

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

**JEFFREY R. CLEMENTS**  
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**Bill Type and Number:** Ordinance 2011-26

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU, F, PHS

**Date of Analysis:** January 25, 2011

**Type of Action:** Amendment to courthouse occupancy plan; waiver of previous ordinance; closure and abandonment of street right-of-way; appropriation

**Bill Summary:** The bill amends the new county courthouse occupancy plan to shift the future location of the Public Defender's Office from the Ed Ball Building to the Jake Godbold City Hall Annex. The bill also waives a provision of prior Ordinance 2004-1339-E which prohibited the closure of Monroe Street in conjunction with the county courthouse construction and declares the right-of-way of Monroe Street between Broad Street and Pearl Street to be closed and abandoned. It provides that the abandoned right-of-way outside of the building footprint of the new county courthouse shall be a public area open and accessible to the general public. Finally, the bill appropriates \$629,000 from the Art in Public Places/BJP account to a Public Works expenditure account to provide for the purchase of artworks for the courthouse in compliance with the Ordinance Code.

**Background Information:** Throughout the courthouse planning process it had been contemplated that the Public Defender's Office would move from leased space on Forsyth Street to the City-owned Ed Ball Building. This bill supersedes the decision made in Ordinance 2007-401-E to provide for the renovation of space in the Ed Ball Building as part of the City's overall reuse of that building and shifts the future location of the Public Defender to the Jake Godbold City Hall Annex on Laura Street for purposes of greater security.

Ordinance 2003-657-E provided for the closing and abandonment of West Monroe Street between Broad and Julia Streets because the new courthouse footprint occupies most of that land. Ordinance 2004-1339-E subsequently prohibited the closure of that section of Monroe Street, meaning that it would need to be restored, probably as a new alignment curved around the front of the courthouse. This bill removes the requirement that Monroe Street be restored to a public street upon completion of the courthouse project.

Ordinance Code Section 126.904 requires that 0.75% of the cost of new construction of public facilities valued at over \$100,000 and intended for human habitation shall be dedicated to the procurement of art works for the building. For purposes of Art in Public Places, construction costs do not include land costs, site preparation, equipment and furnishings, or cost overruns on the project. The acquisition process will be overseen by the Art in Public Places Commission using the procedures set out in Chapter 126 of the Ordinance Code.

**Policy Impact Area:** Courthouse construction and utilization

**Fiscal Impact:** The bill appropriates \$629,000 of Art in Public Places funds to an expenditure account for use.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-34

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU; F; R

**Date of Analysis:** January 28, 2011

**Type of Action:** Appropriation; CIOP Amendment

**Bill Summary:** The ordinance provides \$300,000 in additional funding for the New Kings Road Railroad Overpass Project by reducing approved funding for, and transferring such funding from, the Moncrief Road (Soutel to US 1) Project contained in the Better Jacksonville Plan to the New Kings Road Railroad Overpass Project, as initiated by B.T. 11-036; amends the 2011-2015 Five-Year Capital Improvement Program, approved by Ordinance 2010-558-E to increase the budget for the "New Kings Road Railroad Overpass" Project and to reduce the budgets for the "Moncrief Road/Soutel to US 1" Project.

**Background:** The ordinance transfers funds from the Moncrief Road (Soutel to US 1) project, work that has been completed, to the New Kings Road Overpass project to cover the cost of the final change order.

**Policy Impact:** Public Works/Better Jacksonville Plan

**Fiscal Impact:** The bill appropriates \$300,000 (transferring funds from a completed project to another project).

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-35

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** F; PHS

**Date of Analysis:** January 28, 2011

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$455,295 from the Florida Department of Children and Families under its Criminal Justice, Mental Health and Substance Abuse Grant and an in-kind contribution required match in the amount of \$457,200 to divert individuals with mental health and co-occurring disorders from the criminal justice system into appropriate treatment and case management, as initiated by B.T. 11-037; provides a carryover of funds to subsequent fiscal years; provides for City oversight by the Department of Recreation and Community Services.

**Background:** A few years ago, the State provided Duval County with a planning grant to assess what could be done about individuals with mental health issues in the criminal justice system. The funds in this appropriation are a follow-up to act on the planning recommendations to shore up the existing Mental Health Court that operates under the purview of the County Courts. The missing components needed to shore up the Mental Health Court system are funding for treatment services and transitional housing for individuals with mental health issues.

**Policy Impact:** Recreation and Community Services/Behavioral and Human Services/General Assistance

**Fiscal Impact:** This ordinance appropriates \$455,295 in grant funds from the State of Florida and authorizes a local in-kind match of \$457,200.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-41

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** F; PHS

**Date of Analysis:** January 28, 2011

**Type of Action:** Appropriation; Agreement Authorization

**Bill Summary:** This ordinance appropriates \$635,697 (\$297,377 from the Federal Emergency Management Agency and an in-kind contribution of \$338,320 from the Jacksonville Fire and Rescue Department) for a Hazard Mitigation Grant Program project to reduce or eliminate the long-term risk of wind and flood damage to new Fire Station 40 on Heckscher Drive, thus enabling Fire Station 40 to withstand tropical storm force winds, storm surge and flooding associated with the site, reducing claims under the City's insurance program, and improving Jacksonville's rating through the Duval County Local Mitigation Strategy for Floodplain and Mitigation Management, as initiated by B.T. 11-039; the ordinance authorizes the Mayor and Corporation Secretary to execute on behalf of the City the Federally Funded Subgrant Agreement between the City and the State of Florida, Division of Emergency Management

**Background:** This legislation appropriates funds and executes a FEMA contract through the Florida Division of Emergency Management for the Hazard Mitigation Grant Program. This grant provides funding for Phase II of a Code-Plus Construction Project at Fire Station 40 for the expense of construction of a fire station mitigated to withstand tropical storm force winds, storm surge and flooding associated with the site. This new fire station to be constructed is located in Council District 11.

**Policy Impact:** Jacksonville Fire and Rescue Department

**Fiscal Impact:** The ordinance appropriates \$635,697 in a federal grant and a City match.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-42

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** F; TEU

**Date of Analysis:** January 28, 2011

**Type of Action:** Appropriation; CIP Amendment

**Bill Summary:** This ordinance sets up a new subobject 06102 in fund PWCP462SD in order to establish a budget for right-of-way expenses, and establishing a budget for Paul Avenue right-of-way expenses, as initiated by B.T. 11-040; provides for a carryover of funds to Fiscal Year 2011-2012; amends the 2011-2015 Five Year Capital Improvement Program, approved by Ordinance 2010-558-E, for the "Paul Avenue Drainage Improvement" project.

**Background:** The right-of-way expenses entail the acquisition of easements to construct a stormwater detention pond; this project facilitates drainage improvement projects. Paul Avenue is located in Council District 5.

**Policy Impact:** Public Works

**Fiscal Impact:** The bill appropriates \$50,000

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-43

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R, TEU, RCD, F

**Date of Analysis:** January 25, 2011

**Type of Action:** Appropriation; authorization of supplemental intergovernmental agreement; CIP amendment

**Bill Summary:** The bill appropriates \$1 million in grant funds from the Florida Department of Transportation to a Public Works construction account as additional funding for construction of the Timucuan National Preserve Bicycle Touring Route. The bill includes a funding carry-over provision to FY11-12 if necessary. The bill authorizes the Mayor to execute Local Agency Program Supplemental Agreement No. 7 between the City and FDOT for acceptance and expenditure of the grant funds for the project and amends the 2011-15 Capital Improvement Program to increase the funding total for the project.

**Background Information:** The Timucuan National Preserve Bicycle Touring Route, initiated in 2000, will provide a multi-use bike path along State Road A1A from Hanna Park to the northern end of Big Talbot Island. To date the funds allocated to the project total \$5,998,501; this bill will add an additional \$1 million in state funding. The CIP listing needs to be amended to reflect this additional project cost and funding.

**Policy Impact Area:** Timucuan National Preserve improvement

**Fiscal Impact:** The bill appropriates a \$1 million FDOT grant for construction with no local match required.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-44

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU; RCD

**Date of Analysis:** January 28, 2011

**Type of Action:** Authorization for Acceptance of Donated Parcel

**Bill Summary:** This ordinance authorizes the Real Estate Office to accept, for and on behalf of the City, the donation from the Florida Department of Transportation of that certain parcel of real property, RE #001210-0010, for the Maxville Park Expansion.

**Background:** The Recreation & Community Services Department and FDOT thought that this particular parcel was donated to the City with adjacent parcels in 2002. The donation of this particular parcel was overlooked in the previous donation; it is the intent of this legislation to make the correction.

**Policy Impact:** Public Works/Real Estate/Recreation & Community Services Department

**Fiscal Impact:** Minimal

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-45

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** RCD; F; R

**Date of Analysis:** January 28, 2011

**Type of Action:** Agreement Approval/Authorization

**Bill Summary:** The ordinance approves and authorizes the Mayor or his designee, to execute and deliver, for and on behalf of the City, a Permissive Use Agreement between the City of Jacksonville and the St. Johns River Water Management District ("The District") allowing the District to install a rain gauge in Losco Regional Park for research and scientific testing

**Background:** Losco Park is located in Council District 6. The Agreement gives permission for the District to install a rain gage on the Losco Park property for the specific purpose of collecting data to assist the District. Essentially, the District is measuring the amount of rain that the area is getting. The District is required to maintain a program of insurance covering its liabilities and shall be responsible for any negligence that results in injury to persons or damage to property.

**Policy Impact:** Public Works/Real Estate

**Fiscal Impact:** Undetermined

**Analyst:** Jackson



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**Bill Type and Number:** Ordinance 2011-46

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU, F

**Date of Analysis:** January 25, 2011

**Type of Action:** Approval of legal settlement agreement

**Bill Summary:** The bill approves a legal settlement of an eminent domain case in the amount of \$179,700 (\$150,000 in damages and \$29,700 in statutory attorney fees) to settle the case of Jacksonville v. Edward S. Elias, et. al., resulting from the Crystal Springs Road improvement project.

**Background Information:** The settlement results the City's acquisition of a 3,931 square foot permanent drainage easement and a 2,587 square foot temporary construction easement for the Crystal Springs Road project. The City initially allocated \$59,500 for compensation for this taking, but the total settlement agreement between the parties is \$179,700. The Ordinance Code requires City Council approval when a settlement agreement amount exceeds the City's initial compensation deposit by more than \$50,000.

**Policy Impact Area:** Eminent domain settlement

**Fiscal Impact:** The bill authorizes a settlement agreement in the amount of \$179,700, authorizing a payment of \$119,800 in addition to the \$59,500 originally posted by the City at the time of the taking.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-47

**Introducer/Sponsor(s):** Council President at the request of the General Counsel

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU, F, LUZ

**Date of Analysis:** January 25, 2011

**Type of Action:** Approval of legal settlement agreement; Ordinance Code amendment

**Bill Summary:** The bill approves a legal settlement between the City and San Marco Preservation Society to settle 2 lawsuits filed by the Society challenging the validity of Ordinance 2008-563-E (rezoning on Philips Highway south of Atlantic Boulevard). The settlement provides that the City will amend its Zoning Code in Part 3, Subpart F – Planned Unit Development – by adding language stating that the Planning and Development Department may waive the requirement for submission of a detailed PUD site plan (already permitted) “for good cause described in writing and filed in the PUD application file.” The City also acknowledges and agrees to perform obligations contained in a Stipulation of Parties for the Resolution of the Application to Close River Oaks Road Highway-Rail Grade Crossing, Jacksonville, Florida which includes entering into a railroad crossing maintenance agreement with Florida East Coast Railroad for the River Oaks Road crossing and adopting an amendment to the 2030 Comprehensive Plan concerning residential roads, which has already been satisfied by the City. San Marco Preservation Society agrees to drop its lawsuits if these conditions are met.

**Background Information:** This settlement results from several inter-related events and lawsuits, including a rezoning of property on Philips Highway opposed by San Marco Preservation Society and an application for closure of the River Oaks Road railroad crossing initiated by several members of the Society and opposed by the City. As a condition of the settlement of the rezoning-related lawsuit, the City acknowledges and agrees to comply with the conditions of the separate settlement agreement resulting from the litigation over the railroad crossing application. As part of that settlement, the City, the FEC Railroad, the Florida Department of Transportation, the developer of the property that was the subject of the 2008-563-E rezoning and Estelle Vickery agree that the River Oaks Road railroad crossing shall not be closed, but will be the subject of various improvements intended to discourage through-traffic from using the street.

**Policy Impact Area:** Legal settlement

**Fiscal Impact:** Undetermined – the Planning and Development Department will be bringing a railroad crossing maintenance agreement to the City Council for approval, which will be similar to many other agreements applicable to other crossings around the city.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-48

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU; RCD; F

**Date of Analysis:** January 28, 2011

**Type of Action:** Agreement Authorization; Conveyance

**Bill Summary:** The ordinance approves and authorizes the Mayor and Corporation Secretary to execute, for an on behalf of the City, an Easement Purchase Agreement between the City of Jacksonville and JEA conveying to JEA for the sum of \$20,000 an exclusive grant of easement for the construction of a sewer lift station in Northshore Park for the Kenyon Street Lift Station Project #1013096, with the proceeds of such sale to be deposited into the Special Recreation Land Account pursuant to Section 122.429, *Ordinance Code*, to be used for amenities in Northshore Park.

**Background:** JEA is doing sewer line improvements in the area and needs the easement to construct a sewer lift station – to keep the flow going. A provision of the Easement Purchase Agreement, the City conveys the easement to JEA for the sum of \$20,000. The \$20,000 is then deposited into a special account that is used for the acquisition of amenities for Northshore Park. At North Pearl and 68<sup>th</sup> Street, the site is located in Council District 8.

**Policy Impact:** Recreation & Community Services

**Fiscal Impact:** The City grants an easement to JEA for the sum of \$20,000

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-49

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R, TEU, F, PHS

**Date of Analysis:** January 25, 2011

**Type of Action:** Declaration of surplus properties and authorization to dispose; Ordinance Code and Council Rules waivers

**Bill Summary:** The bill declares as surplus and authorizes the Real Estate Division to dispose of any properties acquired by the City as part of the Project New Ground ash site cleanup process which have been environmentally remediated or which have been deemed environmentally safe in their current condition. The bill waives several provisions of the Ordinance Code in order to permit the Real Estate Division to sell the properties either by auction or via direct sale and to allow the net proceeds of the land sales to be deposited into the Contamination Assessment Fund rather than the Recreational Land Acquisition Capital Projects Fund. The bill also waives Council Rule 3.102(g) which requires the preparation and attachment of a certificate from the Chief of the Real Estate Division giving an estimated value of any piece of surplus property to be disposed of.

**Background Information:** The City has acquired scores of properties in the Forest Street, Fifth and Cleveland Streets, Lonnie Miller, Jr. Park and former Brown's dump areas as part of the incinerator ash disposal site cleanup effort. As these properties are environmentally remediated through the removal of contaminated soil, or as properties are determined not to have been affected by the ash disposal, the City will have scores of properties to dispose of and return to private ownership. This bill provides for a mechanism to dispose of these properties in an efficient manner and to recapture the net proceeds of the sales in the Contamination Assessment Fund rather than directing the proceeds to parkland acquisition as currently required by the Ordinance Code.

**Policy Impact Area:** Environmental restoration; surplus property disposition

**Fiscal Impact:** Undetermined

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-50

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU, F

**Date of Analysis:** January 25, 2011

**Type of Action:** Establishment of user fee; authorization to adjust fee by administrative action

**Bill Summary:** The bill authorizes the Public Works Department to charge a fee of \$13 to issue and deliver a recycling bin to residential solid waste customers, and authorizes the Chief of the Solid Waste Division to change the fee administratively when economic factors warrant an adjustment.

**Background Information:** The City used to provide recycling bins to households free of charge utilizing state grant funding to all households served by curbside waste collection. When the grant funding was discontinued the Solid Waste Division stopped providing free bins when the existing supply ran out and suggested that households use an equivalent, privately-provided plastic bin or box. This bill will authorize the Solid Waste Division to charge a fee to cover the cost of procuring and delivering a standard recycling container to interested households. Use of a City-provided bin will remain optional; households may utilize an equivalent container or paper bags to place recycling out for collection.

**Policy Impact Area:** Recycling collection

**Fiscal Impact:** Establishes a \$13 fee for purchase of a standard City-issued recycling bin.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-51

**Introducer/Sponsor(s):** Council Member Corrigan

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R, TEU, F

**Date of Analysis:** January 25, 2011

**Type of Action:** Amendment to previous ordinance; CIP amendment; authorization to utilize continuing contract

**Bill Summary:** The bill amends prior ordinance 2009-468-E to expand the scope of the authorized tree planting project on Roosevelt Boulevard by adding an additional segment between Park Street and Timuquana Road and by adding the planting of an additional 243 trees within the existing project budget. The bill amends the CIP to reflect the revised project boundaries and additional trees. The bill authorizes the performance of the planting of the 243 trees in the new segment by the Davey Tree Expert Company, Inc. under its existing continuing contract for tree planting citywide.

NOTE: the bill should be amended to reflect the amendment of the 2011-15 CIP rather than 2010-15, and the CIP page attached as Exhibit 1 should be replaced with a revised page showing the expenditure of funds in FY10-11.

