

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Ordinance 2012-371

Introducer/Sponsor(s): Council Member Jones

Date of Introduction: June 12, 2012

Committee(s) of Reference: LUZ

Date of Analysis: June 14, 2012

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 656 - Zoning Code – to clarify the criteria for granting administrative deviations in the Riverside/Avondale Zoning Overlay area. The bill clarifies that an applicant need not have obtained a certificate of appropriateness (COA) or demonstrated compliance with wetlands and tree protection regulations in order to apply for an administrative deviation if none of those requirements apply to the substance of the deviation being requested.

Background Information: The current wording of the Zoning Code requires an applicant for an administrative deviation located with the Riverside/Avondale Zoning Overlay area to either have a COA or to provide a plan to preserve and protect exceptional specimen trees, protected trees or protected wetlands before applying for the deviation, even if the deviation being requested does not require a COA or affect any trees or wetlands. This bill clarifies that the COA and tree and wetland prerequisites only apply if applicable to the substance of the deviation.

Policy Impact Area: Zoning Code procedure

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-372

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

Date of Introduction: June 12, 2012

Committee(s) of Reference: F; TEU

Date of Analysis: June 15, 2012

Type of Action: Appropriation; CIP Amendment

Bill Summary: This ordinance appropriates \$417,000 from the Banking Fund – Debt Proceeds Account to provide funding to replace the culvert, curbs and sidewalks along Herschel Street between Pinegrove Avenue and Van Wert Avenue and to relocate a 10” water line, as initiated by B.T. 12-074; provides for a carryover of funds to Fiscal Year 2012-2013; amends the 2012-2016 five-year Capital Improvement Program, approved by Ordinance 2011-406-E, to provide funding for a new project entitled “Herschel Street Culvert” and reduce funding for the project entitled “Intersection Improvements, Bridges, miscellaneous construction; “ provides for City oversight by the Department of Public Works. This project is located in Council District 14.

Background Information: The Herschel Street culvert running southeast located between Pinegrove Avenue and Van Wert Avenue is failing. The culvert is a corrugated steel plate pipe arch that is partially crushed, held up by a wooden pole at one end. Some of the metal has eroded away. The roadway shows distress with stress cracks and pothole patches. The roadway has settled along the curbs, creating standing pockets of water. The channel is blocked with debris and sediment. Proposed solution is to close the road, remove the failed culvert and replace it with a precast box culvert. The channel will be cleaned and stabilized. Sidewalks will be replaced on both sides of Herschel Avenue. Replacement balustrades will attempt to match the existing, and this work will be coordinated with the Riverside Avondale Preservation Committee and the Historic Preservation Commission. Coordination with JEA will be required to relocate the 10” water line running on the east side of Herschel. Design of this project will require five months, followed by three months for advertisement and contracting. Construction will require another four months for a total project time of one year.

Policy Impact: Public Works/Road Capital Projects

Fiscal Impact: This ordinance appropriates \$417,000

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-373

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

Date of Introduction: June 12, 2012

Committee(s) of Reference: F

Date of Analysis: June 15, 2012

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$6,590,827 by adjusting downward the General Fund and TID property tax revenue budgets, as well as required balancing entries, as initiated by B.T. 12-079.

Background Information: The budgetary offsets within the general fund are coming from savings in debt service payments realized due to the recent refinancing and lower than anticipated interest rates.

Policy Impact: Budget/Finance Department

Fiscal Impact: The ordinance appropriates \$6,590,827.00

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-374

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

Date of Introduction: June 12, 2011

Committee(s) of Reference: TEU

Date of Analysis: June 15, 2012

Type of Action: Right-of-Way Closure

Bill Summary: The ordinance closes and abandons and/or disclaims an unopened and unimproved portion of the right-of-way of Evergreen Drive in Atlantic Highlands, in Council District 3, established March 7, 1925, by Plat Book 9, Page 37, of the current public records of Duval County, Florida at the request of the Addressing Section of the City of Jacksonville Planning & Development Department (the "applicant"), in order to rename the western portion of Evergreen Drive that is accessed from San Pablo Road South and to resolve a dangerous addressing issue from that segment.

