

**January 15, 2013**

**Water Front Park Workshop  
5:00 p.m.**

**Regular Public Meeting  
6:00 p.m.**

**Commission Chamber  
City Hall  
Port St. Joe, Florida**



## City of Port St. Joe

Mel Magidson, Mayor-Commissioner  
Bill Kennedy, Commissioner, Group I  
Bo Patterson, Commissioner, Group II  
Phil McCroan, Commissioner, Group III  
Rex Buzzett, Commissioner, Group IV

[All persons are invited to attend these meetings. Any person who decides to appeal any decision made by the Commission with respect to any matter considered at said meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Board of City Commission of the City of Port St. Joe, Florida will not provide a verbatim record of this meeting.]

# **BOARD OF CITY COMMISSION**

**Regular Public Meeting**

**6:00 p.m.**

**City Hall**

**Commission Chamber**

**Tuesday January 15, 2013**

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## **Call to Order**

### **Consent Agenda**

- **Martin Luther King Jr. Day Proclamation- Amy Rogers**

### **Minutes**

- **RESTORE Act Workshop Meeting 12/18/12** **Page 1**
- **Regular Meeting 12/18/12** **Pages 2-6**

### **City Attorney**

- **Resolution 2013-01, Highway 98 Streetscape Phase IV** **Page 7**
- **St. Joe Natural Gas- Easement** **Pages 8-14**

### **Old Business:**

- **Lighthouse- Update**
- **RESTORE Act Committee- Update**
- **Chipola Pump Motor- Update**
- **Centennial Celebration- Update**
- **Soccer Complex- Update**
- **RFP 2012-13, First Street Lift Station Pump** **Page 15**
- **RFP 2012-14, Fork Lift** **Page 16**
- **RFP 2012-15, White City High Service Pump** **Page 17**
- **ADA Compliance- Update**

### **New Business:**

- **Joint City/County Workshop on the EDC/Chamber**
- **Tree Removal Proposal- Fresh Water Canal**
- **Rate Study Update Proposal** **Pages 18-20**
- **Consumptive Use Permit Renewal- Task Order** **Pages 21-23**

### **Public Works**

- **Update**

### **Surface Water Plant**

- **Update**

### **Waste Water Plant**

- **Update**

**City Engineer**

- **Headworks and Sprayfield- Update**
- **Water Distribution Phase I- Update**

**Code Enforcement**

- **Update**

**Page 24-25****Police Department**

- **Update**

**PSJRA**

- **City Purchasing Policy**
- **MLK Sidewalk Project- Update**
- **US-98 Landscaping, Request to Bid**
- **Lighthouse Film Documentary**

**Pages 26-39****Page 40****Page 41****City Clerk**

- **Update**

**Citizens to be Heard****Discussion Items by Commissioners****Motion to Adjourn**

**MINUTES OF THE RESTORE ACT REVIEW WORKSHOP BY THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE FLORIDA, HELD IN THE COMMISSION CHAMBER AT CITY HALL, December 18, 2012, AT 5:00 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, McCroan, Patterson and Kennedy. City Manager Jim Anderson, City Clerk Charlotte Pierce and Attorney Tom Gibson were also present.

The purpose of the meeting was to discuss projects and proposals for the City of Port St. Joe to be provided to the RESTORE Act Committee.

Tom Conley from the Florida League of Cities presented a Return of Premium Check to the Commission in the amount of \$39,739. There was no hurricane damage this year which generated the return of premium. The check was to be presented during the Regular Meeting at 6:00 P.M. but due to the distance Mr. Conley had to travel the presentation was made at the Workshop.

Mr. Anderson shared that the RESTORE Act Committee Meeting for today was cancelled. There are still no specific guidelines from the Federal or State levels for rules at this time.

After a lengthy discussion, several suggestions were given for projects that may qualify for funding through the RESTORE Act which included:

*Economic*

City Boat Ramp  
Improvements to Frank Pate Park  
Lighthouse Complex  
Long & Garrison Avenues  
Shipyard Cove/ Core Park  
Sports Complex

*Environmental*

Sewer - Infrastructure  
Well abandonment

Mr. Anderson requested that each Commissioner provide their suggestions, ranked from one to ten, to him by January 1, 2013.

Mayor Magidson adjourned the Meeting at 5:42 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Mel C. Magidson, Jr., Mayor

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

# **MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD IN THE COMMISSION CHAMBER AT CITY HALL, December 18, 2012 AT 6:00 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, McCroan, Patterson and Kennedy. City Manager Jim Anderson, City Clerk Charlotte Pierce and City Attorney Tom Gibson were also present.

## **CONSENT AGENDA**

### **Minutes**

A Motion was made by Commissioner Kennedy, second by Commissioner McCroan, to approve the Minutes of the Regular Meeting of December 4, 2012. All in Favor; Motion carried 5-0.

*Tom Conley*, Florida League of Cities presented a Return of Premium Check in the amount of \$39,739 to the City during the 5:00 P.M. Workshop today. There was no hurricane damage this past year which generated the return of premium.

### **CITY ATTORNEY – Tom Gibson**

Attorney Gibson did not have any updates at this time.

## **CITY MANAGER'S REPORT**

### **Old Business**

#### *Lighthouse Update*

Mayor Magidson shared that the application period has closed and we are waiting on a decision from GSA and the National Park Service.

#### *RESTORE Act Committee*

Mr. Anderson noted that the committee has not met in the last several weeks. During the 5:00 P.M. Workshop today Commissioners discussed items to be considered and are to provide their suggestions, ranked from one to ten, to Mr. Anderson by January 1, 2013. Commissioner Kennedy stated that Ann White spoke with him during the recess and felt that the Gulf Pines Hospital cleanup should qualify under the environmental side of the BP Funds.

#### *RFP 2012-11 Chipola Pump Motor*

Northwest Florida Water Management District has awarded the City a \$106,000 grant to purchase the new motor. A Motion was made by Commissioner Buzzett, second by Commissioner McCroan, to authorize Mayor Magidson to sign the agreement. All in Favor; Motion carried 5-0. A letter of appreciation is to be written to NFWMD for their assistance.

#### *Centennial Celebration*

City Clerk Charlotte Pierce reported that there will be a committee meeting, December 20, 2012. Plans are being made for the celebration and a coin proof, commemorating the event, is being developed.

Mayor Magidson shared that he has been contacted by Coastal Connection TV 17, a local network, to interview him about the upcoming celebration; fund raising events are also being planned and the committee is working to make the event a memorable time.

#### *CDBG Grant North Port St. Joe System Improvements*

Mr. Anderson related that things are looking good for the grant. Bruce Ballister of ARPC is working on environmental research and Pat Howard of Department of Economic Opportunity is working with the City to bring the grant to fruition.

#### *Soccer Complex Update*

Mr. Anderson, Commissioner Kennedy and John Grantland have met to discuss possibilities for the field. Mr. Anderson has contact Superintendent of Schools, Jim Norton, to set up a meeting to discuss these possibilities.

#### *John Deere Tractor Update*

A Motion was made by Commissioner Buzzett, second by Commissioner Kennedy, to use \$25,000 from the Florida League of Cities Return of Premium Check for a down payment on the Alamo Tractor, enter into a 5 year lease/purchase agreement and proceed with the purchase. Cost of the tractor is \$107,704. All in Favor; Motion carried 5-0. The tractor will be used to keep the banks and the fresh water canal clear.

A Motion was made by Commissioner Kennedy, second by Commissioner Patterson, to purchase the bat wing attachment to be used on the existing John Deere tractor that is used to cut the sprayfields. There are approximately 100 acres to be maintained and this will expedite the cutting process. Cost of the bat wing attachment is \$14,500 and is included in the current budget. All in Favor; Motion carried 5-0.

Both the Alamo Tractor and bat wing attachment are on state contract and no bids were required.

#### **New Business**

##### *Request for Joint City / County Workshop on EDC / Chamber*

Mr. Anderson met with all stakeholders last week and the county is suggesting a January 10, 2013, meeting at 5:00 P.M. to discuss the issue.

##### *Early Learning Coalition Request for Funding*

Matt Bonner and David Warriner, representing Early Learning Coalition, shared information about their program with the Commission. A formal request had been made by email for a \$500 contribution to assist 46 children of Port St. Joe families in the coalition. A Motion was made by Commissioner Buzzett, second by Commissioner Kennedy, to contribute \$1,500 to the program. The match ratio is \$16 to \$1 and the City's contribution would equate to \$24,000 for the coalition. The funds would come from the Florida League of Cities Return of Premium Check. All in Favor; Motion carried 5-0.

##### *Fireworks Request TDC*

Jennifer Jenkins, Gulf County TDC Director, has requested the City enter into an agreement with Pyro Shows Inc., for fireworks to be done on New Year's Eve and the Fourth of July Celebration. By agreeing to a show for both dates a reduced cost rate was given. A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, to approve the request with the stipulation that a Certificate of Liability be provided by Pyro Shows Inc. listing the City as an additional insured. All in Favor; Motion carried 5-0. The City will not be contributing any funds for either event. TDC will be paying for the New Year's Eve fireworks at a cost of \$2,500. The TDC will contribute \$5,000 towards the Fourth of July fireworks with the remainder of the funds coming from private donations.

#### **Public Works – John Grantland**

Mr. Grantland did not have anything to report at this time.

#### **Surface Water Plant – Larry McClamma**

Mr. McClamma is concerned about the number of pine trees on the banks of the fresh water canal between Highway 71 and the Surface Water Treatment Plant. Whitfield Timber Company is preparing an evaluation of the site and there is a possibility that the trees can be removed at no cost to the City.

#### **Wastewater Plant – Lynn Todd**

A Motion was made by Commissioner Kennedy, second by Commissioner McCroan, to declare the 36" HDPE emergency line from the old Primary Pump Station to the Wastewater Treatment Plant Lagoon surplus and enter into an agreement with Edward E. Wood for removal of the pipe pending legal approval at no cost to the City. All in Favor; Motion carried 5-0.