**Background Information:** The Roosevelt Boulevard Landscape Improvement Project involves replacement of inferior soil and the removal and replacement of dead or dying trees in the median of the highway. The amendment extends the scope of the original project, which was from Park Street to McDuff Avenue, to incorporate an additional roadway segment from McDuff Avenue to Timuquana Road, with no increase in the project budget.

**Policy Impact Area:** Highway beautification

**Fiscal Impact:** None – the work will be performed within the original Roosevelt Boulevard landscape improvement project budget, but with more trees planted over an expanded area.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-52

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** TEU

**Date of Analysis:** January 28, 2011

**Type of Action:** Right of Way Closure

**Bill Summary:** This ordinance closes, abandons and/or disclaims a portion of an unnamed, unopened and unimproved right-of-way in Jacksonville Heights, in Council District 11, established via Plat Book r, Page 90 of the current public records of Duval County, Florida, at the request of Dawson's Creek, LLC, to increase available property for residential development and to facilitate the granting of a conservation easement to the St. Johns River Water Management District by Dawson's Creek, LLC.

**Background:** The request for the right-of-way closure was routed to all government agencies having an interest and there were no objections. A \$1,500 closure application fee has been paid by the applicant (Dawson's Creek, LLC).

**Policy Impact:** Public Works/Real Estate Division

**Fiscal Impact:** A \$1,500 closure application fee has been paid by the applicant.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-53

**Introducer/Sponsor(s):** Council President Webb

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R, RCD

**Date of Analysis:** January 25, 2011

**Type of Action:** Renaming public park; Ordinance Code waiver

**Bill Summary:** The bill renames Pickwick Park as "Elizabeth 'Betty' Wolfe Park", and waives the Ordinance Code prohibition against naming public facilities after living persons.

**Background Information:** The park is located on Chrysler Drive in the Mandarin area. Betty Wolfe has lived in Jacksonville for 25 years and is an extremely active and involved citizen in numerous civic organizations. She has particularly been an advocate for the preservation and enhancement of the Pickwick Park community through active participation in the Pickwick Park Civic Association.

**Policy Impact Area:** Park naming

**Fiscal Impact:** Anticipated to be minor for new signage

**Analyst:** Clements



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**Bill Type and Number:** Resolution 2011-54

**Sponsor:** Council Member Crescimbeni at the request of the Waterways Commission:

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** RCD; JWW

**Date of Analysis:** January 28, 2011

**Type of Action:** Approval of Annual Update

**Bill Summary:** This resolution recognizes the 2009-2010 annual update to the Duval County Manatee Protection Plan, originally approved in Resolution 2000-238-A; the resolution directs the transmission of the resolution and the 2009-2010 annual update to the Florida Fish & Wildlife Commission.

**Background:** The State of Florida mandates that counties whose water bodies are habitats for manatees have a formal plan for the protection of the manatees, particularly from injuries or fatalities whose causes are linked to boating. The City of Jacksonville has a contract with Jacksonville University to gather and compile data and research on manatees in Duval County. Jacksonville University provides monthly updates on manatee data to the Jacksonville Waterways Commission.

**Policy Impact:** Waterways regulation; wildlife preservation

**Fiscal Impact:** Minimal

**Analyst:** Jackson

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**Bill Type and Number:** Resolution 2011-55

**Introducer/Sponsor(s):** Council Member Hyde

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** RCD, LUZ

**Date of Analysis:** January 25, 2011

**Type of Action:** Expression of support for community contribution tax credit application

**Bill Summary:** The bill expresses the City's support for the application by Edward Waters College for participation in the State of Florida's community contribution tax credit program for a project to rehabilitate historic campus buildings.

**Background Information:** The Community Contribution Tax Credit allows corporations making contributions of cash or goods to approved not-for-profit organizations to take a credit against their corporate income taxes for the amount of the donation. Edward Waters College plans to rehabilitate three historically significant buildings – Centennial Building (1916), B. F. Lee Theological Building (1925), and Salter Hall (1950) - on its campus on New Kings Road. The Planning and Development Department has certified that the planned building rehabilitation program is in compliance with the City's 2030 Comprehensive Plan.

**Policy Impact Area:** Edward Waters College revitalization; historic preservation

**Fiscal Impact:** None to City; the action will assist corporate donors to the college historic rehabilitation project in qualifying for state tax credits.

