2) Exterior artificial light fixtures shall be designed and positioned so that the point source of light or any reflective surface from a light fixture is not directly visible from the beach. Exterior artificial light fixtures within line-of-sight of the beach shall be designed as follows:

(i.) Completely shielded downlight only fixtures or recessed fixtures having low wattage, long wavelength light sources with non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with this paragraph; and

(ii.) All fixtures shall be mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and/or ground-level fixtures.

(2)(3) All lighting, including wall-mounted fixtures, pole lighting, lights on balconies, and any other type of lighting not specifically referenced by this section; shall be of low intensity and shall be fitted with hoods or positioned so that the light sources or the reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach.

(3)(4) Low profile luminaries shall be used in parking lots and such lighting shall be fitted with hoods or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from being directly visible from the beach.

~~(4)~~(5) Dune crosswalks shall utilize low profile shielded luminaries directed and positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Dune crossover lighting shall be limited to the area landward of the primary dune.

~~(5)~~(6) If high intensity lighting is necessary, low pressure sodium vapor luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach.

~~(6)~~(7) Plates of tinted glass are required for windows and glass doors that are visible from the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of forty-five (45) percent or less. Such transmittance shall be limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.

~~(7)~~(8) Temporary ~~security lights~~ lighting at construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the requirements of this section and shall not be mounted more than fifteen (15) feet above the ground. Light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach.

(9) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system. Only long wavelength lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:

(i.) Set on a base which raises the source of light no higher than forty-eight (48) inches above the ground; and

(ii.) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface from the light fixture is not directly or indirectly visible.

(f) Pool decks, pool facilities, swimming pools, spas and outdoor areas.

(1) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.

(2) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(3) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in part (e) of this section.

(4) Underwater lighting of pools or spa light shall:

a. Be mounted horizontally in the wall,

b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and

c. Shall comply with minimum light with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(5) Fire pits shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach.

~~(d)(g) Lighting standards for Existing development. The following requirements shall apply if any portion of a developed property is located within a three hundred foot radius measured directly from the actual site of a sea turtle nest as verified by a person holding a Florida Marine Turtle permit: In order to provide protection for nesting marine turtles and their hatchlings during marine turtle nesting season while maintaining lighting standards necessary for public safety and security, the following standards are adopted for artificial light sources on all existing developments and existing structures that are visible from the beach, and shall be in compliance with the following within six months of the effective date of the ordinance.~~

~~(1) All lights shall be turned off after 9:00 p.m. between May 1 and October 1 of each year, or fitted with a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. The following measures may be considered to reduce or eliminate the negative effects of existing exterior artificial lighting. One (1) or more of the following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting so that the point source of light or any reflective surface a light fixture is not directly visible from the beach:~~

- a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach.
- b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields.
- c. Replace traditional light bulbs with yellow “bug” type bulbs not exceeding fifty (50) watts.
- d. Replace nondirectional fixtures with directional fixtures that point down and away from the beach.
- e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least one hundred eighty (180) degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach.
- f. Replace pole lamps with low profile, low level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach.
- g. Replace incandescent, fluorescent and high intensity lighting with the lowest wattage low pressure sodium vapor light possible for the specific application.
- h. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach.
- i. Construct a ground level barrier to shield light sources from the beach when possible. Ground level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system.
- j. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

(2) Lights illuminating dune crosswalks shall be turned off after 9:00 p.m. between May 1 and October 1 of each year, or must be modified to conform to the requirements for new development in accordance with paragraph (c) of this section.

(3) Security and emergency exit lighting shall follow the same requirements stated in paragraph (dg)(1) above. If high intensity lighting is necessary, low-pressure sodium vapor luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Nothing in this paragraph is intended to or shall limit or discourage the use of floodlights or spotlights of any color activated by the motion of person or vehicle on the property. Any such light shall provide illumination for a period not to exceed five (5) minutes each time motion is detected by it.

(4) At least one (1) of the following measures shall be taken, where applicable, to reduce or eliminate the negative effects of interior light emanating from doors or windows within line of sight of the beach, where lights currently illuminate the beach:

a. In windows facing the Atlantic Ocean, tinted window treatments are required for windows that are visible from the beach so that indoor lights do not illuminate the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of forty-five (45) percent or less. Such transmittance shall be limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.

b. Rearrange lamps and other movable fixtures away from windows.

c. Use window treatments, including but not limited to blinds and curtains, to shield interior lights from the beach and, during May 1 through October 1 nesting season, draw the operable window coverings; and/or

d. Turn off unnecessary lights.

~~(eh) Publicly owned lighting. The following requirements shall apply to streetlights and lighting fixtures in public parking lots, the SeaWalk Pavilion, and public boardwalk areas adjacent to the beach which are located within a 300 foot radius measured directly from the actual site of a sea turtle nest as verified by a person holding a Florida Marine Turtle permit: With the exception of streetlights, public parking lots and lights on the public boardwalk and the SeaWalk Pavilion, all publicly owned lighting with light sources that are visible from the beach shall be shielded, shaded or positioned so that the point source of artificial light is not visible from the beach and do not directly, indirectly or cumulatively illuminate the beach, or they shall be extinguished between sunset and sunrise during marine turtle nesting season.~~

~~(1) Street lights and lights on the public boardwalk are not subject to the terms of this section; however, it is the intent of the city that streetlights shall be located so that they do not illuminate any portion of the beach that is located within three hundred (300) feet of the actual site of a sea turtle nest. Publicly-owned lights in public parking lots and the SeaWalk Pavilion shall be shielded, shaded, or shall not be utilized from 11:00 p.m. until 7:00 a.m. each morning if they are located within three hundred (300) feet of the actual site of a sea turtle nest.~~

~~(2) Publicly owned lights in public parking lots and the SeaWalk Pavilion shall be shielded, shaded, or shall not be utilized from 11:00 p.m. until 7:00 a.m. each morning if they are located within three hundred (300) feet of the actual site of a sea turtle nest. Streetlights and lights on the public boardwalk are not subject to the terms of this section. However, it is the intent of the City~~

that streetlights and lights on the public boardwalk shall be shielded, shaded, located or positioned so that they do not illuminate any portion of the beach that is located within three hundred (300) feet of the actual site of a sea turtle nest.

(3) Exempted from the terms of this section are official traffic control devices and official traffic control signals.

(fi) Unlawful to kill, molest, or injure sea turtles, hatchlings or nests. It shall be unlawful for any person to kill, molest, or cause direct or indirect injury to any species of sea turtles or hatchlings in the sea turtle protection area, on Jacksonville Beach or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a sea turtle, turtle nest, or egg(s). The City will cooperate with the appropriate State and Federal Agencies in prosecuting violations of State and Federal laws and all laws relating to this section.

(gj) Penalties for violation; resort to other remedies. Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a misdemeanor. Any person or firm who violates this ~~division~~ section or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned, or both, as provided by law. Each day such violation continues shall constitute a separate offense. Each sea turtle killed, injured, or molested shall constitute a separate violation. Any person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. The City, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, to enforce the provisions of this section.

SECTION 3. CONFLICTING ORDINANCES AND ACTS. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity

SECTION 5. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk