



**AGENDA**  
**Regular City Council Meeting**  
**Tuesday, January 3, 2023, 6:00 PM**  
**Council Chambers, 116 First Street, Neptune Beach, Florida**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
  - A. Proclamation Recognizing Joseph M. Mitrick p. 2
3. APPROVAL OF MINUTES
  - A. **November 29, 2022, Special City Council Meeting**  
**November 29, 2022, Workshop City Council Meeting** p. 3  
**December 5, 2022, Regular City Council Meeting**
4. COMMENTS FROM THE PUBLIC
5. COMMUNICATION / CORRESPONDENCE / REPORTS

• Mayor	• City Attorney
• City Council	• City Clerk
• City Manager	• Police Chief
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE
8. ORDINANCES / NONE
9. OLD BUSINESS / NONE
10. NEW BUSINESS
  - A. Consideration of Supplemental Agreement No. 3 with Dewberry Hydro for MS4 Compliance and Annual Reporting Services p. 15
  - B. Consideration of Approval of Tyler Technologies ERP Implementation Change Order and Restart Proposal p. 22
11. COUNCIL COMMENTS
12. ADJOURN



# PROCLAMATION

## JOSEPH M. MITRICK, FACHE

**Whereas**, Joseph Mitrick served as the President of Baptist Beaches Medical Center and President of Transitional Care of Baptist Health since 2011 until his retirement in December of 2022; and

**Whereas**, Joe built a successful career with Baptist Medical Center and served as:

- President of Baptist Medical Center Jacksonville from 2005-2011
- Administrator of Baptist Medical Center Beaches from 1997-2005
- Vice President of Professional Services for Baptist Medical Center and St. Vincent's Hospital from 1995-1997

**Whereas**, Joe's incredible impact can be felt throughout our community, most recently through his efforts to continually grow Baptist Medical Center Beaches into a nationally recognized facility that provides easy access to comprehensive, high-tech medical and surgical care close to home. Under his leadership, noteworthy advancements include:

- a 24-bed expansion of the East Pavilion featuring an expanded critical care unit, a GI lab suite, pharmacy, patient access services and imaging center
- Expansion and renovation of the Rackley Center for Cardiac & Interventional Radiology
- Completion of the Wilson Farrell Surgery Center
- Renovation of the hospital chapel, emergency department and maternity unit
- National awards and recognition for patient care including:
  - o 5-star rating in the Centers for Medicaid and Medicare Services' (CMS) Hospital Compare national ratings
  - o Continuous Leapfrog Hospital Safety Grade "A" scores
  - o World's Best Hospitals by Newsweek
  - o High Performing Hospital by U.S. News & World Report

**Whereas**, Joe's passion for the Jacksonville Beaches community extends beyond the walls of the hospital. He also currently serves as:

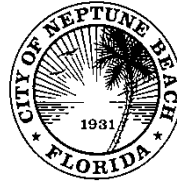
- the vice chair of the Fleet Landing Board of Directors and serves on their Finance and Executive Committees; board member of Community Hospice and Palliative Care of Northeast Florida; board member of the Beaches Division of the JAX Chamber, and an assistant chairman for First Aid Services at THE PLAYERS Championship.

And also previously served as: Chairman of the Beaches Division of the JAX Chamber board from 2002-2003 and 2011-2013; a board member of the American Cancer Society, Alive Credit Union, American Heart Association, Beaches Habitat for Humanity, Mission House, OneJax, and Volunteers in Medicine.

**Now, Therefore**, be it resolved that the Mayor and City Council of the City of Neptune Beach, Florida, congratulate Joseph M. Mitrick for his exemplary leadership in the community and present him with this Proclamation of Esteem.

---

Elaine Brown, Mayor  
City of Neptune Beach



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**TUESDAY, NOVEMBER 29, 2022, 6:00 P.M.**  
**NEPTUNE BEACH CITY HALL**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, November 29, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown  
 Vice Mayor Kerry Chin  
 Councilor Lauren Key  
 Councilor Nia Livingston  
 Councilor Josh Messinger (via CMT)

STAFF:

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Police Chief Richard Pike  
 Chief Financial Officer Danielle Dyer-Tyler  
 Code Compliance Supervisor Piper Turner  
 City Clerk Catherine Ponson

Call to Order/Roll  
 Call/Pledge

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Smart North Florida

Smart North Florida Quarterly Installments. Clayton Levins, Executive Director, Smart North Florida, reported that they have worked with the City in the deployment of specific technologies throughout the City, including Roadbotics and StormSensor. The City has signed a Memorandum of Understanding creating a Resiliency Lab focused on deploying resiliency-focused technologies to solve critical community problem statements in the City. He added that they have also partnered with UF and through the Flowbird parking app, parking data has been analyzed to show things such as peak parking times.

Mr. Levin advised that through the MOU, Smart North Florida would continue its work in expanding the Resiliency Lab in improving and identifying innovative solutions that could be applied to the parking program.

Made by Chin, seconded by Key.

**MOTION:**

**TO APPROVE THE QUARTERLY INSTALLMENTS TO SMART NORTH FLORIDA**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown  
 Noes: 0

**MOTION CARRIED**

Neptune House Lift Station Neptune House Lift Station. City Manager Stefen Wynn explained that the existing lift station at Neptune House is inadequate and is unable to handle the current volume. This is a proposal to upgrade the lift station.

Made by Chin, seconded by Livingston.

**MOTION:** **TO APPROVE THE NEPTUNE HOUSE LIFT STATION REPLACEMENT**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Res. No. 2022-09, Employee Handbook Resolution No. 2022-09, A Resolution of the City of Neptune Beach Amending the Employee Handbook.