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2011-56

**Introducer/Sponsor(s):** Council Member Hyde

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** RCD, LUZ

**Date of Analysis:** January 25, 2011

**Type of Action:** Expression of support for community contribution tax credit application

**Bill Summary:** The bill expresses the City's support for the application by Edward Waters College for participation in the State of Florida's community contribution tax credit program for a project to construct a 10,000 square foot building combining a Criminal Justice Education Facility with a Sheriff's Office substation on its campus on New Kings Road.

**Background Information:** The Community Contribution Tax Credit allows corporations making contributions of cash or goods to approved not-for-profit organizations to take a credit against their corporate income taxes for the amount of the donation. Edward Waters College plans to seek corporate donations to help fund the construction project. The Planning and Development Department has certified that the planned building rehabilitation program is in compliance with the City's 2030 Comprehensive Plan.

**Policy Impact Area:** Edward Waters College revitalization; public safety improvement

**Fiscal Impact:** None to City; the action will assist corporate donors to the Edward Waters College construction project in qualifying for state tax credits.

**Analyst:** Clements

**CITY COUNCIL RESEARCH DIVISION**  
LEGISLATIVE SUMMARY



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**Bill Type and Number:** Resolution 2011-57

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 27, 2011

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Bobby L. Baker, P.E. as a member of the Environmental Protection Board, replacing Robert Schuster as a professional engineer representative, for an unexpired term ending September 30, 2011, followed by a first full four-year term ending September 30, 2015.

**Background Information:** The Environmental Protection Board is established pursuant to Chapter 73, *Ordinance Code*, and charged to study, promulgate and enforce appropriate rules for environmental protection; work in cooperation with the State and other agencies and groups interested in environmental quality control; investigate pollution control programs; conduct investigations and hearings on complaints; issue appropriate orders for enforcement of pollution standards; grant variances requested by pollution sources; general authority over the Groundwater and Surface Water Resource Management Program and the Hazardous Regulated Substance Program; and review and approve requests for Sustainable Building Certification Refund Grants. Section 73.101, *Ordinance Code*, provides that five of the members of the board shall be appointed by the Mayor and confirmed by the Council in various categories including a professional engineer registered in the state.

Mr. Baker received a bachelor's degree in civil engineering from the University of Florida and is a Florida licensed Professional Engineer. He is a Civil Engineer with *Skiles Davis & Baker, P.A.* and resides in the Empire Point area within Council District #4.

**Policy Impact Area:** Environmental Protection Board operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-58

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 26, 2011

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Dane Grey as a member of the Jacksonville Human Rights Commission, replacing Mitchell Weiss, for an unexpired term ending December 31, 2012.

**Background Information:** The Jacksonville Human Rights Commission is established pursuant to Chapter 60, *Ordinance Code*, and charged to promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, marital or familial status; and promote mutual understanding and respect among all economic, social, racial, religious and ethnic groups and endeavor to eliminate discrimination against, and antagonism between, religious, racial and ethnic groups and their members. Section 60.101, *Ordinance Code*, provides that the 20 members of the commission shall be appointed by the Mayor, subject to confirmation by the Council, and shall reside or be employed in the City for their entire term.

Mr. Grey received a master's degree in commercial aviation from Delta State University and is the President of *Elite Parking Services of America, Inc.* He resides in the downtown area within Council District #7.

**Policy Impact Area:** Jacksonville Human Rights Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-59

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 27, 2011

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Alexander M. Graham to the Public Service Grant Council for a first full three-year term ending December 31, 2013.

**Background Information:** The Public Service Grant Council is established pursuant to Chapter 118, *Ordinance Code*, and charged with the review and evaluation of all Public Service Grant applications and responsibility for making funding recommendations to the Mayor and City Council for Public Service Grants. Section 118.803, *Ordinance Code*, provides that the composition of the council shall include a chairperson appointed by the Mayor and confirmed by City Council.

Mr. Graham received a law degree from Florida Coastal School of Law and is the Vice Chairman of *Scott-McRae Automotive Group*. He resides in the Ortega Forest area with Council District #14.

**NOTE:** Although the bill lists John Donahoo as the member being replaced, Mr. Donahoo will remain on the Public Service Grant Council as the Chair. The resignation of the former Chair, Alberta Hipps, created a vacancy. Mr. Donahoo replaced her as Chair and Mr. Graham will fill the vacancy.