A request has been received from Edward E. Wood for the pipe. Mr. Wood has agreed to the following stipulations: Provide the equipment and labor to remove the pipe; Provide Liability Insurance covering all workers and equipment; Produce a Bond covering any and all damages that may occur during this procedure; Any solids accumulated within the pipe will be disposed of at the WWTP; Remove the pipe from the blocked access areas that the Port Authority expressed a concern about first, and seal off pipe remaining under CR 382 per WWTP instructions.

### **City Engineer – Clay Smallwood**

#### *Headworks and Sprayfields Update*

The 10% retainage is currently the balance owed on the project and the City will soon be entering the warranty phase of the project. SCADA Systems will be making a site visit in January to adjust some equipment.

#### *Water Distribution Phase I Update*

The contractor is installing the main near the old Arizona Chemical Site. Businesses will be impacted by the installation but arrangements have been made to cover the inconveniences. There will be a water outage for residents in the Cypress Avenue and Nineteenth Street areas. Notification has been provided to the residents. No contract work will be done during the week of December 24, 2012. Substantial completion for the entire project should be achieved by mid January 2013.

### **Code Enforcement**

Mr. Burkett's Activity Report was reviewed, no action was required.

### **Police Department – Chief Barnes**

Reports of speeding on Avenue G and Garrison Avenue have been addressed.

Chief Barnes is working with the Fire Marshall concerning a fire last Friday night at the Masonic Lodge and the possibility of arson causing the fire.

Commissioner Patterson asked about installing speed bumps on Avenue G. Chief Barnes shared that this possibility was reviewed several years ago and was found to be very expensive and also creates a liability for the City.

### **PSJRA – Gail Alsobrook**

All grant paperwork for the Martin L. King, Jr., Sidewalk project has been completed and is ready for an RFP to be advertised.

The Joint Participation Agreement has been received from the Florida Department of Transportation for the Phase IV North Port St. Joe Gateway Agreement. An RFP will be advertised.

USDA has approved the request to utilize the remaining grant funds to construct a deck and structure over the stormwater retention pond at the Billy Joe Rish Memorial Parking Lot. Estimated cost is approximately \$16,000. A RFP will be advertised.

A grant request has been submitted to the Ford Foundation to provide lights and sidewalks on Langston Drive.

The draft form of the Bay Park Master Plan has been completed and will be shared with the City Commission in a Workshop on January 15, 2013. Public comment will be received on the project.

Jeff Anderson and Bill Reid have resigned as Directors from the PSJRA Board. John Jenkins and Michael McKenzie have been moved from Provisional Member to Director. A Motion was made by Commissioner McCroan, second by Commissioner Patterson, to approve Mr. Jenkins and Mr. McKenzie as Directors. All in Favor; Motion carried 5-0. The PSJRA will provide names for new Provisional Members at the City's January 15, 2013, Meeting.

The City of Port St. Joe was awarded a BP Grant in the amount of \$125,000 to document the rescue and relocation of the lighthouse. Because the final disposition of the structures is unknown, we have held off on the documentary. Ms. Alsobrook shared that in discussions with Attorney Gibson and Mayor Magidson they believe that they can move forward with the documentary whether the lighthouse comes to the City or not.

A Motion was made by Commissioner Kennedy, second by Commissioner Buzzett, for Mayor Magidson to sign the contract for the grant. All in Favor; Motion carried 5-0. An RFP will be advertised.

Commissioner Buzzett shared that it is very important that the Board talk with the Gulf County Commissioners and ask them to support moving the lighthouse to the City. It bothers him that we are in competition with Gulf County for the lighthouse. It also gives him great heartburn over the possibility of the County ending up with the lighthouse, the City having to use the \$125,000 in grant funds to document the relocation and all the structures staying at the cape. It would help the City and County to have it moved to the City.

Mr. Anderson questioned if the approval to sign the contract is contingent upon the lighthouse coming to the City of Port St. Joe for us to be able to expend the funds.

Mayor Magidson responded that it was not, it was to do a documentary and Ms. Alsobrook responded that this is what had been worked out.

#### **City Clerk – Charlotte Pierce**

The Clerk did not have anything to report at this time.

#### **Citizens to be Heard**

*John Rich* commended the Board on the hiring of Kenny Wood for inspecting and drafting a maintenance program for the Surface Water Treatment Plant. He feels that it was money well spent.

Mr. Rich is concerned that the recent road striping was not a quality job as the lines appear to be watered down. Commissioner Kennedy explained that there are different levels of striping and the City went with the less expensive plan.

Mr. Rich also shared his concerns about the stains being left on the roads by the garbage trucks. He asked that Waste Pro be contacted to check their trucks for hydraulic leaks and take the necessary steps to stop the staining.

*Ann White* inquired as to whether Eastern Shipbuilding was actually coming to St. Joe.

Mr. Gibson responded that a lease has been signed between the JOE Company and Eastern Shipbuilding for a portion of the old mill site.

Barry Sellers, Gulf County EDC, stated that Eastern Shipbuilding is planning to come and applications for employment are being accepted each Tuesday and Thursday from 9 A.M. to 1:00 P.M. at the Gulf County Chamber of Commerce.

Mr. Anderson shared that a Development Order has been issued by the City.

#### **Discussion Items by Commissioners**

*Commissioner Kennedy* expressed his concern about how cleaning of the sidewalks and parking lots is being handled. One entity is blowing it to the street, Transfield Services is leaving their trash near the stormwater drains, the next group comes by and blows it back to the owner. Mr. Anderson has talked with Mr. Howell of Transfield Services and he has agreed to make improvements to the process of cleaning our state highways.



*Commissioner Patterson* requested that street cleaning on Reid Avenue be done before customers begin parking on the street. Rocks and other debris are being blown on the vehicles and creates a liability for the City. He also thanked the City Staff for their work in correcting the Christmas light problem in North Port St. Joe.

*Commissioner McCroan* commended and expressed his appreciation to the Port St. Joe Volunteer Fire Department for their hard work and dedication to the Department.

*Commissioner Buzzett* read a letter that was received from a citizen encouraging them to take Water Service Line Coverage for their property. This is not endorsed by the City nor is it of value to the citizens. The Commissioner suggested that when the letter is received that it be discarded.

*Mayor Magidson* did not have anything to report at this time. He joined the other Commissioners in wishing everyone a Merry Christmas and encouraged those traveling to be safe.

A Motion was made by Commissioner Buzzett, second by Commissioner Patterson, to adjourn the Meeting at 7:15 P.M.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Mel C. Magidson, Jr., Mayor

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

## RESOLUTION # 2013-01

A RESOLUTION AUTHORIZING THE CITY OF PORT ST. JOE TO ENTER A ROADSIDE BEAUTIFICATION ASSISTANCE PROGRAM WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR THE CONSERVATION OF NATURAL ROADSIDE GROWTH AND SCENERY AND FOR THE IMPLEMENTATION AND MAINTENANCE OF ROADSIDE BEAUTIFICATION PROGRAM; AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Port St. Joe has the opportunity to receive grant monies/financial assistance to facilitate the beautification of the area along U.S. 98 in the North Port St. Joe Gateway; and

WHEREAS, as a part of the continual updating of the State of Florida Highway System, the Department of Transportation of the State of Florida, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain highway facilities, specifically State Road 30/ U.S. 98, within the corporate limits of the City of Port St. Joe; and

WHEREAS, a Roadside Beautification Assistance Program has been created by Section 334.044(26), Florida Statutes, to "provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs"; and

WHEREAS, to be eligible for said grant monies/financial assistance, the City is required to enter into an Agreement (Financial Project No. 416533-8-58-39 STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROADSIDE BEAUTIFICATION ASSISTANCE JOINT PARTICIPATION AGREEMENT with the State of Florida, Department of Transportation; and

WHEREAS, the City of Port St. Joe desires to participate in this Roadside Beautification Assistance Program for the enjoyment of its citizens and others and has made application therefore and received notice of award thereof; and

WHEREAS, the City of Port St. Joe and the Department of Transportation mutually recognize the need for an agreement providing for the planning and completion of this Roadside Beautification Project, a copy of which is attached hereto and made a part hereof;

WHEREAS, it is in the best interest of the citizens of the City to enter into such agreement,

NOW, THEREFORE BE IT RESOLVED BY THE PEOPLE of the City of Port St. Joe as follows:

1. The City does hereby approve and agree to enter into the State of Florida Department of Transportation Roadside Beautification joint Participation Agreement (FIPD No. 416533-8-58-30).
2. That the Mayor of the City of Port St. Joe is authorized to sign the Agreement of behalf of the City of Port St. Joe.

THIS RESOLUTION ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY COMMISSIONER OF THE CITY  
OF PORT ST. JOE, FLORIDA

BY: \_\_\_\_\_  
MEL C. MAGIDSON, JR.  
Mayor-Commissioner

\_\_\_\_\_  
Charlotte M. Pierce, City Clerk

## UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the under, **ST. JOE NATURAL GAS CO. INC.**, its successors, lessees and assigns ("**GRANTOR**"), in consideration of the mutual benefits, covenants and conditions herein contained, does hereby grant and convey to **THE CITY OF PORT ST. JOE**, a Florida municipal corporation ("**GRANTEE**"), Post Office Box 278, Port St. Joe, Florida 32457, and to its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, an easement to install, operate and maintain such facilities as may be necessary or desirable for providing water and sewer services to **GRANTEE** or others, said facilities being located in the following described "Easement Area" within **GRANTOR**'s premises in Gulf County, Florida, to-wit:

Described in Exhibit attached hereto and incorporated herein by this reference.

The rights herein granted to **GRANTEE** by **GRANTOR** specifically include: (a) the right for **GRANTEE** to patrol, inspect, alter, improve, repair, rebuild, relocate, and remove said facilities; further **GRANTEE** hereby agrees to restore the Easement Area to as near as practicable the condition which existed prior to such construction,, repairs, alteration, replacement, relocation or removal as a result of **GRANTEE**'s safe and efficient installation, operation or maintenance of said facilities; (b) the reasonable right for **GRANTEE** to increase or decrease the size of the service lines and to change the quantity and type of facilities; (c) the reasonable right for **GRANTEE** to clear the Easement Area of trees, limbs, undergrowth and other physical objects which, in the opinion of **GRANTEE**, endanger or interfere with the safe and efficient installation, operation or maintenance of said facilities; (d) the reasonable right for **GRANTEE** to enter upon land of the **GRANTOR** adjacent to said Easement Area for the purpose of exercising the rights herein granted; and (e) all other rights and privileges reasonably necessary or convenient for **GRANTEE**'s safe and efficient installation, operation and maintenance of said facilities and for the enjoyment and use of said easement for the purposes described above. In performing any and all activity hereunder, **GRANTEE** agrees to comply with all applicable federal, state and local laws and regulations and agrees to obtain any all applicable permits.

**GRANTOR** reserves unto itself, its successors and assigns, the full right of ingress and egress over and across the Easement Area.

**GRANTOR** hereby covenants and agrees that no buildings, structures or obstacles (except fences) shall be located, constructed, excavated or created within the Easement Area.

**GRANTOR** covenants not to interfere with **GRANTEE**'s facilities within the Easement Area in **GRANTOR**'s premises, and **GRANTOR** further covenants to indemnify and hold **GRANTEE** harmless from any and all damages and injuries, whether to persons or property, resulting from interference with **GRANTEE**'s facilities by **GRANTOR** or by **GRANTOR**'s agents or employees.

**GRANTEE** indemnifies and agrees to defend and hold harmless **GRANTOR** and its employees, officers and directors (collectively the "Indemnified Parties"), from and against any actions, lawsuits, claims, liens, demands, fines, losses, liabilities, assertions of liability, judgments, attorney's fees, costs and expenses whatsoever which in any manner may arise or be alleged to have arisen or resulted or alleged to have resulted from **GRANTEE's** negligence or willful misconduct related to this Easement or the presence on **GRANTOR's** property by **GRANTEE** and its invitees including, without limitation, claims for bodily injury or death of any person, and claims for loss or damage to property, whether in law or in equity and whether brought against the Indemnified Parties now or in the future.

**GRANTOR** hereby warrants and covenants (a) that **GRANTOR** is the owner of the fee simple title to the premises in which the above described Easement Area is located, (b) that **GRANTOR** has full right and lawful authority to grant and convey this easement to **GRANTEE**, and (c) that **GRANTEE** shall have quiet and peaceful possession, use and enjoyment of this easement.

This easement shall terminate at such time as **GRANTEE** discontinues use of the facilities on the easement property.

**GRANTEE** shall pay a share of the ad-valorem taxes bases on a prorates portion of the acreage.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the heirs, successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the said **GRANTOR** has caused this easement to be signed in its corporate name by its proper officers thereunto duly authorized and its official corporate seal to be hereunto affixed and attested this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed, sealed and delivered  
in the presence of:

Contessia Ard  
1<sup>st</sup> Witness Signature  
Printed Name: Contessia Ard

**GRANTOR:**

St. Joe Natural Gas Co. Inc.

By: Muht Shay  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Sarah C Herring

2<sup>nd</sup> Witness Signature

Printed Name: Sarah C HERRING

STATE OF FLORIDA

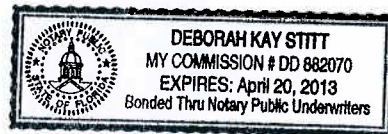
COUNTY OF Gulf

The foregoing Easement was acknowledged before me this 9<sup>th</sup> day of January 2013, by Stuart Shoaf as President of The St. Joe Natural Gas Company, a Florida corporation, on behalf of the corporation, who is personally known to me.

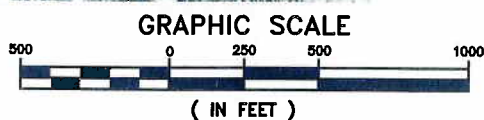
Deborah Kay Stitt

Notary Public

My Commission Expires:







UNLESS IT BORE THE SIGNATURE AND THE ORIGINAL, INKED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

*[Signature]* 11/29/12  
 DAVID SON BATTLETT, P.L.S.  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA LICENSE NO. 1,8 4018 DATE SIGNED  
 LS 0027157

**PREBLE-RISH, INC.**  
 CONSULTING ENGINEERS  
 CIVIL • SURVEYING • SITE PLANNING

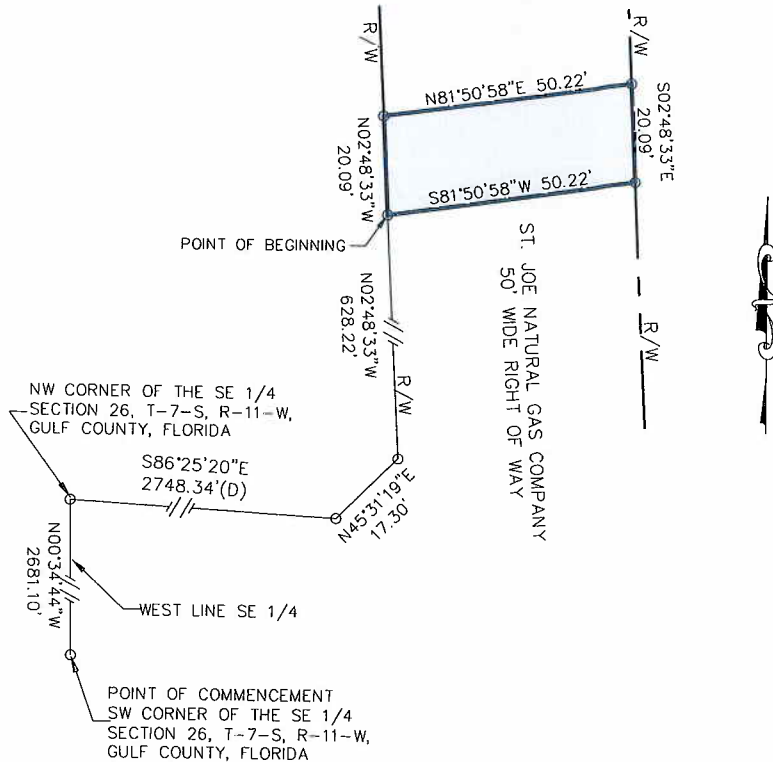
354 MARINA DRIVE PORT ST. JOE, FL 32450 (905) 221-9200  
 220 AMERSON PARKWAY PANAMA CITY, FL 32405 (905) 823-0644  
 807 C11 383 NORTH SANTA ROSA BEACH, FL 32409 (905) 881-4709  
 12401 HWY 90A RT 898701, FL 32321 (905) 843-2771  
 2016 PALMVIEW DR RT 898701, FL 32321 (905) 843-4161  
 2206A CENTRAL AVE. EAST BLOUNTSTOWN, FL 32404 (905) 814-3300  
 50 JASPER TRAIL RD CRANFORDVILLE, FL 32022 (905) 274-8888

**SKETCH OF DESCRIPTION**

LOCATION MAP  
 ST. JOE NATURAL GAS COMPANY  
 GULF COUNTY, FLORIDA

DATE: 11/28/2012	PROJECT NO. 019.190
SCALE: 1"=500'	SHEET
DRAWN DJB	1 OF 3
CHECKED: FCN	





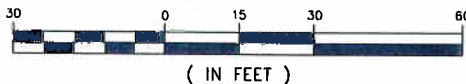
### SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE REFERENCED TO FLORIDA STATE PLANE COORDINATES, NORTH ZONE, NAD 1983/90, U.S. SURVEY FEET.
2. THIS SKETCH, MAP, AND REPORT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY, NOR PROVIDED TO PREBLE-RISH, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, ENCROACHMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
4. THIS IS NOT A BOUNDARY SURVEY.

### LEGAL DESCRIPTION EASEMENT "A"

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 11 WEST, GULF COUNTY, FLORIDA AND RUN THENCE NORTH 00 DEGREES 34 MINUTES 44 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 2,681.10 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 86 DEGREES 25 MINUTES 20 SECONDS EAST, FOR A DISTANCE OF 2,748.34 FEET; THENCE NORTH 45 DEGREES 31 MINUTES 19 SECONDS EAST, FOR A DISTANCE OF 17.30 FEET TO THE WEST RIGHT OF WAY LINE OF THE 50' WIDE ST. JOE NATURAL GAS COMPANY RIGHT OF WAY; THENCE NORTH 02 DEGREES 48 MINUTES 33 SECONDS WEST, ALONG SAID WEST RIGHT OF WAY LINE, FOR A DISTANCE OF 628.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02 DEGREES 48 MINUTES 33 SECONDS WEST, ALONG SAID WEST RIGHT OF WAY LINE, FOR A DISTANCE OF 20.09 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE RUN NORTH 81 DEGREES 50 MINUTES 58 SECONDS EAST, FOR A DISTANCE OF 50.22 FEET TO THE EAST RIGHT OF WAY LINE OF THE SAID 50' WIDE ST. JOE NATURAL GAS COMPANY RIGHT OF WAY; THENCE SOUTH 02 DEGREES 48 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 20.09 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE RUN SOUTH 81 DEGREES 50 MINUTES 58 SECONDS WEST, FOR A DISTANCE OF 50.22 FEET TO THE POINT OF BEGINNING. CONTAINING 1,004.54 SQUARE FEET OR 0.023 ACRES, MORE OR LESS.

### GRAPHIC SCALE



UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

DAVID J. BARTLETT, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NO. LB 4018  
DATE DRAWD 11/29/12  
PROJECT NO. 019.190  
SHEET 2 OF 3

**PREBLE-RISH, INC.**  
CONSULTING ENGINEERS  
CIVIL • SURVEYING • SITE PLANNING

301 W. WYVA DRIVE, PORT ST. JOE, FL 32450 (904) 227-7500  
200 JAMESON PARKWAY, PANAMA CITY, FL 32405 (904) 922-0044  
677 CR 300 NORTH, SANTA ROSA BEACH, FL 32459 (904) 267-1770  
14400 NW 14TH ST, MIAMI, FL 33187 (305) 842-0771  
215 E. WASHINGTON ST, MIAMI, FL 33131 (305) 475-4751  
2000 CENTRAL AVE. EAST, MIAMI, FL 33131 (305) 475-4751  
3000 CENTRAL AVE. EAST, MIAMI, FL 33131 (305) 475-4751  
3000 CENTRAL AVE. EAST, MIAMI, FL 33131 (305) 475-4751

### SKETCH OF DESCRIPTION

UTILITY EASEMENT "A"  
ST. JOE NATURAL GAS COMPANY  
GULF COUNTY, FLORIDA

DATE 11/29/12  
SCALE 1"=30'  
DRAWN DJS  
CHECKED FCR  
PROJECT NO. 019.190  
SHEET 2 OF 3

# SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE REFERENCED TO FLORIDA STATE PLANE COORDINATES, NORTH ZONE, NAD 1983/90, U.S. SURVEY FEET.
2. THIS SKETCH, MAP, AND REPORT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY, NOR PROVIDED TO PREBLE-RISH, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, ENCROACHMENTS, RIGHT-OF-WAYS, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
4. THIS IS NOT A BOUNDARY SURVEY.

## LEGAL DESCRIPTION EASEMENT "B"

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 11 WEST, GULF COUNTY, FLORIDA AND RUN THENCE NORTH 00 DEGREES 34 MINUTES 44 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 2,681.10 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 86 DEGREES 25 MINUTES 20 SECONDS EAST, FOR A DISTANCE OF 2,748.34 FEET; THENCE NORTH 45 DEGREES 31 MINUTES 19 SECONDS EAST, FOR A DISTANCE OF 17.30 FEET TO THE WEST RIGHT OF WAY LINE OF THE 50' WIDE ST. JOE NATURAL GAS COMPANY RIGHT OF WAY; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE AS FOLLOWS: NORTH 02 DEGREES 48 MINUTES 33 SECONDS WEST, FOR A DISTANCE OF 1,645.09 FEET; THENCE NORTH 17 DEGREES 11 MINUTES 23 SECONDS EAST, FOR A DISTANCE OF 1,121.91 FEET; THENCE NORTH 07 DEGREES 37 MINUTES 33 SECONDS WEST, FOR A DISTANCE OF 799.51 FEET; THENCE NORTH 19 DEGREES 10 MINUTES 48 SECONDS WEST, FOR A DISTANCE OF 366.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 19 DEGREES 10 MINUTES 48 SECONDS WEST, ALONG SAID WEST RIGHT OF WAY LINE, DISTANCE OF 20.08 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE RUN NORTH 65 DEGREES 45 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 50.20 FEET TO THE EAST RIGHT OF WAY LINE OF SAID ST. JOE NATURAL GAS COMPANY RIGHT OF WAY; THENCE SOUTH 19 DEGREES 10 MINUTES 48 SECONDS EAST, ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 20.08 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE RUN SOUTH 65 DEGREES 45 MINUTES 38 SECONDS WEST, FOR A DISTANCE OF 50.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,004.09 SQUARE FEET OR 0.023 ACRES, MORE OR LESS.

NW CORNER OF THE SE 1/4  
SECTION 26, T-7-S, R-11-W,  
GULF COUNTY, FLORIDA

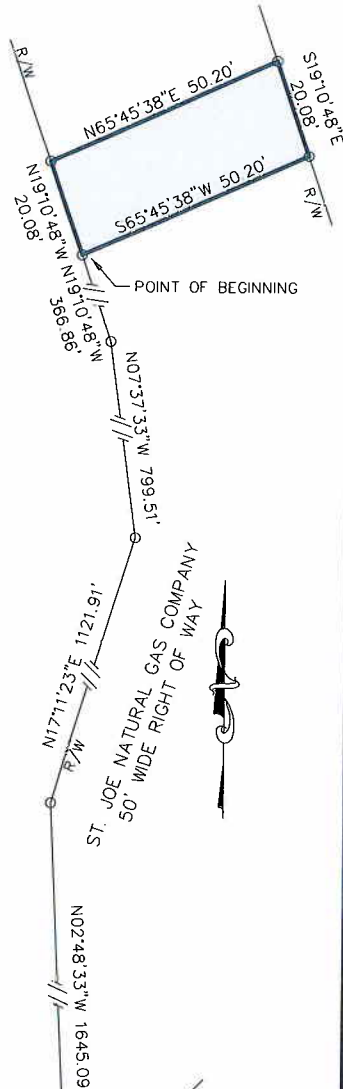
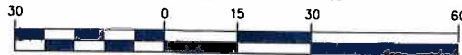
S86°25'20"E 2748.34'

WEST LINE SE 1/4

N00°34'44"W 2681.10'

POINT OF COMMENCEMENT  
SW CORNER OF THE SE 1/4  
SECTION 26, T-7-S, R-11-W,  
GULF COUNTY, FLORIDA

GRAPHIC SCALE



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DAVID J. BARTLETT, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NO. 1-B-4018

DATE SIGNED

LB 0007137

**PREBLE-RISH, INC.**  
CONSULTING ENGINEERS  
CIVIL • SURVEYING • SITE PLANNING

3241 MAYNARD DRIVE  
PORT ST. JOE, FL 32450  
(904) 527-2521

2801 ABERDEEN PARKWAY  
PANAMA CITY, FL 32406  
(904) 882-9344

677 ON THE NORTH  
BAYVIEW BEACH, FL 32810  
(904) 397-0700

15900 HWY 19 N. #1  
FORT MYERS, FL 33907  
(888) 642-2771

215 E. HIGHWAY 90 N. ST.  
CLINCH, FL 32825  
(904) 873-4701

3200 CENTRAL AVE. EAST  
SEASIDE, FL 32561  
(904) 873-3302

3100 W. THOMAS RD.  
CHANDLERVILLE, FL 32827  
(904) 274-0888

## SKETCH OF DESCRIPTION

UTILITY EASEMENT "B"  
ST. JOE NATURAL GAS COMPANY  
GULF COUNTY, FLORIDA

DATE

11/28/2012

SCALE

1"=30'

DRAWN

DJB

CHECKED

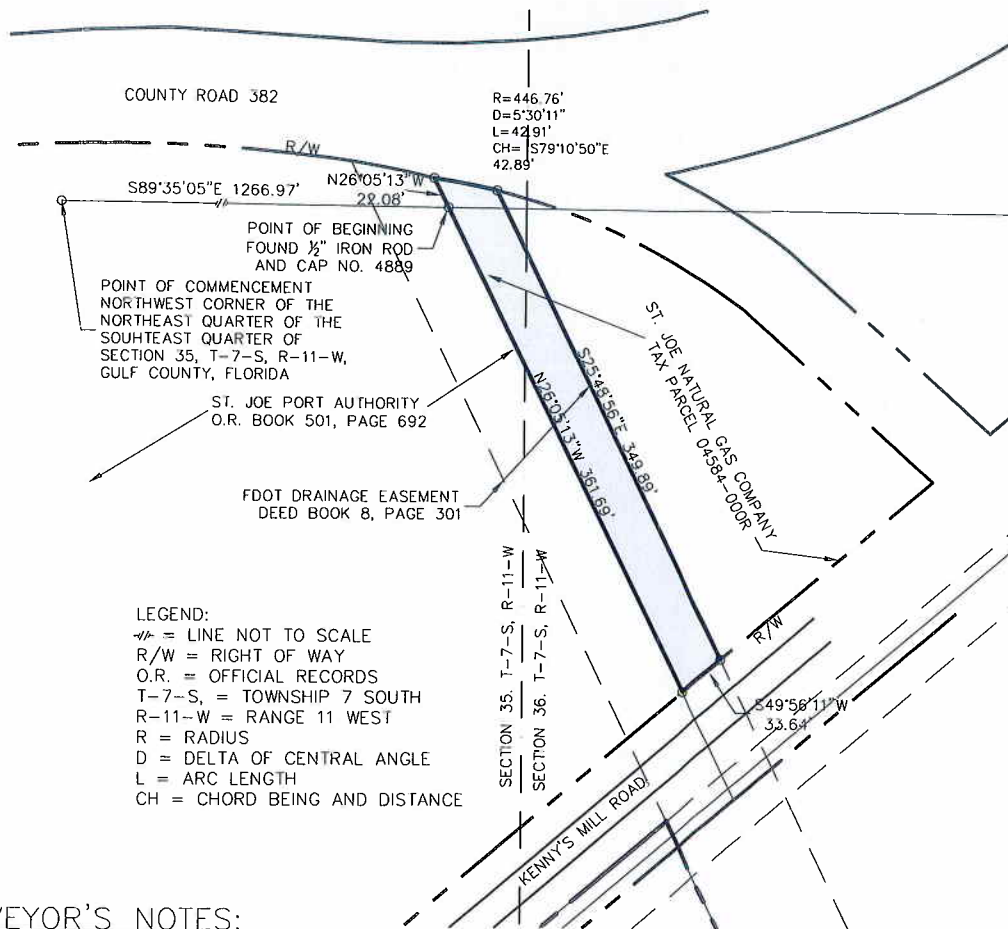
FOR

PROJECT NO.

G19.190

SHEET

3 OF 3



### SURVEYOR'S NOTES:

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4. THIS IS NOT A BOUNDARY SURVEY.

### LEGAL DESCRIPTION EASEMENT "C"

A PARCEL OF LAND LYING AND BEING IN SECTIONS 35 AND 36, TOWNSHIP 7 SOUTH, RANGE 11 WEST, GULF COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 11 WEST, GULF COUNTY, FLORIDA AND RUN THENCE SOUTH 89 DEGREES 35 MINUTES 05 SECONDS EAST, FOR A DISTANCE OF 1266.97 FEET TO THE POINT OF BEGINNING; THENCE NORTH 26 DEGREES 05 MINUTES 13 SECONDS WEST, FOR A DISTANCE OF 22.08 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 382, POINT BEING ON A CURVE CONCAVE TO THE SOUTH, THENCE EASTERLY ALONG SAID CURVE, WITH A RADIUS OF 446.76 FEET, THROUGH A CENTRAL ANGLE OF 05 DEGREES 30 MINUTES 11 SECONDS, FOR AN ARC DISTANCE OF 42.91 FEET (CHORD OF SAID ARC BEING SOUTH 79 DEGREES 10 MINUTES 50 SECONDS EAST, 42.89 FEET); THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE RUN SOUTH 25 DEGREES 48 MINUTES 56 SECONDS EAST, FOR A DISTANCE OF 349.89 FEET TO THE NORTH RIGHT OF WAY LINE OF KENNY'S MILL ROAD; THENCE SOUTH 49 DEGREES 56 MINUTES 11 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 33.64 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE RUN NORTH 26 DEGREES 05 MINUTES 13 SECONDS WEST, FOR A DISTANCE OF 361.69 FEET TO THE POINT OF BEGINNING. CONTAINING 12,300.73 SQUARE FEET OR 0.282 ACRES, MORE OR LESS.

### GRAPHIC SCALE



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DAVID S. BARTLETT, P.L.S.  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NO. 18,4018  
DATE SKETCHED: 11/29/12  
DATE DRAWN: 11/29/12

**PREBLE-RISH, INC.**  
CONSULTING ENGINEERS  
CIVIL • SURVEYING • SITE PLANNING

324 W. PAPA DRIVE  
PORT ST. JOE, FL 32450  
(904) 222-7200  
3801 AMERSON FERRYWAY  
PANAMA CITY, FL 32404  
(904) 922-0641  
677 CR 360 HIGHWAY  
SANTA ROSA BEACH, FL 32459  
(904) 247-0700  
1940 W. HAWK LANE  
BRISTOL, FL 32021  
(904) 642-5771  
21 E. WINDHOLM DRIVE  
QUINCY, FL 32051  
(904) 875-0711  
2086 CENTRAL AVE. EAST  
ELCANTONVILLE, FL 32044  
(904) 874-3300  
33 LAUREN TOWN ROAD  
ORLANDO, FL 32807  
(407) 244-9888

### SKETCH OF DESCRIPTION

UTILITY EASEMENT "c"  
ST. JOE NATURAL GAS COMPANY  
GULF COUNTY, FLORIDA

DATE	11/29/2012	PROJECT NO.	019.190
SCALE:	1"=100'	DRAWN:	DJB
CHECKED:	FCR	SHEET:	1

**CITY OF PORT ST. JOE**

**RFP #2012-13 Re-Advertisement**  
**Horizontal Pump - First Street Lift Station**  
 December <sup>21</sup>~~20~~, 2012 4:05 P.M.

**BID TABULATION FOR BIDS RECEIVED**  
**AT THE CITY OF PORT ST. JOE**

BIDDER	TOTAL BASE BID
1. <i>IC CONTRACTORS</i>	<i>\$ 48,856.<sup>00</sup></i>
2. <i>Marshall Bro.</i>	<i>\$ 58,500.<sup>00</sup></i>
3. <i>Wold Co</i>	<i>\$ 40,900.<sup>00</sup></i>
4. <i>Pump &amp; Process</i>	<i>\$ 29,763.<sup>00</sup></i>
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# CITY OF PORT ST. JOE

RFP #2012-14 Re-Advertisement

Wastewater Treatment Plant Office Road Forklift

December <sup>21</sup>~~20~~, 2012 4:05 P.M.

## BID TABULATION FOR BIDS RECEIVED

AT THE CITY OF PORT ST. JOE

BIDDER	TOTAL BASE BID
1. <i>United Rentals</i>	\$ <del>27,000.</del> <sup>'06</sup> - \$27,500. <sup>'05</sup>
2. <i>Thompson CAT</i> → <i>NES</i> →	\$ <sup>'05</sup> 46,750 \$ <sup>'12</sup> 76,000.00 + <i>2254</i>
3. <i>NES Rentals</i> → <i>Thompson CAT</i> →	\$ <sup>'07</sup> 32,300.00
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CITY OF PORT ST. JOE

RFP #2012-15 Re-Advertisement

#2 High Service Pump

White City Water System Booster Station

December <sup>21</sup>~~20~~, 2012 4:05 P.M.

BID TABULATION FOR BIDS RECEIVED

AT THE CITY OF PORT ST. JOE

BIDDER	TOTAL BASE BID
1. <i>IC Contractors</i>	\$ <i>12,573.<sup>00</sup></i>
2. <i>Morrow</i>	\$ <i>7,200.<sup>00</sup> + \$758.<sup>00</sup></i>
3. <i>Gilbert Pump &amp; Mch.</i>	\$ <i>7985.<sup>00</sup></i>
4. <i>Marshall Bro.</i>	\$ <i>25,000.<sup>00</sup> - \$7K</i>
5. <i>Rowe Drilling Co.</i>	\$ <i>11,040.<sup>00</sup></i>
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# BURTON & ASSOCIATES

UTILITY RATES • ASSESSMENTS • FINANCIAL PLANNING

April 30, 2012

Mr. Jim Anderson  
City Manager  
The City of Port St. Joe  
305 Cecil G. Costin, Sr. Blvd.  
Port St. Joe, Florida 32457

Re: FY 2013 Water and Wastewater Revenue Sufficiency Analysis Proposal

Dear Jim:

As requested, I have prepared our proposal to perform a Revenue Sufficiency Analysis for your Water and Sewer Enterprise Funds that will update the multi-year financial management plans developed in the FY 2010 Rate Study. It is prudent to update the financial management plans and perform this type of analysis either annually or bi-annually to reflect actual events that may have occurred differently than projected. If events occur more positively than projected, it could be possible to lower the level of rate increases adopted for future years; however, if events occur more negatively than projected, it may be necessary to either re-address the level of rate increases or take measures to decrease costs if possible.

As discussed with your Commission in previous presentations, because of the potential variances discussed above and the nature of the consequences if such variances occur, it is very important that the City update the revenue sufficiency analysis and the multi-year financial management plans developed during the FY 2010 Rate Study annually or bi-annually. Therefore, as requested, I have prepared and enclosed a Project Work Plan and Cost Estimate Schedule (Schedule) for a FY 2013 Water and Wastewater Revenue Sufficiency Analysis Update.

The above referenced Schedule shows that successful completion of the Update will require approximately 96 man-hours for an estimated cost of \$14,873, inclusive of out-of-pocket expenses. It has been a pleasure working with the City, and we look forward to continuing to work with you to ensure that your utility systems stay on course as we move through these unpredictable economic times.

If you have any questions about this proposal or would like to discuss any aspects of it, please do not hesitate to call me at (904) 247-0787.

Very truly yours



Andrew J. Burnham  
Senior Vice President

Burton & Associates

200 Business Park Circle, Suite 101 • St. Augustine, Florida 32095 • Phone (904) 247-0787 • Fax (904) 241-7708  
1000 N. Ashley Drive, Suite 513 • Tampa, Florida 33602 • Phone (813) 443-5138 • Fax (813) 443-8289

E-mail: [aburnham@burtonandassociates.com](mailto:aburnham@burtonandassociates.com)

Page 1

# City of Port St. Joe

FY 2013 WATER AND SEWER REVENUE SUFFICIENCY ANALYSIS  
PROJECT WORK PLAN AND COST ESTIMATE SCHEDULE

BURTON & ASSOCIATES

PROJECT TASKS		ESTIMATED MAN-HOURS					City Responsibility
		Rates →				Total Project	
		Project Principal \$195	Project Director \$180	Project Consultant \$135	Project Admin \$40		
<b>Task 1</b>	<b>Project Initiation</b>						
1.1	Conduct kickoff conference call and prepare data request list.	1	1	2	0	4	Meeting
1.2	Review of customer billing data and financial information provided by City staff.	0	1	4	0	5	Provide docs
<b>Task 2</b>	<b>Revenue Sufficiency Analysis</b>						
2.1	Prepare water and wastewater customer and demand analysis to determine projected growth, trends in usage patterns and total projected water and wastewater system customers, ERCs and usage.	0	2	4	0	6	N/A
2.2	Obtain, verify and input financial and billing data into 2 versions of Burton & Associates proprietary FAMS XL ® model, run the models, and produce preliminary output, including a ten year financial management program that will include the following separately for the water and wastewater systems: <ul style="list-style-type: none"><li>o Capital Improvements Program<ul style="list-style-type: none"><li>- Project listing by year</li><li>- Alternative financing options for capital projects</li><li>- Optimum funding source by project by year</li></ul></li><li>o Borrowing Program<ul style="list-style-type: none"><li>- Borrowing required (by source) to fund CIP projects not funded by other sources to include but not necessarily be limited to revenue bonds and State or other programs.</li><li>- Timing of bond issue(s)/loan(s) to provide required borrowed funds</li><li>- Annual debt service of bond issue(s)/loan(s)</li></ul></li><li>o Revenue Sufficiency Analysis<ul style="list-style-type: none"><li>- Annual revenue projections</li><li>- Annual operations and maintenance expense projections</li><li>- All other annual revenue requirements such as R&amp;R, minor capital, transfers to other funds, current debt service/loan payments, replenishment of reserves, etc.</li><li>- Alternative plans of annual percentage rate adjustments to the water and wastewater rates to provide sufficient revenues for each service.</li></ul></li><li>o Sources and Uses of Funds Analysis<ul style="list-style-type: none"><li>- Spend down limits (minimum reserve requirements) by fund</li><li>- Beginning and ending funds balances by fund by year</li></ul></li></ul>	0	4	20	0	24	N/A
2.4	Review results with consulting team, reconcile to prior study, make adjustments, and create alternative scenarios.	1	2	4	0	7	N/A
2.5	Meet with City staff in an interactive work session to review update results and determine final plan of annual rate revenue adjustments.	3	3	3	0	9	Meeting
2.6	Make adjustments as required based upon input from City staff in prior sub-task and prepare limited workbook of preliminary results.	0	2	4	0	6	N/A
2.7	Review adjusted results with City staff in an interactive Go-to-Meeting review session to review adjusted results and determine final plan of annual rate revenue adjustments.	1	1	2	0	4	Telephone Conference
2.8	Conduct and Compile a Comparative Rate Survey	0	0	1	4	5	N/A

Burton & Associates  
200 Business Park Circle, Suite 101 • St. Augustine, Florida 32095 • Phone (904) 247-0787 • Fax (904) 241-7708  
1000 N. Ashley Drive, Suite 513 • Tampa, Florida 33602 • Phone (813) 443-5138 • Fax (813) 443-8289  
E-mail: [aburnham@burtonandassociates.com](mailto:aburnham@burtonandassociates.com)  
Page 2

# City of Port St. Joe

FY 2013 WATER AND SEWER REVENUE SUFFICIENCY ANALYSIS

## PROJECT WORK PLAN AND COST ESTIMATE SCHEDULE

BURTON & ASSOCIATES

PROJECT TASKS	Rates ---->	ESTIMATED MAN-HOURS				Total Project	City Responsibility
		Project Principal \$195	Project Director \$180	Project Consultant \$135	Project Admin \$40		
<b>Task 3</b>	<b>Document &amp; Present the Results of the Analysis</b>						
3.1	Prepare a Draft Technical Memorandum (TM) of the Results of the Analysis.	1	2	6	1	10	N/A
3.2	Review Draft TM with City Staff and Management and prepare Final Draft TM.	0	1	3	0	4	Review
3.3	Present the results of the Analysis to City Commission.	3	3	0	0	6	Attend
	a. Meet with the City Commission to present the results of the Analysis.	0	1	2	0	3	Review
	b. Make adjustments to the Analysis as required based upon City Commission direction.	0	1	2	0	3	N/A
3.4	Prepare Final TM of the Results of the Analysis.						
TOTAL ESTIMATED MAN-HOURS		10	24	57	5	96	
TOTAL ESTIMATED FEE		\$1,950	\$4,320	\$7,695	\$200	\$14,165	
TOTAL ESTIMATED EXPENSES @ 5.00%						\$708	
TOTAL ESTIMATED PROJECT COST						\$14,873	

Burton & Associates  
 200 Business Park Circle, Suite 101 • St. Augustine, Florida 32095 • Phone (904) 247-0787 • Fax (904) 241-7708  
 1000 N. Ashley Drive, Suite 513 • Tampa, Florida 33602 • Phone (813) 443-5138 • Fax (813) 443-8289  
 E-mail: [aburnham@burtonandassociates.com](mailto:aburnham@burtonandassociates.com)  
 Page 3

17 December 2012

Mr. Jim Anderson, City Manager  
City of Port St. Joe  
P. O. Box 278  
Port St. Joe, FL 32457

**RE: Consumptive Use Permit Renewal  
Preble-Rish Project No. 19.199**

Dear Mr. Anderson:

As you are aware, it is time to renew the City's Consumptive Use Permit (CUP) with Northwest Florida Management District (NFWFMD). Preble-Rish, Inc. (PRI) is pleased to provide this proposal for professional services to represent the City during the renewal process for the City's CUP No. 19830039. The active permit expires on the 1<sup>st</sup> day of May 2013. In order to comply with the conditions of the permit, the City must submit an application for renewal prior to the expiration date.

Please find attached a scope identifying services required to complete the renewal application.

PRI proposes to provide these services for a lump sum of \$7,000.00. If this proposal is agreeable to you, please sign in the space provided below and return one copy to PRI. Feel free to call me at (850) 227-7200 anytime you have questions concerning this proposal.

Sincerely,

ACCEPTED BY:

**PREBLE-RISH, INC.**

\_\_\_\_\_  
Jim Anderson, City Manager

Willie T. Payne, P.E.  
Project Manager

WTP/sj

Attachment

cc: Ralph Rish, President, PRI (via email at [rishr@preble-rish.com](mailto:rishr@preble-rish.com))  
Philip Jones, VP-CEO, PRI (via email at [jonesp@preble-rish.com](mailto:jonesp@preble-rish.com))  
Clay Smallwood, Project Manager, PRI (via email at [smallwood@preble-rish.com](mailto:smallwood@preble-rish.com))  
Missy Ramsey, Controller (via email at [ramseym@preble-rish.com](mailto:ramseym@preble-rish.com))  
Lynn Todd, WWTP Plant Manager, City of PSJ (via email at [ltodd@psj.fl.gov](mailto:ltodd@psj.fl.gov))  
Larry McClamma, SWTP Plant Manager, City of PSJ (via email at [lmccclamma@psj.fl.gov](mailto:lmccclamma@psj.fl.gov))

K:\019.199 Consumptive Use Permit Renewal\Proposal\Letter to Jim Anderson.doc

**Exhibit A**

**PROPOSED SCOPE OF SERVICES**

**For The  
CITY OF PORT ST. JOE**

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
CONSUMPTIVE USE PERMIT RENEWAL  
PERMIT RENEWAL  
17 December 2012**

This Scope of Services is for the purpose of Preble-Rish, Inc. (PRI) as the ENGINEER to provide professional services for the Consumptive Use Permit Renewal for the City of Port St. Joe (City) acting by and through its Commission.

**SCOPE OF SERVICES**

**A. PERMITTING SERVICES**

1. Coordinate with client and NFWFMD
2. PRI representative to accompany a City staff member to the pre-application meeting at the NFWFMD office in Havana, Florida.
3. Prepare NFWFMD Form A2-A  
(Consumptive Use Permit Application for Public Supply Uses)
4. Prepare NFWFMD Form A2-C  
(Consumptive Use Permit Application for Landscape Uses)
5. Prepare NFWFMD Form A2-D  
(Consumptive Use Permit Application for Other Uses)
6. Address Formal Requests from NFWFMD

**TOTAL PROPOSED FEE      \$7,000.00**

NOTE: The following services are not included in this proposal:

1. Permit Renewal Application Fees
2. Laboratory Fees



Jonathan P. Steverson  
Executive Director

## Northwest Florida Water Management District

152 Water Management Drive, Havana, Florida 32333-4712  
(U.S. Highway 90, 10 miles west of Tallahassee)  
(850) 539-5999 (Fax) 539-2777

November 15, 2012

City of Port St. Joe  
P.O. Box 278  
Port St. Joe, FL 32457

RE: Reminder Notice

Permit Classification: Public Supply & Other Uses

Dear Permittee:

Our records indicate your Individual Water Use Permit No. 19830039 issued to City of Port St. Joe will expire on 05/01/2013. To continue authorized water withdrawal, the permit must be renewed. An application is available on our website <http://www.nwfwmd.state.fl.us/permits/ruleform.htm> or by mail on request. Please complete the application in its entirety and submit it to the District before the current permit expires. Take special care to address compliance with any specific conditions identified in the Attachment to the Individual Water Use Permit.

If you have any questions concerning the renewal process or if I can be of any assistance in completing the application, please do not hesitate to contact me. I can be reached by phone at (850) 539-5999 or email at [Lauren.Connell@nwfwmd.state.fl.us](mailto:Lauren.Connell@nwfwmd.state.fl.us), or in writing at the address above.

Sincerely,

A handwritten signature in black ink that reads "Lauren Connell".

Lauren Connell  
Hydrogeologist  
Bureau of Ground Water Regulation

GEORGE ROBERTS  
Chair  
Panama City

JERRY PATE  
Vice Chair  
Pensacola

JOYCE ESTES  
Secretary-Treasurer  
Eastpoint

JOHN ALTER  
Malone

GUS ANDREWS  
DeFuniak Springs

STEPHANIE BLOYD  
Panama City Beach

JON COSTELLO  
Tallahassee

NICK PATRONIS  
Panama City Beach



Richard Burkett  
Code Enforcement Insepctor

**Code Enforcement  
2012 Activity**

Activity As of 12-29-12  
City Of Port St. Joe

	Open	Closed	Total	Increase Since 12/11/12
Unlawful Accumulation	12	171	183	3
Substandard Structure	7	2	9	1
Abandoned Vechicle	4	10	14	2
Unlawful Sewer	0	3	3	
Land regulation Violation	1	4	5	
Business Lic. Violation	0	2	2	
Special Master Hearings		2	2	
Building Demolition	0	4	4	
Waste Violation	6	163	169	10
Sign Violation	2	490	492	1

Total	32	Total	851	Total	883	Total	17
				2012 Year Cases			

	Open	Closed	Total	Increase Since 12/29/12
Unlawful Accumulation	5		5	5
Substandard Structure				
Abandoned Vechicle	1		1	1
Unlawful Sewer				
Land regulation Violation	1		1	1
Business Lic. Violation				
Special Master Hearings				
Building Demolition				
Waste Violation	3	1	4	4
Sign Violation	1		1	1

Total	11	Total	1	Total	12	Total	12
				2013 Year			
				Cases			

23 Active From 2012

CITY OF PORT ST. JOE, FLORIDA  
PURCHASING POLICY  
(Revised October 16, 2001)

**SECTION 1 - PURPOSE**

This policy is adopted to promote the following purposes:

- A. To clarify the procurement practices used by the City of Port St. Joe, Florida.
- B. To promote the continued development of professional and equitable procurement policies and practices.
- C. To promote public confidence in the purchasing procedures followed by the City of Port St. Joe.
- D. To ensure the fair and equitable treatment of all persons who deal with the procurement system of Port St. Joe.
- E. To maximize economy in Port St. Joe procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds in Port St. Joe.
- F. To provide safeguards for the maintenance of a procurement system of quality and integrity in Port St. Joe.

**SECTION 2 - APPLICATION OF POLICY**

- A. Activities. This policy shall apply to the purchase/procurement of all materials, supplies, services, construction and equipment except as herein specifically exempted.
- B. Exemptions From the Purchasing Policy. The following types of purchasing activities shall be exempt from the purchasing policy except as noted:
  - 1. ~~All heavy equipment repairs shall be exempted from the competitive sealed bid requirements.~~ The Public Works Superintendent, or his/her designee, shall solicit and evaluate quotations and award the bid. Should a purchase exceed \$2,000, the City Clerk/Auditor shall agenda the item for ratification by the City Commission at a regularly scheduled Commission meeting.

2. All purchases of services from a utility whose rates are determined and controlled by the Public Service Commission or other governmental authority, including but not limited to, electricity; water; sewer; telephone; and cable television services.
3. All supplies, materials, equipment, or services purchased at a price established in a State contract of the State of Florida Department of General Services, Division of Purchasing.
4. All supplies and materials, equipment, construction, or services purchased from another unit of government.
5. Sole source as provided in Section 6.07 hereof.
6. Emergency purchases as provided in Section 6.08 hereof.
7. All purchases of used equipment having a value of two thousand dollars (\$2,000) or less; however, each such purchase shall be supported by one equipment appraisal report from the vendor.
8. Grants (Direct Payment) and Social Services (e.g., burials and indigent patient services).
9. Advertisements (except Delinquent Tax Notice).

### **SECTION 3 - DEFINITIONS**

The following terms defined in this section shall have the meanings set forth below whenever they appear in this policy:

- A. "Blanket Purchase Order" means a purchase order issued to a vendor for an amount not to exceed the face value of the purchase order. A blanket purchase order is for the procurement of commodities or services no single item of which shall exceed the threshold for small purchases unless the appropriate method of procurement was used to generate the Blanket Purchase Order.
- B. "City Commission" means the City Commission of Port St. Joe, Florida.
- C. "Commodity" means a product that the City may contract for or purchase for the use and benefit of the City. A specific item, it is different from the rendering of time and effort by a provider.
- D. "Competitive Sealed Bidding" (Invitation to Bid) means a written solicitation for sealed competitive bids used for the procurement of a commodity, group of commodities, or services valued more than the threshold for this category. The

Invitation for Bids must be publicly advertised and have the title, date, and hour of the public bid opening designated and specifically define the commodity, group of commodities, or services for which bids are sought. It shall include instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The Invitation for Bids is used when the City is capable of specifically defining the scope of work for which a contractual service is required or when the City is capable of establishing precise specifications defining the actual commodity or group of commodities required.

- E. "Construction" means the process of building, attaining, repairing, improving, or demolishing any public structure or building, or other public improvement of any kind to any public real property. It does not include routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- F. "Contract" means all types of Port St. Joe agreements, regardless of what they may be called, for the purchase or disposal of supplies, services, materials, equipment or construction.
- G. "Contractual Services" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; and professional, technical, and social services.
- H. "Cooperative Purchasing" is procurement conducted by, or on behalf of, more than one public procurement unit.
- I. "Emergency" means when there exists a threat to public health, welfare, or safety; natural unexpected events; accidents; or loss to the City under emergency conditions which shall be considered to mean those situations where the operation of a department would be seriously impaired if immediate action were not taken.
- J. "Emergency Purchase" is a purchase necessitated by a sudden unexpected turn of events (e.g., acts of God, riots, fires, floods, accidents or any circumstances or cause beyond the control of the department in the normal conduct of its business) where the delay incident to competitive bidding would be detrimental to the interests of the City.
- K. "Field Quotes" is the procurement procedure used by the operating department to purchase commodities or contractual services with a value within the threshold amounts set for this category. Field Quotes are conducted by the department, consist of either written or oral quotations from two or more vendors, do not require a public bid opening, and are awarded by the City Clerk/Auditor, or his/her

designee. Written evidence of all quotations must be submitted to, and maintained in, the Purchasing Office.

- L. "Gratuity" is compensation for services (money, gifts, etc.).
- M. "Purchasing Quotes" is the procurement procedure used to purchase commodities or contractual services with a value within the threshold amounts set for this category. Purchasing quotes are obtained by the City Clerk/Auditor, or his/her designee, either written or oral, from two or more vendors, and do not require a public bid opening. The purchase is awarded by the City Clerk/Auditor, or his/her designee.
- N. "Request for Proposals" means a written solicitation for sealed proposals with the title, date, and hour of public opening designated. The request for proposals is used when the City is unable to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required, and when the City is requesting that a qualified offeror propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A request for proposals includes, but is not limited to, applicable laws and rules; functional or general specifications; statement of work; proposal instructions; and evaluation criteria. Evaluation of a proposal, when such proposal is for "professional services", shall be in accordance with Florida Statutes Chapter 287.055.
- O. "Small Purchases" means the procurement of commodities or services with a value within the threshold set for this category without the requirement of quotes, bids, or public notice.
- P. "Sole (Single) Source Purchases" means the purchase of a commodity, service, equipment, or construction item(s) from one available practical source of supply. A Sole (single) Source may be declared such by the City Commission for reasons acceptable to it.

#### SECTION 4 - AUTHORITY FOR PURCHASING

- A. The City Clerk/Auditor shall serve as the central purchasing officer for the City of Port St. Joe.
- B. The City Clerk/Auditor, or his/her designee, shall administer operational procedures governing internal functions of the purchasing program.
- C. Except as otherwise specifically provided in this policy, the City Clerk/Auditor, or his/her designee, shall purchase or supervise the purchase of all supplies, services, materials, equipment and construction services defined within the scope of this policy.



## SECTION 5 - THRESHOLD AMOUNTS

- A. Small Purchase Procedures (Section 6.01).....\$1 to \$1,000  
(Does not require documentation of bids and quotes. Responsibility of purchaser to obtain most economical source for good and services.)
- B. Blanket Purchase Orders (Section 6.02).....(Made the beginning of fiscal year for repetitive costs)
- C. Field Quotes (Section 6.03).....\$1,001 to \$2,500  
(Verbal Quotes recorded by purchaser)
- D. Purchasing Quotes (Section 6.04).....\$2,501 to \$5,000  
(Written Quotes from Vendor)
- E. Competitive Sealed Bids (Section 6.05).....\$5,001 and above

## SECTION 6 - PURCHASING CATEGORIES

### Section 6.01 Small Purchases

The purchase of commodities, equipment and services which cost less than the threshold authorized in Section 5 does not require solicitation of quotes or bids. Small purchases shall be authorized by Department Superintendents or their designees.

### Section 6.02 Blanket Purchase Orders

No purchase order shall be issued for an amount greater than the limit established for a blanket purchase order in Section 5 of this policy for the purchase of goods or services unless approved by the City Commission.

### Section 6.03 Field Quotes

The purchase of goods and services which cost within the range authorized for field quotes in Section 5 shall require competitive quotations from two or more vendors. The quotations may be obtained by the Department. The City Clerk/Auditor, or his/her designee, shall review the quotations and make the award or require additional quotations prior to award.

### Section 6.04 Purchasing Quotes

The purchase of goods and services which cost within the range authorized for purchasing quotes in Section 5 shall require competitive written quotations from two or more

#### Section 6.06 Competitive Sealed Proposals

- A. Conditions for Use. When it is determined that the use of competitive sealed bidding is either not practical or not advantageous to the City, a contract may be entered into by the use of competitive sealed proposals.
- B. Professional Architectural, Engineering, Landscape Architectural, and Land Surveying Services. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, shall be obtained in accordance with the Consultant's Competitive Negotiation Act, Section 287.055, Florida Statutes.
- C. Commission Approval. Proposals anticipated to exceed the threshold established in Section 5 for Competitive Sealed Proposals shall be approved by the City Commission prior to solicitation.

#### Section 6.07 Sole Source Purchases

- A. Sole Source Certification. A contract may be awarded for a supply, service, material, equipment, or construction item(s) without competitive bidding when the City Clerk/Auditor, or his/her designee, certifies in writing, after conducting a good faith review of available sources, that there is only one available source for the required material, supply, service, equipment, or construction item(s). Such awards will be made within the authorized procurement limits. When a purchase exceeds the two thousand dollar (\$2,000) limit, the item will be agendaed for Commission approval and certification that the vendor has been determined to be a sole source.
- B. Additional Purchases from Certified Sole Source. The City Clerk/Auditor, or his/her designee, shall be authorized, after initial sole source certification, to make additional purchases from a sole source vendor for not more than one year or until such time as contrary evidence is presented regarding sole source eligibility, whichever period is less.

#### Section 6.08 Emergency Purchases

- A. Authorization During Normal Business Hours. In the case of emergencies which require the immediate purchase of goods, equipment or services, the City Clerk/Auditor, or his/her designee, or Department Superintendent, or his/her designee, shall be empowered to secure such goods or services without competitive bidding when there exists: a threat to public health, welfare, or safety; natural unexpected events; accidents; or loss to the City under emergency conditions. In this event, all measures reasonably possible under the circumstances shall be taken to assure the maximum cost benefit to the City of the goods or services procured.

vendors. The quotations shall be obtained, reviewed, and awarded by the City Clerk/Auditor, or his/her designee.

#### Section 6.05 Competitive Sealed Bids

- A. Conditions for Use. All contracts for purchases of a single item or aggregate in excess of the established base amount for competitive sealed bidding in Section 5 shall be awarded on the basis of sealed competitive bidding, except as provided in Section 6.06, Competitive Sealed Proposals.
- B. Invitation to Bid. An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal.

No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any City employee prior to the opening of proposals. Only those communications which are in writing from the City may be considered as a duly authorized expression on the behalf of the City Commission. Also, only communications from firms or individuals which are in writing and signed will be recognized by the City Commission as duly authorize expressions on behalf of proposers.

1. Alternate(s). Alternate bids will not be considered unless authorized by and defined in the bid specifications.
- C. Public Notice. Public notice shall be by publication in a newspaper of general circulation at least ten (10) working days prior to bid opening. Notice of the Invitation to Bid shall give the date, time, and place set forth for the submittal of proposals and opening of bids. Bids shall be opened publicly.
- D. Award. The contract shall be awarded with reasonable promptness to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid. The City reserves the right to waive any informality in bids and to make an award in whole or in part when either or both conditions are in the best interest of the City of Port St. Joe.
- ~~E. Cancellation of Invitations for Bids. An Invitation for Bids or other solicitation may be canceled, or any or all bids may be rejected in whole or in part when it is in the best interests of the City, as determined by the City Commission. Notice of cancellation shall be sent to all businesses solicited.~~

- B. Authorization Outside of Normal Business Hours. A department head, during non-business hours, is authorized to make purchases without competitive bids when an emergency arises and such purchases are necessary to protect the safety, health, welfare, or property of the City or any of its citizens.
- C. Documentation and Approval. Documentation for emergency purchases pertaining to the above shall be submitted to the City Clerk/Auditor, or his/her designee, on the standard requisition form with a detailed explanation, and support material attached, if applicable, within ten (10) working days after the event occurred. Emergency purchases that exceed the competitive sealed bid threshold shall be ratified by the Board.

#### Section 6.09 Cooperative Purchasing

- A. State Contracts. The Purchasing Agent is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts of the Department of General Services. Such purchases shall be made without competitive bids provided that funding has been appropriated and approved by the City Commission in department accounts.
- B. Other Governmental Units. The City Clerk/Auditor, or his/her designee, shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the City would be served thereby, and the same is in accordance with the City and State law.