Made by Livingston, seconded by Key.

**MOTION:** **TO ADOPT RESOLUTION NO. 2022-09, AMENDING THE NEPTUNE BEACH EMPLOYEE HANDBOOK**

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

**MOTION CARRIED**

CONB Bid 2022-03, Senior Center CONB Bid No. 2022-03, Senior Center Porch and Exterior Finishes. Mr. Wynn stated that this is a culmination of the rebid of CONB 2022-03. There was one bid received in the amount of \$366,869.14 from Mesic Construction, that is for the exterior porch and does not include the landscape or hardscape.

Mr. Wynn reported the first Invitation to Bid went out in August 2022 after a design was received from Marquis Latimer + Halback(MLH) based on community feedback. That resulted in bids that did not match up with each other, and some prices came in at over \$300,000. It was then put out using a formal bid process in September, 2022. One nonconforming bid was received. The rebid was then issued and this is what is before Council.

Vice Mayor Chin stated that he reviewed the summary from Mesic Construction. Based on the little research he did, their profit is within the average expected range.

Councilor Key commented that she had still not received information she requested including what's left to finish the Senior Center, how much it is going to cost and how it is going to be funded. Her heartache is that she wants the Senior Center to open, and we have invested time and money. There have been promises to the neighbors and meetings about what it will look like. There is still not a grasp on how much it will cost.

Councilor Livingston remarked that we are at a point where we need to get the Senior Center back open but she has lingering questions, such as can we some of the work in-house. She would like to also know what would come after this since this does not include landscaping.

Councilor Messinger stated that based on MLH's estimates, we are looking at another \$165,000 to complete the project in its entirety. He added that it is important to plan things out properly. It is important to do what is right not only for the Senior Center, but for that neighborhood. We need to complete it in its entirety so it is something of value for the Seniors and the neighborhood.

Councilor Messinger commented that at the beginning, it was expressed that if the City fronts the funding, the Senior Center would chase down the dollars and make this effectively a tax-neutral project. He leans towards completing the project, including the parking and landscaping, as designed based on neighborhood and community feedback. The Senior Center would continue to raise dollars and pay back into the funds where those dollars are taken from, in effect, an interest-free loan to the Senior Center.

Mayor Brown remarked she would like to see an ADA-approved entrance and small porch installed so we can open as soon we can in January, 2023. We could go into the new year putting out bids again. The submitted bid is high no matter where the money comes from.

Councilor Messinger stated that he would like to see an entire package approved so we can open the Senior Center that the neighborhood and Community can be proud of. The entire package could be a "not to exceed" price based on MLH estimates. We could tie all contributed funds to the Senior Center that could be repaid in an eight-year period. It would be a tax-neutral project where we are effectively funding the money to the Senior Center.

Mr. Wynn answered Mayor Brown's request that in addition to the bid we currently have, we would need an estimated probable cost of \$195,000 for a total of \$561,869.14. This would include the parking and landscaping.

City Attorney Zach Roth advised these should be considered separately. There is a bid before Council that should be accepted or rejected. The question of then how you pay for the difference is discretionary. There is legal authority to place the imposition on the Senior Center to repay funds.

Councilor Key restated that she has asked multiple times for a final budget for the Senior Center and the exact cost. It has not been provided to her what it would take to get it over the finish line. This is the very last time she is going to make this request.

Vice Mayor Chin commented that we could set a not to exceed amount and that is going to be the final number. We could also be optimistic and there could be possible cost-cutting in 2023. He suggested reaching out to the Duval Tree Mitigation fund for trees. He also commented that his concern is losing the funding if we don't find a way to use the money for shovel-ready project. He agrees with fronting the money and asking the Senior Center to repay over whatever time period is set. He is amenable to moving forward with the bid based on these considerations.

Councilor Livingston asked how would the repayment of the funds work if we make it as a loan.

Mr. Roth advised that he does not picture it as a formal loan in the sense that there would be a promissory note. He looks at it as more of a budgeting mechanism with expectations set for staff by Council.

Councilor Livingston asked if we could defer voting on the bid or does it need to be voted on tonight based on the nature of the formal bid. She feels uncomfortable approving the bid with the cap being at the discussed amount and Senior Center Director Leslie Lyne is not present.

Mayor Brown remarked that she is hearing two options. One is to approve the bid with the cap at the discussed amount to be paid back over a period of time or defer until the December 5 meeting when Ms. Lyne can be present.

Councilor Key stated that the most palatable thing at this point and what makes the most sense is to make this a good product. The final position in checking all of the boxes is to loan the Senior Center the funds and the Senior Center pay it back.

Mr. Roth clarified that the bid package states the deadline would be 61 days after bid opening so the date could be January 16, 2023 for a decision.

Councilor Key expressed that she is ready to move forward with the repayment plan. If we don't do this now, then where is the money coming from.

Councilor Messinger agreed with Councilor Key.

Councilor Livingston stated that since we don't have to approve this tonight, she would like to include Ms. Lyne in the conversation.

Mayor Brown also stated she would also like to have Ms. Lyne present.

Made by Livingston, seconded by Key.