Background Information: This right-of-way is not used. There is no infrastructure in the right-of-way and there is no anticipation of future need. The request for closure has been sent to the various municipal agencies which might have an interest in this matter. Adjacent property owners have been notified of the closure application. There were no objections. The applicant, a City agency, is exempt from paying the \$1, 500.00 processing fee. The right-of-way is located in Council District 3.

Policy Impact: Public Works/Real Estates

Fiscal Impact: The applicant (the City) is exempt from paying the required road closure fee.

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-375

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

Date of Introduction: June 12, 2012

Committee(s) of Reference: TEU

Date of Analysis: June 15, 2012

Type of Action: Right-of-Way Closure

Bill Summary: The ordinance closes, abandons and/or disclaims a portion of an unopened and unimproved right-of-way sough of Derby Acres Lane in Germantown Annex in Council District 8, established via Plat Book 6, Page 71 of the current public records of Duval County, Florida, at the request of Melanie Carvell in order to allow her to clear title and expand her residential property.

Background Information: The right-of-way is no used. There is no infrastructure in the right-of-way and there is no anticipation of future need. This request has been sent to the various municipal agencies which might have an interest in this matter. There were no objections. The applicant has paid the \$1,500.00 application fee. There are no additional adjacent property owners.

Policy Impact: Public Works/Real Estate

Fiscal Impact: The applicant has paid a non-refundable application fee in the amount of \$1,500.00.

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-376

Introducer/Sponsor(s): Council President at the request of the Supervisor of Elections

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 14, 2012

Type of Action: Approval of relocation of polling place; request for emergency action

Bill Summary: The bill approves the relocation of the polling place for Precinct 1009 from the Knights of Columbus Hall at 3920 Old Middleburg Road North to Oak Hill Church of the Nazarene at 4151 Old Middleburg Road, effective immediately. The bill requests emergency action on the bill.

Background Information: The existing polling place is in the process of being sold and therefore the owners cannot commit to the availability of the site through the upcoming fall election process. Emergency action is requested so that voter registration cards, sample ballots, and other election-related materials can be printed with the new voting location for upcoming elections.

Policy Impact Area: Election procedures

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-377

Introducer/Sponsor(s): Council Member Daniels

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 14, 2012

Type of Action: Recognition of right to free exercise of religion

Bill Summary: The bill declares the City Council's recognition that the free exercise of religion is consistent with the Constitutions of the United States and the State of Florida and declares that no burden whatsoever shall be placed upon the religious beliefs of people of faith, including with regard to places of public accommodation, religious worship or the use of religious facilities, or in matters of employment or the rental of real property.

Background Information: The bill's preamble references the founding of the nation by religious persons and quotes from numerous Founding Fathers expressing their belief in a Creator and their understanding that religious beliefs and observances are a vital part of the American culture and governmental system. The preamble also makes reference to the need to protect churches and ministers from attack, entrapment, defamation or ridicule, and objects to churches being forced by the civil government to act against their sincere religious beliefs.

Policy Impact Area: Religious liberty

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2012-378

Sponsor: Council Member Carter:

Date of Introduction: June 12, 2012

Committee(s) of Reference: R; F; RCDPHS

Date of Analysis: June 15, 2012

Type of Action: Ordinance Amendment

Bill Summary: The ordinance amends Section 28.103 (Powers; Functions and Duties of Director), *Ordinance Code*, regarding the Director of the Department of Parks & Recreation.

Background Information: The amended functions and duties of the Director of Parks & Recreation stipulates that the Director, or designee, shall be responsible for the operation and maintenance of the parks, recreation centers and waterfront facilities including Metropolitan Park, the area formerly known as "Kids Kampus," Equestrian Center, Cecil Community Center and Taye' Brown Regional Park.

Policy Impact: Parks & Recreation Department

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-379

Sponsor: Council Member Crescimbeni:

Date of Introduction: June 12, 2012

Committee(s) of Reference: F

Date of Analysis: June 15, 2012

Type of Action: Ordinance Amendment

Bill Summary: The ordinance amends Section 106.201 (Final Annual Budget; Time of Submission), *Ordinance Code*, to clarify the budget submission deadline.