### SECTION 7 - ETHICS IN PUBLIC CONTRACTING

#### Section 7.01 Employee Conflict of Interest

- A. Participation. It shall be unethical for any City employee to participate directly or indirectly in a procurement contract when the City employee knows that:
1. the city employee or any member of the City employee's immediate family (father, mother, brother, sister, child, grandparent, or grandchild of employee or spouse) has a financial interest pertaining to the procurement contract; or
  2. any other person, business, or organization with whom the City employee or any member of a City employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract.

## Section 7.02 Use of Confidential Information

It shall be unethical for any City employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

## Section 7.03 Gratuities

- A. Gratuities. It shall be unethical for any person to offer, give, or agree to give any City employee, or for any City employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of a purchase request.

## Section 7.04 Sanctions

- A. Employee Sanctions. Upon violation of the ethical standards by an employee, the City Clerk/Auditor, or his/her designee, or other appropriate authority may:

1. impose one or more appropriate disciplinary actions as defined in the City Personnel Manual, up to and including termination of employment; and,
2. may request investigation and prosecution.

Non-employee Sanctions. The City Commission may impose any one or more of the following sanctions on a non-employee for violation of the ethical standards:

1. written warnings; or
2. termination of contracts.



Select Year: 2012 

## The 2012 Florida Statutes

[Title XVIII](#)  
PUBLIC LANDS AND  
PROPERTY

[Chapter 255](#)  
PUBLIC PROPERTY AND PUBLICLY OWNED  
BUILDINGS

[View Entire  
Chapter](#)

### **255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—**

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$75,000. As used in this section, the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law, a governmental entity seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at a cost in excess of \$250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. A contractor may be considered ineligible to bid if the contractor is behind by 10 percent or more on completing an approved progress schedule for the governmental entity at the time of advertising the work. A prequalified contractor considered eligible by the Department of Transportation to bid to perform the type of work described under the contract is presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) For contractors who are not prequalified by the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications must include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures must provide for an appeal process within the authority for making objections to the prequalification process with de novo review based on the record below to

the circuit court within 30 days.

(c) The provisions of this subsection do not apply:

1. If the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works damaged or destroyed by a sudden unexpected turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:
  - a. An immediate danger to the public health or safety;
  - b. Other loss to public or private property which requires emergency government action; or
  - c. An interruption of an essential governmental service.
2. If, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or proposals.
3. To construction, remodeling, repair, or improvement to a public electric or gas utility system if such work on the public utility system is performed by personnel of the system.
4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.
5. If the project is undertaken as repair or maintenance of an existing public facility. For the purposes of this paragraph, the term "repair" means a corrective action to restore an existing public facility to a safe and functional condition and the term "maintenance" means a preventive or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline. Repair or maintenance includes activities that are necessarily incidental to repairing or maintaining the facility. Repair or maintenance does not include the construction of any new building, structure, or other public construction works or any substantial addition, extension, or upgrade to an existing public facility. Such additions, extensions, or upgrades shall be considered substantial if the estimated cost of the additions, extensions, or upgrades included as part of the repair or maintenance project exceeds the threshold amount in subsection (1) and exceeds 20 percent of the estimated total cost of the repair or maintenance project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. An addition, extension, or upgrade shall not be considered substantial if it is undertaken pursuant to the conditions specified in subparagraph 1. Repair and maintenance projects and any related additions, extensions, or upgrades may not be divided into multiple projects for the purpose of evading the requirements of this subparagraph.
6. If the project is undertaken exclusively as part of a public educational program.
7. If the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.
8. If the local government competitively awarded a project to a private sector contractor and the contractor abandoned the project before completion or the local government terminated the contract.
9. If the governing board of the local government complies with all of the requirements of this subparagraph, conducts a public meeting under s. 286.011 after public notice, and finds by majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 21 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the components and scope of the work, and the estimated cost of the project using generally



accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. The notice must specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. Upon publication of the public notice and for 21 days thereafter, the local government shall make available for public inspection, during normal business hours and at a location specified in the public notice, a detailed itemization of each component of the estimated cost of the project and documentation explaining the methodology used to arrive at the estimated cost. At the public meeting, any qualified contractor or vendor who could have been awarded the project had the project been competitively bid shall be provided with a reasonable opportunity to present evidence to the governing board regarding the project and the accuracy of the local government's estimated cost of the project. In deciding whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment, the governing board must consider the estimated cost of the project and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting and whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. The local government may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. If the governing board of the local government determines upon consideration of specific substantive criteria that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor pursuant to administrative procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted before July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid awarding a project in an arbitrary or capricious manner. This exception applies only if all of the following occur:

a. The governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting charter, ordinance, or resolution.

b. The project is to be awarded by any method other than a competitive selection process, and the governing board finds evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, materially increase the cost of the project, or create an undue hardship on the public health, safety, or welfare.

c. The project is to be awarded by any method other than a competitive selection process, and the published notice clearly specifies the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. The project is to be awarded by a method other than a competitive selection process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection, and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. To projects subject to chapter 336.

(d) If the project:

1. Is to be awarded based on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with the applicable county or municipal ordinance or district resolution and in accordance with the applicable contract documents. The county, municipality, or special district may reserve the right to reject all bids and to rebid the project, or elect not to proceed with the project. This subsection is not intended to restrict the rights of any local government to reject the low bid of a nonqualified or nonresponsive bidder and to award the contract to any other qualified and responsive bidder in accordance with the standards and procedures of any applicable county or municipal ordinance or any resolution of a special district.

2. Uses a request for proposal or a request for qualifications, the request must be publicly advertised and the contract must be awarded in accordance with the applicable local ordinances.

3. Is subject to competitive negotiations, the contract must be awarded in accordance with s. 287.055.

(e) If a construction project greater than \$300,000, or \$75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county or municipality that issues registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 to supervise the work.

(f) If a construction project greater than \$300,000, or \$75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county that does not issue registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 or a person appropriately licensed under chapter 471 to supervise the work.

(g) Projects performed by a local government using its own services and employees must be inspected in the same manner required for work performed by private sector contractors.

(h) A construction project provided for in this subsection may not be divided into more than one project for the purpose of evading this subsection.

(i) This subsection does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference ordinance.

(j) A county, municipality, special district as defined in s. 189.403, or any other political subdivision of the state that owns or operates a public-use airport as defined in s. 332.004 is exempt from this section when performing repairs or maintenance on the airport's buildings, structures, or public construction works using the local government's own services, employees, and equipment.

(k) A local government that owns or operates a port identified in s. 403.021(9)(b) is exempt from

this section when performing repairs or maintenance on the port's buildings, structures, or public construction works using the local government's own services, employees, and equipment.

(l) A local government that owns or operates a public transit system as defined in s. [343.52](#), a public transportation system as defined in s. [343.62](#), or a mass transit system described in s. [349.04\(1\)\(b\)](#) is exempt from this section when performing repairs or maintenance on the buildings, structures, or public construction works of the public transit system, public transportation system, or mass transit system using the local government's own services, employees, and equipment.

(m) Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers' compensation, reemployment assistance or unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years.

(2) The threshold amount of \$300,000 for construction or \$75,000 for electrical work, as specified in subsection (1), must be adjusted by the percentage change in the Engineering News-Record's Building Cost Index from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.

(3) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must specify lumber, timber, and other forest products produced and manufactured in this state if such products are available and their price, fitness, and quality are equal. This subsection does not apply to plywood specified for monolithic concrete forms, if the structural or service requirements for timber for a particular job cannot be supplied by native species, or if the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

(4) Any qualified contractor or vendor who could have been awarded the project had the project been competitively bid has standing to challenge a local government's actions to determine if the local government has complied with this section. The prevailing party in such action is entitled to recover its reasonable attorney's fees.

**History.**—s. 1, ch. 61-495; s. 1, ch. 94-175; s. 4, ch. 95-310; s. 5, ch. 95-341; s. 1, ch. 99-181; s. 62, ch. 2002-20; s. 9, ch. 2003-286; s. 1, ch. 2009-210; s. 54, ch. 2012-30.



**CITY OF PORT ST. JOE and PORT ST. JOE REDEVELOPMENT AGENCY**  
**NOTICE TO RECEIVE SEALED BIDS**  
**RFP#**

The City of Port St. Joe will receive sealed bids from any qualified and properly licensed company or corporation interested in providing construction services for the following project:

**US-98 LANDSCAPING - North Port St. Joe Gateway**

Project is located in the City of Port St. Joe, Florida and consists of NEW LANDSCAPING AND IRRIGATION on US-98.

Bids will be received until **3:00 p.m. Eastern Time**, on **Thursday, January 31** and will be opened and read aloud by Charlotte Pierce, City Clerk at the City of Port St. Joe City Hall, 305 Cecil G. Costin Sr. Blvd, Port St. Joe, Florida 32456.

The complete Bid Solicitation, Plans and Specifications can be downloaded from the Port St. Joe Redevelopment website at [www.PSJRA.com](http://www.PSJRA.com).

*Advertise in the Star on 1/10/13*

**Request for Qualifications (RFQ)**  
**Professional-Quality Film Documentary of the**  
**Rescue and Relocation of the Cape San Blas Lighthouse**

The Port St. Joe Redevelopment Agency is seeking qualified entities to produce a professional-quality video documentary of the rescue and relocation of the Cape San Blas Lighthouse. Must have experience in all phases of motion picture production, with preferred experience in television and/or movies. Submissions should include the following:

1. **Resume**
2. **Membership in Professional Organizations**
3. **Description of Approach:** Up to two pages describing the typical approach to projects similar to this one.
4. **Team Expertise:** Brief description of general qualifications, the multi-disciplinary nature of the team assembled for this project, specific evidence of relevant experience, and a listing of key personnel that would be available to work on this project.
5. **Work Sample:** Provide a sample reel.

Send qualifications to Gail Alsobrook, Executive Director; Port St. Joe Redevelopment Agency; 150 Captain Fred's Place, Port St. Joe, FL 32456. Deadline to receive qualifications is Friday, January 18, 2013.