**MOTION: TO DEFER ITEMS # 6 AND # 7 UNTIL DECEMBER 5, 2022**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Adjournment

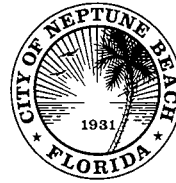
There being no further business, the Special Meeting adjourned at 7:28 p.m.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



**MINUTES  
WORKSHOP CITY COUNCIL MEETING  
IMMEDIATELY FOLLOWING THE SPECIAL MEETING  
TUESDAY, NOVEMBER 29, 2022, 7:28 P.M.  
NEPTUNE BEACH CITY HALL  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, November 29, 2022, at 7:28 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown  
Vice Mayor Kerry Chin  
Councilor Lauren Key  
Councilor Nia Livingston  
Councilor Josh Messinger (via CMT)

STAFF:

City Manager Stefen Wynn  
City Attorney Zachary Roth  
Police Chief Richard Pike  
Chief Financial Officer Danielle Dyer-Tyler  
Code Compliance Supervisor Piper Turner  
City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 7:28 p.m.

**DEPARTMENTAL SCORE CARD / CITY MANAGER REPORT**

Dept. Score Card/City Manager Report

City Manager Stefen Wynn presented the Departmental Score Card.

The Departmental Score Cards and City Manager Reports are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>.

**COMMITTEE REPORTS**

Transportation & Infrastructure Planning

Mayor Brown reported that the TIP committee met on November 17, 2022, and discussed priority projects and funding. The next meeting would be December 15, 2022.

**PUBLIC COMMENTS**

Public Comment Mark Waddell, 617 Oak Street, Neptune Beach, spoke regarding accepting one bid and how a repayment plan would work for the Senior Center.

Shellie Thole, 124 Margaret Street, Neptune Beach, spoke regarding the Senior Center project and the selling of city-owned property.

### **PROPOSED ORDINANCES**

Amending Section 2-28, Agenda Proposed Ordinance, An Ordinance of the City of Neptune Beach, Florida, Amending Section 2-28, Agenda, Providing for Conflicts, Providing for Severability, and Providing an Effective Date.

City Attorney Zachary Roth explained that this is an adjustment to the provision regarding what goes into the agenda for Council. It would require that any time Council is asked to spend money, financial backup would be required.

Councilor Key stated that she put this piece of legislation forward so we do not end up in a situation like the Senior Center. If we are going to bring something before Council, she wants a process and procedure that is followed. She gets frustrated when things are piecemealed and there is no final product. It is important that when things are brought forth from any department, there is a proper documentation and a plan.

Chief Financial Officer Danielle Dyer-Tyler questioned if the expense directly starts with Council, who would be responsible for explaining that information.

Mr. Roth stated that it would be whoever has that information, the expectation would be that person would provide that to the Clerk or City Manager. Councilor Key added staff could be asked to provide the information.

**CONSENSUS: TO MOVE FORWARD FOR FIRST READ ON DECEMBER 5, 2022**

### **CONTRACTS AND AGREEMENTS / NONE**

### **ISSUE DEVELOPMENT**

Right-of-Way Purchase Discussion of Right-of-Way Purchase. Mr. Wynn stated that this “weird alley” is off of Marsh Point Road. Jean Bakkes has requested to purchase a portion of City right-of-way. Mr. Bakkes has been approved to build an office building adjacent to the alley. He added that this is being presented for consideration.

Councilor Key requested to see on a Google Earth image of where the property is to get a better idea physically where it is. She added that there has not been a recommendation to sell or not sell it but it is within Council’s legal authority to do so.

Mr. Roth advised that this property was dedicated in the plat of the area before Neptune Beach was a city. The City does not own any of the surrounding lots.

Roman Otmahab, representative of Mr. Bakkes, Sky Enterprises, stated the 8,000 square-foot building that had been approved would begin construction in 2023. It will house five business and a coffee shop. The alley would become more of meeting place with tables and a seating area.

Discussion ensued including setting a precedent and leasing the property rather than selling.



Mayor Brown advised Mr. Otmahab that Council would like to see the property improved. The City would look into long-term leasing. Council requested more information and would see if it complies with the Zoning Regulations.

License Agreement- 2050 Kings Circle South

Discussion of Amended and Restated Revocable License Agreement – 2050 Kings Circle South. Mr. Wynn explained that Tom Monahan has a current agreement that was signed in 2018. He stated that before Council tonight is an agreement for three additional spaces so he can meet the parking requirements. A cost of \$275 per space per month has been added based on preliminary negotiations.

Councilor Key requested that language adding an automatic annual cost increase be built into any lease agreement moving forward.

Mr. Roth advised that since this is a workshop, he could add the language before the final vote.

**PUBLIC COMMENT**

Public Comment

Shellie Thole, 124 Margaret Street, Neptune Beach, thanked Council for adding public comment

Nicole de Venoge, 617 Oak Street, Neptune Beach, spoke regarding permeability and density in the Marsh Point Road area.

Mark Waddell, 617 Oak Street, Neptune Beach, spoke regarding selling of City property and the current zoning of the property.

Adjournment

There being no further business, the Workshop meeting adjourned at 8:28 p.m.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, DECEMBER 5, 2022, 6:00 P.M.  
NEPTUNE BEACH CITY HALL  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, December 5, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:	<b>IN ATTENDANCE:</b> Mayor Elaine Brown Vice Mayor Kerry Chin Councilor Lauren Key Councilor Nia Livingston Councilor Josh Messinger	<b>STAFF:</b> City Manager Stefen Wynn City Attorney Zachary Roth Police Commander Gary Snyder Senior Center Director Leslie Lyne Public Works Director Jim French Code Compliance Supervisor Piper Turner Mobility Management Director Megan Steward City Clerk Catherine Ponson
-------------	--	---

Call to Order/Roll Call/Pledge      Mayor Brown called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Presentation of FCCMA Award      Presentation of FCCMA Award to Neptune Beach for 30th Year of Council-Manager Form of Government - Jim Hanson. Jim Hanson, Senior Advisor FCCMA, presented an award to the City in recognition in honor of the 30-year anniversary of having Council-Manager form of government.