Background Information: The current Time of Submission stipulation mandates that the annual budget proposal of the Mayor for the general government has to be filed with Legislative Services no later than July 15. The amendment stipulates that in the event that July 15 falls on a weekend day or national holiday, then the filing shall occur the first business day thereafter.

Policy Impact: Ordinance Code

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-380

Introducer/Sponsor(s): Council Member Schellenberg

Date of Introduction: June 12, 2012

Committee(s) of Reference: R, F

Date of Analysis: June 14, 2012

Type of Action: Appropriation; exercise of option to utilize EverBank Stadium suite

Bill Summary: The bill appropriates \$19,456.80 from the Special Council Operating Contingency fund to purchase tickets to the City's EverBank Field suite for the 2012 Jacksonville Jaguars season. The bill authorizes exercise of the City's option to purchase 24 Jaguars season tickets for the City-controlled suite for the upcoming season.

Background Information: The City's lease with the Jacksonville Jaguars for the team's use of EverBank Field includes an option for the City to utilize one 24-seat suite on the stadium's west side. Use of the suite requires the purchase of tickets for those seats. From the team's inception until recently the City exercised that right and purchased the tickets each year. In 2010 and 2011 the City declined to purchase the tickets but retained the rights to the suite. Amendment #11 to the lease approved in 2011 provides that the City shall notify the Jaguars prior to each season if they intend to exercise their option to purchase the suite tickets. If the City declines its option, the Jaguars may market those suite tickets for sale to the general public.

Policy Impact Area: Exercise of stadium suite rights

Fiscal Impact: The bill appropriates \$19,456.80 from the Special Council Operating Contingency fund.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-381

Introducer/Sponsor(s): Council Member Carter

Date of Introduction: June 12, 2012

Committee(s) of Reference:

Date of Analysis: June 14, 2012

Type of Action: City Charter amendment; authorization for voter referendum

Bill Summary: The bill amends the City Charter to delay the resumption of the two-term limits for the City's constitutional officers – Sheriff, Supervisor of Elections, Property Appraiser, Tax Collector and Clerk of the Courts – to the elections held in 2012, upon voter approval via separate referenda. The bill authorizes and directs the Supervisor of Elections to conduct the referenda on the November 6, 2012 general election ballot.

Background Information: In 1992 the citizens of Jacksonville amended the Charter to apply 2-term limits to the constitutional officers. The term limit provision was challenged in court and 2002 the Florida Supreme Court invalidated the term limit on the clerk of the courts, and by extension on the other constitutional officers. Recently the Supreme Court reversed its previous ruling and upheld the constitutionality of term limits. That ruling raises the question of whether the currently-serving constitutional officers are bound immediately by the term limit and, if they have already served two terms, whether they are precluded from seeking further re-election. This bill would amend the City Charter to provide that the 2-term limit for Jacksonville's constitutional officers will begin with the election conducted in 2012; thus currently-serving officers could run for two terms in addition to whatever terms they may have already served.

Policy Impact Area: Term limitations on constitutional officers

Fiscal Impact: Depends on the length of the November 2012 ballot and whether the 5 additional referenda would cause the need for another ballot page and/or additional absentee ballot mailing costs.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-382

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

Date of Introduction: June 12, 2012

Committee(s) of Reference: R, F

Date of Analysis: June 14, 2012

Type of Action: Amendment of prior ordinance; appropriation; request for emergency action

Bill Summary: The bill amends prior Ordinance 2007-401-E (Duval Unified Courthouse Project) to appropriate \$30 million (\$28 million for construction, \$2 million contingency reserve) within the Better Jacksonville Plan's Unified Courthouse Project budget to the Courthouse – Old Federal Renovation project to encumber the funding for the renovation of the old federal courthouse into the State Attorney's office.

Background Information: The renovation of the old federal courthouse into the State Attorney's Office was begun under a design/build concept with Elkins Constructors contracted to do both the design and construction of the building for a guaranteed maximum price. Design work and some initial environmental remediation (lead paint and mold removal) began before the guaranteed maximum price contract was executed. After negotiations with Elkins over the price and terms of the contract were unsuccessful, the City decided to terminate the contract for convenience and to change to a separate design/low bid methodology rather than a design/build contract.