**Policy Impact Area:** Public Service Grant Council operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-60

**Sponsor:** Council President Webb

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 20, 2011

**Type of Action:** Reappointment

**Bill Summary:** This bill reappoints Arnold Tritt to the Public Service Grant Council for a second three-year term ending December 31, 2013.

**Background Information:** The Public Service Grant Council is established pursuant to Chapter 118, *Ordinance Code*, and charged with the review and evaluation of all Public Service Grant applications and responsibility for making funding recommendations to the Mayor and City Council for Public Service Grants. Section 118.803, *Ordinance Code*, provides that three of the seven members of the council are appointed the City Council.

Mr. Tritt received a degree in journalism and advertising from the University of Florida and is an Executive Advisor with the *Northeast Florida Builders Association*. He has previously served on the Charter Revision Commission, the Jacksonville Transportation Authority and the Jacksonville Police & Fire Pension Board of Trustees. Mr. Tritt resides in the Avondale area within Council District #14.

**Attendance:** According to information provided by the staff for the Public Service Grant Council, Mr. Tritt has attended 97% of the meetings since his appointment in 2008.

	<b>Meetings Attended</b>	<b>Meetings Held</b>
<b>2008</b>	5	5
<b>2009</b>	12	13
<b>2010</b>	13	13
Total	30	31

**Policy Impact Area:** Public Service Grant Council operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-61

**Sponsor:** Council President Webb

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 27, 2011

**Type of Action:** Reappointment

**Bill Summary:** This bill reappoints Paul Tutwiler to the Enterprise Zone Development Agency Board for a second four-year term ending December 31, 2014.

**Background Information:** The Enterprise Zone Development Board is established pursuant to Chapter 501, *Ordinance Code*, and charged to assist in the development and implementation of the strategic plan; oversee and monitor the implementation of the strategic plan; identify and recommend to Council ways to remove regulatory barriers; identify to Council the financial needs of, and local resources or assistance available to, eligible business in the zone; and manage the implementation of the Empowerment Zone Strategic Plan (Ord. 2004-775-E). Chapter 501, *Ordinance Code*, provides that the members of the board shall be appointed by the Council.

Mr. Tutwiler received a bachelor's degree in public administration and philosophy from Memphis State University and is the Executive Director of the *Northwest Jacksonville Community Development Corporation*. He resides in the Brentwood area within Council District #7.

**Attendance:** According to information provided by the staff for the Enterprise Zone Development Agency Board, Mr. Tutwiler has attended 50% of the meetings since his appointment in 2007.

	<b>Meetings Attended</b>	<b>Meetings Held</b>
<b>2007</b>	2	4
<b>2008</b>	1	3
<b>2009</b>	2	4
<b>2010</b>	2	3
Total	7	14

**Policy Impact Area:** Enterprise Zone Development Agency Board Operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh



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**Bill Type and Number:** Resolution 2011-62

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 27, 2011

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of W. Braxton Gillam, IV as a member of the Jacksonville Ethics Commission, for a second two-year term ending December 31, 2012.

**Background Information:** The Jacksonville Ethics Commission is established pursuant to Chapter 602, Part 9, *Ordinance Code*, and charged to refer ethics matters to appropriate enforcement agencies; recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts or interest, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying; provide a local forum for consideration and investigation of ethical problems and issues; advise city officers, candidates for city office, and employees as to the application of the provisions of the ethics laws; and work with the city Ethics Officer in establishing, presenting, and expanding the city's Ethics Education Program. Section 602.902, *Ordinance Code*, provides that one of the members of the commission shall be appointed by the Mayor.

Mr. Gillam received a law degree from Florida State University and is an Attorney Shareholder with *Milam Howard Nicandri Dees & Gillam, P.A.* He resides in the Ortega Forest area within Council District #14.

**Policy Impact Area:** Jacksonville Ethics Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-71

**Sponsor:** Council President at the request of the Police and Fire Pension Board of Trustees

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:** R

**Date of Analysis:** January 27, 2011

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the reappointment of Nathaniel Glover, Jr., to the Jacksonville Police and Fire Pension Fund Board of Trustees, for a third term ending October 15, 2014.

**Background Information:** The Jacksonville Police and Fire Pension Board of Trustees is established pursuant to Article 22, *Jacksonville Charter*, as the sole entity responsible for administering the Pension Fund. Sections 175.061 and 185.05, *Florida Statutes*, provide that one of the members of the board shall be chosen by a majority of the other members, and as a ministerial act, appointed by Council. Chapter 2009-97, *Laws of Florida*, authorized a term of appointment of four years.