Swearing-In Ceremonies      Mayor Brown administered the Oath of Office to Councilor Nia Livingston who was elected to City Council Seat 5.

Mayor Brown administered the Oath of Office to Councilor Josh Messinger who was elected to City Council Seat 4.

**APPROVAL OF MINUTES**

Minutes      Made by Messinger, seconded by Key.

**MOTION: TO APPROVE THE FOLLOWING:**

- November 7, 2022, Regular City Council Meeting**
- November 9, 2022, Emergency City Council Meeting (T.S. Nicole)**
- November 21, 2022, Special & Workshop City Council Meeting (Rescheduled)**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENTS**

Public Comments Brent Rogers, 1932 Strickland Road, Neptune Beach, spoke regarding the Senior Center. He requested Council reject the bid submitted.

Jean Bakkes, 2009 Marsh Point Road, Neptune Beach, spoke regarding the parking space lease in the City right-of-way. He opposes the approval of the agreement as it will impact an already approved development plan.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated that is important to know who Council is and who their families are. She would be sending an email.

Lee Elmore, 1650 Beach Avenue, Atlantic Beach, announced the upcoming Beaches Luminaria on Saturday, December 17. She added that the kits are available at Berkshire Hathaway and the proceeds in Neptune Beach would go to "No Empty Stockings."

**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

City Manager Report City Manager Stefen Wynn presented the City Manager report.

All City Manager reports can be found in their entirety at [:https://www.nbfl.gov/city-manager/pages/city-manager-reportsdepartmental-score-cards](https://www.nbfl.gov/city-manager/pages/city-manager-reportsdepartmental-score-cards)

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE**

**OLD BUSINESS**

Senior Activity Center Project CONB 2022-03, Neptune Beach Activity Center Porch and Exterior Finishes. Mr. Wynn explained that Council should decide whether to accept or reject the bid received from Mesic Construction. He did state that there were some alternatives or temporary solutions. He explained the packet there are construction expenses. There is also a summary and a final amount to ask. At the last meeting, Council directed staff to get the final number and see if the Senior Center Director Leslie Lyne could commit to fundraising over a set amount of years to cover the cost to finish the Senior Center. The Chief Financial Officer has projected the amount to be \$362,907.93. Mr. Wynn commented that it is probably closer to \$402,000.

Vice Mayor Chin asked Senior Center Director Leslie Lyne how she felt about the idea of dividing the total costs over a number of years and do extra fundraising.

Mr. Wynn summarized that it would be an additional \$402,000 over the next ten years for \$40,200 each year.

Ms. Lyne stated she would be onboard with that amount and she is dedicated to getting the Senior Center open.

Councilor Key asked if the bid was to be rejected and go out for bid again, would that be a legal issue now that there is a number that has been submitted.

City Attorney Zach Roth advised that the bigger issue is holding the bid open and waiting to see another number from someone who didn't participate in the bid process.

Councilor Key stated her concern is if we reject the bid, what and how much would a temporary solution look like.

Mr. Wynn advised that if the bid is rejected and we try to rebid this, maybe market conditions would improve, and sometime next calendar year, we could move forward with a temporary ADA ramps. A second ingress and egress would be needed.

Councilor Key remarked that it is still not a complete solution. She suggested that if we are going to have a temporary solution, open it up at Neptune House. It could be staged there until we figure out what to do about the new center. She wants the Senior Center to open, but wants to be a good financial steward of the City. She is trying to find a way to do both.

Councilor Messinger requested Mr. Roth explain the liability issues with the temporary solution.

Mr. Roth advised that installing noncompliant ADA accesses creates a potential liability. This does not include just a ramp. It would include where a vehicle is parked for getting in the door. Installing just the minimum could expose liability issues when we knew the right way to do it and chose differently.

Councilor Messinger stated that he does not believe a temporary solution for that space is viable. The only way that is a viable path forward is a solution that includes the use of the facility and structure as designed by MLH (Marquis Latimer + Halback). We received that in February 2022 with feedback from the neighbors. It is more than just a porch. His concern is getting a complete product. Any notion of a temporary solution exposes the City to a significant amount of liability and would further degrade that neighborhood.

Mayor Brown reiterated that the price tag for the cost is still way too much for her. She added she would like to see this go out to bid. She wants to see this done right. She thinks there is a better price out there.

Councilor Livingston asked what would be looking at if we went forward with using Neptune House as a temporary housing for the Senior Center.

Mr. Roth advised that no lease would be needed and the City would have to work around any commitments already made for other events to be held there.

Councilor Livingston stated that if this goes for rebid, she would like to have hardscape and landscape included.

Councilor Messinger commented that Neptune House would be a viable option and he too would like to see a full bid package, including hardscape, landscape and irrigation. He added that if the bid is rejected, there needs to be a clear go forward path, not waiting until the next meeting. A realistic timeline with the holidays in mind needs to be in place.

Mr. Wynn commented that the new bid would go out after the first of the year with six weeks given to receive bids.

Vice Mayor Chin stated that if Ms. Lyne is open to using Neptune House, then it seems to be a viable alternative if the will of the Council is to go out for another bid.

Made by Messinger, seconded by Chin.