This bill was prompted by the desire of State Attorney Angela Corey to have assurance that the project will be fully funded and constructed as currently planned and that funds allocated to this project within the Unified Courthouse Project budget will not be shifted to address other needs. Chief Financial Officer Ronnie Belton told the Courthouse Oversight Committee that he believes that given the current favorable conditions in the construction market, the project can be completed for less than the \$30 million being encumbered.

Policy Impact Area: Better Jacksonville Plan State Attorney's Office construction

Fiscal Impact: The bill encumbers \$30 million within the existing Unified Courthouse Project budget.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-383

Introducer/Sponsor(s): Council Member Carter

Date of Introduction: June 12, 2012

Committee(s) of Reference: RCDPHS

Date of Analysis: June 14, 2012

Type of Action: Support for community contribution tax credit application

Bill Summary: The bill expresses the City's support for the application by Builders Care for designation of the eligibility of its housing rehabilitation program for participation in the state community contribution tax credit program.

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. Builders Care is a program of the NEFBA whose mission is to provide home improvements, particularly to aid senior, disabled, low-income citizens to function more safely in their own homes. 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: Affordable housing support; neighborhood revitalization

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 2012-384

Sponsor: Council President at the request of the Mayor

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 7, 2012

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Terrance L. Ashanta-Barker as the Director of Neighborhoods.

Background Information: Section 35.101, *Ordinance Code*, provides that the Director shall have a bachelor's degree or higher in an accredited college or university and at least five years of management experience in environmental regulation, affordable housing or community development, or in government.

Mr. Ashanta-Barker received a bachelor's degree in chemical engineering from Tuskegee University and a law degree from Florida State University. He has worked as an attorney, since 1996, with various firms, including *The Ashanta-Barker Law Group, LLC* in Cincinnati, OH. Prior to receiving a law degree, Mr. Ashanta-Barker worked as an environmental engineer.

Policy Impact Area: Neighborhoods Department operations

Fiscal Impact: According to Employee Services, the salary range for this position is \$101,751 - \$166,125 annually.

Analyst: Welsh

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Bill Type and Number: Resolution 2012-385

Sponsor: Council President at the request of the Mayor

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 7, 2012

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Edgar L. Mathis, Sr. to the Public Service Grant Council, replacing John Donahoo III, as the Chairperson, for a term ending December 31, 2012.

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 include a Chairperson appointed by the Mayor and confirmed by City Council.

Mr. Mathis is a Deputy Regional Director with the *State of Florida – Department of Juvenile Justice*. He is a current member of the Public Service Grant Council, with a term end date of December 31, 2013. This bill appoints him as the Chairperson for a term ending December 31, 2012. Mr. Mathis resides in Duval County.

NOTE: This bill may need to be amended to change the term end date to December 31, 2013, so as to align with the end date of Mr. Mathis' current term on the Public Service Grant Council.

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 2012-386

Sponsor: Council President Joost

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 7, 2012

Type of Action: Appointment

Bill Summary: This bill appoints Deidra L. Dix-Wynn to the Building Codes Adjustment Board (BCAB), replacing Joseph Frisco, for a term ending September 30, 2013.

Background Information: The BCAB is established pursuant to Chapter 56, *Ordinance Code*, and charged to study building codes and recommend to Council needed amendments thereto as may be found necessary or desirable; hear and decide building code enforcement appeals; and authorize building code variances where authorized by law. Section 56.101, *Ordinance Code*, provides that the nine members of the board are appointed by the Council.

Ms. Dix-Wynn received a bachelor's degree in civil engineering from Florida State University and is a Florida Certified General Contractor. She is a Principal Consultant with *DDD Market Developments, LLC* and resides in the Biscayne area within Council District #7.

Policy Impact Area: Building Codes Adjustment Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2012-387

Sponsor: Council President Joost

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 7, 2012

Type of Action: Appointment

Bill Summary: This bill appoints Ryan H. Jones as a member of the Jacksonville Retirement System Board of Trustees, replacing Henry Cook as a citizen representative, for a 3-year term.

Background Information: The Jacksonville Retirement System Board of Trustees is established pursuant to Chapter 120, *Ordinance Code*, and charged with the responsibility for administering the Jacksonville General Employees Pension Fund and the authority and duty, to hire actuaries, investment managers, performance evaluators and such other professional, technical or other advisors as it deems necessary. Section 120.102, *Ordinance Code*, provides that two of the members of the board shall be citizens appointed by the Council.