Former Sheriff Glover is retired from the Jacksonville Sheriff's Office (JSO). During his employment with the JSO, he served as Chief of Police Services, Deputy Director of Police Services and Director of Police Services. He was elected Sheriff in 1995 and served two terms. Mr. Glover is the Interim President of *Edward Waters College*. He previously served on the Jacksonville Commission on Family and Marriage and on the Jacksonville Journey Steering Committee.

**Policy Impact Area:** Jacksonville Police & Fire Pension Fund Board of Trustees operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Ordinance 2011-72

**Introducer/Sponsor(s):** Council President Webb

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:**

**Date of Analysis:** January 25, 2011

**Type of Action:** Council meeting rescheduling

**Bill Summary:** The bill reschedules the City Council meeting of March 22, 2011 to Thursday, March 24 due to the City election falling on Tuesday the 22<sup>nd</sup>.

**Background Information:** The First Consolidated Government Election for mayor and city council members will be held on Tuesday, March 22<sup>nd</sup>. The preamble to the bill states that the reason for the rescheduling is to avoid placing voters in the position of having to choose between exercising their right to vote and their right to attend and participate in meetings of the City Council since the polls will be open until 7:00 p.m. on election night, conflicting with the first 2 hours of the council meeting which includes one of the public comment segments of the meeting.

**Policy Impact Area:** City Council meeting conduct

**Fiscal Impact:** Anticipated to be minor advertising costs

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-73

**Introducer/Sponsor(s):** Council President Webb

**Date of Introduction:** January 25, 2011

**Committee(s) of Reference:**

**Date of Analysis:** January 25, 2011

**Type of Action:** Amendment to prior ordinance; amendment to Jacksonville Landing lease agreement; appropriation; emergency action request

**Bill Summary:** The bill amends prior Ordinances 2010-330-E and 2010-925-E by authorizing a revised 7<sup>th</sup> Amendment to the lease between the City and the Jacksonville Landing (JLI) in order to allow the Landing ownership to purchase the surface parking lot at the southwest corner of Hogan and Bay Streets (Hogan Lot) as a 50% partner in a new entity known as JLI/LAZ, LLC instead of making the purchase directly. JLI is still ultimately responsible for providing 300 daily parking spaces and 375 night and weekend spaces in the Hogan Lot and East Parcel (current Landing parking lot adjacent to the Hyatt hotel). JLI/LAZ may allow other daily, monthly or long-term parking in the Hogan Lot provided that sufficient parking is always available for Landing patrons and tenants as defined in a Restrictive Covenants and Parking Rights Agreement to be executed by the City, the JEDC, JLI, JLI/LAZ, LLC, and LAZ Parking Realty Investors, LLC.

The bill increases the City's grant to JLI as a contribution to the Hogan Lot purchase price from \$3,500,000 to \$3,574,000 in exchange for the Landing's agreement to pay the 2008, 2009 and 2010 property taxes on the East Parcel parking lot at the assessed value previously determined by the Property Appraiser. It extends the deadline for the closing of the Hogan Lot purchase transaction established in Ordinance 2010-925-E from February 22, 2011 to April 1, 2011. The bill appropriates \$74,000 from the Special Council Operating Contingency fund to the Downtown Economic Development Fund – Landing Parking account. The bill requests emergency action on the bill in order to extend the parking lot purchase deadline before February 22, 2011.

**Background Information:** The City has had an obligation to provide convenient parking (300 spaces during the day, 375 spaces at night) to the Jacksonville Landing since the facility was constructed by the Rouse Company in the late 1980s. The obligation has been assigned to several different third parties over the years (Humana Insurance, Cameron Kuhn/Riverwatch LLC) who proposed to construct parking lots or garages at the northeast corner of Hogan and Water Streets to serve the Landing as well as other developments, but none of the plans has come to fruition. The Property Appraiser's web site lists the 2009 fair market value for the Hogan Lot as \$4,552,706. Property taxes have not been paid on the East Parcel for several years as a result of litigation among the Sleiman brothers which caused the City to withhold the deed for the Landing until ownership of the property was clarified, which in turn prevented a tax bill from being sent to the proper owner for the taxes due.

**Policy Impact Area:** Jacksonville Landing parking obligation fulfillment

**Fiscal Impact:** The bill appropriates \$74,000 from the Special Council Operating Contingency fund to the Downtown Economic Development Fund – Landing Parking account.

**Analyst:** Clements