**MOTION:**            **TO REJECT THE BID FROM CONB 2022-03, NEPTUNE BEACH SENIOR ACTIVITY CENTER PORCH AND EXTERIOR FINISHES WITH THE FOLLOWING CONDITIONS:**

- 1. THE PROJECT GO OUT TO BID ON JANUARY 12, 2023 WITH A CLOSING DATE FOR THOSE BIDS OF FEBRUARY 22, 2023**
- 2. TEMPORARILY AUTHORIZE THE USE OF NEPTUNE HOUSE TO BE USED FOR THE SENIOR ACTIVITY CENTER STARTING IN OR AROUND JANUARY 16, 2023**
- 3. THE SCOPE OF THE BID PACKAGE INCLUDE, AS DESIGNED BY MARQUIS, LATIMER + HALBACK, THE STRUCTURE, HARDSCAPE, LANDSCAPE AND ALL SITE PREPARATIONS NECESSARY TO ACHIEVE THE DESIGN PREVIOUSLY APPROVED BY COUNCIL**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**ORDINANCES**

Ord. No. 2022-09,  
Sec. 2-28

Ordinance No. 2022-03, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Section 2-28, Agenda; Providing for Severability; and Providing an Effective Date.

Public Hearing

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed

Councilor Key stated she brought this forward so it codifies when there is a request for funding, proper documentation is received. A full budget should be received as a best business practice. This would avoid a situation such as what we are in with the Senior Center. She stated that if Council is requesting the funding, then they would work with staff on directing that.

Mr. Roth explained that the broad language is intentional. Every situation is different and this allows flexibility.

Vice Mayor Chin asked if there would be an issue if there was an expenditure for something that had no history.

Mr. Roth remarked that there should always be some documentation. If Council is being asked to spend money, we should know where the money is coming from, even if we don't know how much.

Councilor Messinger stated that it is staff's role to provide the documentation. He questioned if the word "staff" should be added to the language.

Mr. Roth explained that he drafted it so it does not say who is responsible but it could be included.

Councilor Messinger commented that he and Councilor Key could provide feedback on that specific item before the second read. It brings value to the ordinance.

Made by Messinger, seconded by Key.

**MOTION: TO APPROVE ORDINANCE NO. 2022-09 ON FIRST READ**

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS**

2050 Kings Road  
Circle

Amended and Restated Revocable License Agreement - 2050 Kings Circle South.

Made by Messinger, seconded by Chin.

**MOTION: TO APPROVE THE AMENDED AND RESTATED REVOCABLE LICENSE AGREEMENT FOR 2050 KINGS CIRCLE SOUTH**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**COUNCIL COMMENTS**

Mayor Brown wished everyone a Happy Holiday season

Adjournment

There being no further business, the meeting adjourned at 7:26 p.m.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_



**Agenda Item #10A**  
**Supplemental Agreement #3 -**  
**Dewberry**

**CITY OF NEPTUNE BEACH**  
**CITY COUNCIL MEETING**  
**STAFF REPORT**

<b>AGENDA ITEM:</b>	Supplemental Agreement No. 3 with Dewberry   Hydro for MS4 compliance and Annual Reporting services
<b>SUBMITTED BY:</b>	Jim French, Public Works Director
<b>DATE:</b>	December 12, 2022
<b>BACKGROUND:</b>	<p>The City's Municipal Separate Storm Sewer (MS4) permit requires the preparation and submission of an annual report to the FDEP by March 31 of each year. We are proposing to use one of the City's consultants to complete the required work prior to the deadline. Staff budgeted \$25,000 in this year's fund number 441-1441-541-30-31 for these services. We coordinated with Dewberry   Hydro, a consultant engaged through one of CONB's continuing service contracts, that has experienced staff in MS4 permitting compliance, annual reporting, and completed the City's annual report last year.</p> <p>We requested the attached fee proposal to provide Public Works assistance with preparing our MS4 annual reporting and various associated compliance needs during the year. Staff determined the proposed total not to exceed fee of \$20,000.00 to be reasonable for the scope of services provided and consistent with the prior year.</p> <p>CCNA, F.S. s. 287.055, does apply to the use of a consultant under continuing contract. The study activity fee for professional services for each individual study under this Supplemental Agreement does not exceed \$500,000. Staff negotiated this Supplemental Agreement in compliance with F.S. s. 287.055.</p>
<b>BUDGET:</b>	\$375,000 in 441-1441-541-30-31 Professional Services. No previously encumbered funds with other consultants.
<b>RECOMMENDATION:</b>	Staff respectfully recommends Councils' approval of the attached Supplemental Agreement No. 3 with Dewberry   Hydro, Inc., for the MS4 compliance and Annual Reporting services.
<b>ATTACHMENT:</b>	Supplemental Agreement No 3 Consultant's Scope and Fee proposal dated December 7, 2022 Pages from this years budget

**Supplemental Agreement No. 3 to the General Engineering Continuing Contract  
CONB RFQ No. 2021-04 for MS4 compliance and annual reporting services.**

Consultant:	Dewberry Engineers Inc. d/b/a Dewberry   Hydro Robert Beltran, P.E. 7220 Financial Way, Suite 200, Jacksonville, FL 32256	Owner:	City of Neptune Beach
Date:	January 16, 2022		

Item	Description of Services	
	Provide consulting services as identified in the attached Consultant's scope of services and fee proposal dated December 7, 2022.	
Task #1	MS4 compliance and Annual Reporting services	\$20,000.00
<b>Total Not-to-Exceed Fees</b>		<b>\$20,000.00</b>

The Consultant shall complete tasks diligently and as soon as practical to avoid delays, and the MS4 annual report shall be ready for submission to the FDEP no later than March 30, 2023. The Consultant shall bill the above tasks as incurred on a time and material basis. The Consultant shall not exceed the Fees stated above without prior written approval from the City. This document, along with Consultant's scope of services and fee proposal dated December 7, 2022, shall become an amendment to the General Engineering Continuing Contract CONB RFQ No. 2021-04 and all provisions of the Agreement will apply hereto.