Mr. Jones received a bachelor's degree from the University of Florida and is the Vice President – Investments / Portfolio Manager for *Wells Fargo Advisors, LLC*. He also currently serves on the TRUE Commission. Mr. Jones resides in the Venetia area within Council District #14.

Policy Impact Area: Jacksonville Retirement System Board of Trustees operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2012-388

Sponsor: Council President Joost and Council President-Designate Bishop

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 7, 2012

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the appointment of Council Member John Crescimbeni as Chair of the St. Johns River Ferry Commission for a term ending June 30, 2012, followed by a term concurrent with the term of the 2012-2013 Council President.

Background Information: The St. Johns River Ferry Commission is established pursuant to Chapter 93, *Ordinance Code*, and charged with the operational control of all operations, maintenance and capital improvements for the Mayport Ferry. Section 93.103, *Ordinance Code*, provides that the Council President shall annually appoint a City Council Member to serve as Chair.

Policy Impact Area: St. Johns River Ferry Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2012-389

Sponsor: Council President Joost

Date of Introduction: June 12, 2012

Committee(s) of Reference: R

Date of Analysis: June 7, 2012

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the reappointment of Patti H. Anania, to the Taxation, Revenue and Utilization of Expenditures (TRUE) Commission, for a first full three-year term ending June 30, 2015.

Background Information: The TRUE Commission is established pursuant to Chapter 57, *Ordinance Code*, and charged to act as an advisory body to the city concerning fiscal policy and may review any aspect of fiscal policy, including: the city's long-range financial soundness, planning budgeting, and management; the city's budgetary process, including taxation, revenue generation, expenditures, use of permit fees and user fees, bonding capacity, franchise fees, state and federal mandates, privatization, "zero based" financing and other similar topics; the appropriateness of each revenue source the city receives to make up its annual general revenue budget; potential new revenue sources, such as impact fees, and the use of any such funds; the pre- and post-retirement benefit structure for city employees and the potential impact on the financial status of the city; recommendations that will help make Jacksonville the most fairly-taxed and financially-sound city in the nation; recommendations to keep the public better informed about important issues of city financing and budgeting which affect their lives; and other areas as the Commission may determine are appropriate and within their scope.

Section 57.102, *Ordinance Code*, provides that the members of the TRUE Commission shall be residents of the City and six of the members shall be appointed by the President of the Council and confirmed by the Council.

Ms. Anania attended the University of Phoenix and is a co-owner of CAM Automotive, Inc., a local automotive repair business. She resides in the Arlingtonwood area within Council District #1.

Attendance: According to records provided by the staff for the TRUE Commission, Ms. Anania has attended 86% of the meetings of the commission since her initial appointment in 2011.

	Meetings Attended	Meetings Held
2011	2	2
2012	4	5
Total	6	7

Policy Impact Area: TRUE Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2012-390

Sponsor: Council Member Redman:

Date of Introduction: June 12, 2012

Committee(s) of Reference: TEU

Date of Analysis: June 15, 2012

Type of Action: Rail Service Request

Bill Summary: The resolution requests the restoration of the *Sunset Limited* Amtrak passenger service; it directs the Chief of Legislative Services to send a copy of the resolution to the President and Chief Executive Officer of the National Railroad Passenger Corporation and the Vice President of Government Affairs and Corporate Communications.

Background Information: The *Sunset Limited* is a passenger train that has run between Los Angeles and New Orleans. From early 1993 through late August 2005, the train also ran east on New Orleans to Jacksonville, Florida. Owing to the damages and lingering effects of Hurricane Katrina, the Florida-to-New Orleans suspended the Jacksonville leg. The Passenger Rail Investment and Improvement Act of 2008 required Amtrak to submit a plan to restore passenger rail service between New Orleans and Jacksonville /Sanford. The train tracks have all been repaired and freight train traffic has resumed. Restoration of Amtrak train service of the *Sunset Limited* is important for Jacksonville's economic development.

Policy Impact: Passenger Rail Service

Fiscal Impact: Minimum

Analyst: Jackson