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Consultant:  
Dewberry Engineers Inc. d/b/a Dewberry | Hydro  
Robert Beltran, P.E.

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Owner:  
Stefen Wynn, M.P.A. – City Manager  
City of Neptune Beach



**DECEMBER 7, 2022**

**SCOPE OF SERVICES for Municipal Separate Storm Sewer (MS4) National Pollutant Discharge Elimination System (NPDES) FLS000012-003 Permit Compliance Support to the City of Neptune Beach**

Dewberry (CONSULTANT) has been requested by City of Neptune Beach (CITY) to provide professional services to facilitate permit compliance with the City's NPDES MS4 permit.

**A. Project Background and Description**

**B. Scope of Services**

Upon authorization to proceed from the CITY, the CONSULTANT will provide the following identified services. This authorization shall be in full force and effect until the CONSULTANT completes all services as described in the CONSULTANT Supplemental Agreement and any subsequent modifications hereto.

**PHASE 100 – MS4 Stormwater Compliance**

**Task 101 - TMDL/BMAP/NPDES Compliance** Facilitate meetings with regulatory agencies regarding permit related items, attend public meetings and provide written summary of information obtained, provide public comment, coordinate with co-permittees. Co-Permittees to the NPDES MS4 permit are required to follow the same permit conditions as the City of Jacksonville resulting in a defined area of successful coordination of efforts to maintain surface water quality standards.

**Task 102 – NPDES MS4 Report Data Compilation**

Work with City staff to gather the required information needed to complete the various items the Florida Department of Environmental Protection (FDEP) requires from the CITY's in the permit annual report submission, as required in FAC 62-624.600.

**C. Deliverables**

The CONSULTANT shall prepare and submit to the CITY, including electronic format when applicable, the following deliverables:

Task	Activity	Deliverable
101	TMDL/BMAP/NPDES Compliance	Attend and participate in all Regulatory meetings pertaining to TMDL/BMAP/NPDES compliance, provide summary notes, assist in updating online reporting functions.
102	NPDES MS4 Report Data Compilation	Completed annual report submission.

#### **D. Schedule**

The CONSULTANT will proceed with the services identified herein immediately upon receipt of an executed copy of this Consultant Purchase Order and a formal Notice-to-Proceed (NTP) from the CITY.

#### **E. Compensation**

This AGREEMENT establishes a time and materials cost of \$20,000. Compensation for the services performed under this Agreement shall include all personnel services and any authorized reimbursable expenses.

#### **F. The CITY's Responsibilities**

The CITY will provide the following information for the CONSULTANT and / or perform the following services related to the Project:

- Provide one representative by the CITY to coordinate, schedule, and receive comments/information related to this project.
- The CITY will provide access to readily available studies, reports, and other data pertinent to the CONSULTANT's services.

All documents and data provided by the CITY shall be provided in digital format (e.g., PDF, database files, spreadsheet, etc.) to the greatest extent feasible and practical.

#### **G. Assumptions**

The Scope of Services and compensation arrangement outlined in this Consultant Purchase Order are based on the following assumptions:

1. This scope assumes that if a supporting document is unavailable but required for the NPDES MS4 permit, consultant will provide a list of all permit compliance needs to the City to develop an approach to obtain compliance and prepare for agency audit.
2. This scope of services excludes the development of a water quality sampling plan or the collection of surface or groundwater water samples.

# Attachment A

## Neptune Beach MS4 Stormwater Compliance

Task Description	Project Mgr	Admin III	Total Hours By Task	Total	Directs	Grand Total
	\$ 134.25	\$ 75.00				
<b>Phase 100: MS4 Stormwater Compliance</b>	<b>138</b>	<b>18</b>	<b>156</b>	<b>\$ 20,000.00</b>	<b>\$ -</b>	<b>\$ 20,000.00</b>
TMDL/BMAP/NPDES compliance	75	18	93	\$ 11,500.00	\$ -	
NPDES MS4 Report Data Compilation	63	0	63	\$ 8,500.00		
	<b>138</b>	<b>18</b>	<b>156</b>	<b>20,000.00</b>	<b>\$ -</b>	<b>\$ 20,000.00</b>

ACCOUNT	DESCRIPTION	BUDGET	PROPOSED BUDGET
		FY 2022	FY 2023
<b>STORMWATER UTILITIES</b>			
Total Revenues			
Unassigned			
[300] Total Revenues			
Stormwater Utility Fund			
441-0000-337-20-20	Emergency Management Grant	0.00	\$ -
441-0000-343-71-10	STORMWATER UTILITY FEES	(1,171,200.00)	\$ (1,090,500.00)
441-0000-361-10-00	Interest Income	(670.00)	\$ -
441-0000-381-41-00	TRANSFER FROM 401	(126,744.00)	\$ (442,130.00)
441-0000-381-64-00	TRANSFER FROM GAS TAX	(165,330.00)	\$ -
441-0000-389-10-00	APPROPRIATED RESERVES		
[300] Total Revenues		<b>(1,463,944.00)</b>	<b>\$ (1,532,630.00)</b>
[300] Total Revenues			
Personnel Services			
Unassigned			
[10] Personnel Services			
Stormwater Utility Fund			
441-1441-541-10-12	REGULAR SALARIES	198,000.00	\$ 335,000.00
441-1441-541-10-14	OVERTIME	13,000.00	\$ 2,000.00
441-1441-541-10-15	SPECIAL PAY	4,900.00	\$ 5,200.00
441-1441-541-10-21	FICA	13,020.00	\$ 21,250.00
441-1441-541-10-22	RET REMENT CONTR BUTIONS	15,650.00	\$ 24,000.00
441-1441-541-10-23	LIFE & HEALTH INSURANCE	49,650.00	\$ 66,500.00
441-1441-541-10-24	WORKERS' COMPENSATION	7,350.00	\$ 9,000.00
441-1441-541-10-25	MEDICARE	3,050.00	\$ 5,000.00
[10] Personnel Services		<b>304,620.00</b>	<b>\$ 467,950.00</b>
[10] Personnel Services			
Operating Expenses			
Unassigned			
[30] Operating Expenses			
Stormwater Utility Fund			
441-1441-541-30-31	PROFESSIONAL SERVICES	680,000.00	\$ 375,000.00
441-1441-541-30-32	ACCOUNTING & AUDIT	1,200.00	\$ 5,000.00
441-1441-541-30-34	OTHER CONTRACTUAL SERVICES.	33,000.00	\$ 38,000.00
441-1441-541-30-40	TRAVEL & PER D EM	0.00	\$ -
441-1441-541-30-41	COMMUNICATIONS SERVICES	800.00	\$ 1,200.00
441-1441-541-30-45	NSURANCE	10,300.00	\$ 18,000.00
441-1441-541-30-46	REPAIR AND MA NTENANCE	249,500.00	\$ 25,000.00
441-1441-541-30-49	OTHER CURRENT CHARGES	0.00	\$ 500.00
441-1441-541-30-52	OPERATING SUPPLIES	6,500.00	\$ 6,500.00
441-1441-541-30-55	EDUCATIONAL COURSES	4,000.00	\$ 4,000.00
441-1441-541-30-57	VEHICLE REPAIR & MA NTENANCE	100,000.00	\$ 50,000.00
441-1441-541-30-58	GAS, OIL & LUBRICANTS	10,000.00	\$ 15,000.00
441-1441-541-30-59	UNIFORMS	625.00	\$ 650.00
		<b>1,095,925.00</b>	<b>\$ 538,850.00</b>
[30] Operating Expenses			
Capital Outlay			
Unassigned			
[60] Capital Outlay			
Stormwater Utility Fund			
441-1441-541-60-62	BUILDING IMPROVEMENTS	0.00	\$ 25,000.00
441-1441-541-60-63	IMPROVEMENTS, NOT BUILD NGS	883,886.02	\$ 100,000.00
441-1441-541-60-64	MACHINERY & EQUIPMENT	148,000.00	\$ 359,500.00
[60] Capital Outlay		<b>1,031,886.02</b>	<b>\$ 484,500.00</b>
[60] Capital Outlay			
Debt Service			
Unassigned			
[70] Debt Service			
Stormwater Utility Fund			
441-1441-582-70-60	Finance Lease	39,530.00	\$ 39,530.00
441-1441-582-70-72	INTEREST EXPENSE	1,540.00	\$ 1,800.00
[70] Debt Service		<b>41,070.00</b>	<b>\$ 41,330.00</b>
[70] Debt Service			
Interfund Transfer Out			
Unassigned			
[91] Interfund Transfer Out			
Stormwater Utility Fund			
441-1441-541-90-10	TRANSFER TO OTHER FUNDS	0.00	\$ 0.00
441-4381-581-90-10	TRANSFER TO GENERAL FUND	0.00	\$ 0.00
[91] Interfund Transfer Out		<b>0.00</b>	<b>\$ 0.00</b>
[91] Interfund Transfer Out			
Unassigned			
None			
None			
<b>NET (INCOME) LOSS - STORMWATER UTILITIES</b>		<b>1,009,557.02</b>	<b>0.00</b>

Stormwater							
Capital Requests	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Fund	Type
Building Maintenance	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	441-1441-541-60-62	60-62 Building Improvements
Trackhoe with mower attachment	\$ 75,000					441-1441-541-60-64	60-64 Machinery and Equipment
MS4 Annual Reporting and BMAP Assistance	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	441-1441-541-30-31	30-31 Professional Services
Davis Street Culvert design	\$ 350,000					441-1441-541-30-31	30-31 Professional Services
Davis Street Culvert Replacement		\$ 1,500,000				441-1441-541-60-63	
FDEP Surveillance Fees and permitting	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	441-1441-541-30-34	30-34 Contractual Service
Mower Attachment for Boom Mower 50" HD Boom Flail Mower Head	\$22,000					441-1441-541-60-64	60-64 Machinery and Equipment

Stormwater							
Operating Supplies	Number	Unit	Unit Cost	FY 2023	Fund		
Streetsweeper replacement brooms	12	box	\$ 200.00	\$ 2,400	441-1441-541-30-52		
Area Drains	6	box	\$ 575.00	\$ 3,450	441-1441-541-30-52		
Stormpipe	4	ea.	\$ 860.00	\$ 3,440	441-1441-541-30-52		
HDPE Storm pipe	6	ea.	\$ 670.00	\$ 4,020	441-1441-541-30-52		
4" Hard Suction hoses	6	ea.	\$ 446.20	\$ 2,677	441-1441-541-30-52		
3" Hard Suction hoses	4	ea.	\$ 282.00	\$ 1,128	441-1441-541-30-52		
Soft Dis charge hose	12	50ft. Ea.	\$ 324.44	\$ 3,893	441-1441-541-30-52		
Menzy lease	1	yearly	\$ 39,600	\$ 39,600	441-1441-582-70-60		
Menzy lease - Interest Expense	1	yearly	\$ 1,600.00	\$ 1,600	441-1441-582-70-72		
Utility Bill Stuffer	12	Mo	\$ 450.00	\$ 5,400	441-1441-541-30-34		
Utility Bill Supplies	12	Mo	\$ 250.00	\$ 3,000	441-1441-541-30-52		
Copier lease	12	Mo	\$ 11.67	\$ 140	441-1441-541-30-44		



Agenda Item #10B  
Tyler Technologies Change Order

**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	# 10B-Tyler Technologies ERP Implementation Change Order and Restart Proposal
<b>SUBMITTED BY:</b>	Chief Financial Officer Danielle Dyer-Tyler
<b>DATE:</b>	December 29, 2022
<b>BACKGROUND:</b>	<p>The Tyler Technologies ERP Implementation was placed on hold in October 2021. This change order is required to restart the implementation.</p> <p>The change order outlines 133 service hours required to restart the implementation. - \$13,965.00</p> <p>There is also a Project Management Restart Proposal with a fixed fee to be charged at one time. - \$5,000.00</p>
<b>BUDGET:</b>	See attachments
<b>RECOMMENDATION:</b>	Consider Approval of the Tyler Technologies ERP Implementation Change Order and Project Management Restart Proposal
<b>ATTACHMENT:</b>	Neptune Beach, FL – ERP Pro Implementation Change Order Project Management Restart Proposal

# Neptune Beach, FL City of Change Order: TYL-2022-0033170

Tyler Technologies

Project: Neptune Beach, FL City of 2020-111601 Incode Financials

Date: 11/21/22

Client Project Manager: Danielle Dyer-Tyler

Tyler Project Manager: Brittany Taylor

## Reason for Change

Neptune Beach, FL's ERP Pro Financials and Personnel Management implementation was placed on hold in October 2021. Request to restart was received, and a Current Future State Analysis Review was completed the week of October 24, 2022. The following change order outlines the 133 service hours that will be required to restart the implementation. Hours will be used across COA Changes, Reconfiguration, Testing, and Data Review. A detailed schedule proposal will be delivered following the acceptance of this change order. If additional hours are needed beyond the scope of this change order for restart activities, or be applied to general implementation, the Neptune Beach, FL team may be subject to subsequent change orders. In addition to the change order, for additional implementation service hours, the Neptune Beach, FL team will also be receiving an amendment to assess additional fees associated to Project Management.

## Impact on Project Scope

Hours will be used towards project restart efforts which have been assessed outside of the original contract scope.

Cost	
Cost to Client	\$13,965.00
Cost to Tyler	\$0.00
<b>Total Cost</b>	<b>\$13,965.00</b>

Go-Live Shift?	No
Overall Shifts in Weeks	

Task(s)	Hourly Rate	Billable Hours	Nonbillable Hours	Task Category
	\$105.00	133	0	

## Acceptance

Note: No changes may be made to this project without the agreement of the Project Manager(s) and must be approved by the Project Director. Submit endorsed Change Order to the Tyler Technologies Project Manager.

Date Approved	Approved By	Title
11/18/22	Cate Grider	Implementation Manager
11/18/22	Chris Smith	Director
11/18/22	Christine Herb	Vice President



Quoted By:  
 Quote Expiration:  
 Quote Name:

Tami Bates  
 05/21/23  
 restart project

**Sales Quotation For:**

City of Neptune Beach  
 116 1st St

Neptune Beach FL 32266-6140

**Services**

Description	Hours/Units	Extended Price	Maintenance
Other Services			
Project Management	1	\$ 5,000	\$ 0
<b>TOTAL:</b>		<b>\$ 5,000</b>	<b>\$ 0</b>



<b>Summary</b>	<b>One Time Fees</b>	<b>Recurring Fees</b>
Total Tyler Services	\$ 5,000	
<b>Summary Total</b>	<b>\$ 5,000</b>	<b>\$ 0</b>
<b>Contract Total</b>	<b>\$ 5,000</b>	

**Comments**

- Work will be delivered remotely unless otherwise noted in this agreement.
  - Expenses associated with onsite services are invoiced as incurred according to Tyler's standard business travel policy.
- SaaS is considered a term of one year unless otherwise indicated.

If more than 200 project management hours needed, this will be charged on a Time & Materials basis.

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms, subject to payment terms in an agreement, amendment, or similar document in which this sales quotation is included:

- License fees for Tyler and third-party software are invoiced upon the earlier of (i) delivery of the license key or (ii) when Tyler makes such software available accessible.
- Fees for hardware are invoiced upon delivery.
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware.
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software accessible to the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
  - o Implementation and other professional services fees shall be invoiced as delivered.
  - o Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
  - o Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
  - o Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
  - o If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
  - o Notwithstanding anything to the contrary stated above, the following payment terms shall apply to fees specifically for migrations: Tyler will invoice Client 50% of any Migration Services Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Annual SaaS Fees will be invoiced upon availability of the hosted environment.

Any SaaS or hosted solutions added to an agreement containing Client-hosted Tyler solutions are subject to Tyler’s SaaS Services terms found here: <https://www.tylertech.com/terms/tyler-saas-services>.

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name:

\_\_\_\_\_

P.O.#:

\_\_\_\_\_