

## CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

**JEFFREY R. CLEMENTS**  
Chief of Research  
(904) 630-1377



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**Bill Type and Number:** Ordinance 2008-519

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

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 27, 2008

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$627,215.94 in revenues collected, and interest earned thereon, on behalf of the Duval County School Board (DCSB) as part of the Education Mitigation – Educational Assessment Fee for Bartram Park Development of Regional Impact (DRI), originally deposited into the Concurrency Management System operating account and subsequently transferred to Fund Balance at the end of the Fiscal Year, so as to provide funding to the DCSB to be used on capital expenditures for schools serving Bartram Park residents, pursuant to Ordinance 2000-451-E, as initiated by B.T. 08-138. The bill stipulates that the funds shall carryover to Fiscal Year 2008-2009.

**Background:** Bartram Park is a multi-use development located at I-95 between Old St. Augustine Road and Racetrack Road, in Council District 6. The development's 2,644 acres straddle Duval and St. Johns Counties with 2,516 acres in Duval and the remaining 128 acres in St. Johns. The DRI legislation (Ordinance 2000-451-E) stipulated that the education assessment fees (mitigation) for the multifamily units shall be satisfied by payment of \$200.00 per unit for each unit. Residential units in the development consists of townhomes and apartments. These funds were to be deposited into a Bartram Park Education Contribution Fund established and maintained by the DCSB. The funds are to used for capital expenditures for schools serving Bartram Park residents.

**Policy Impact:** Planning & Development Department/Development Services Division/Concurrency Management System

**Fiscal Impact:** This bill appropriates \$627,215.94

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2008-520

**Sponsor:** Council President at the Request of the Sheriff

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$70,800 from the Child Support Enforcement Division of the Florida Dept. of Revenue for services provided by the Warrants Unit of the Jacksonville Sheriff's Office.

**Background Information:** The stated purpose of the appropriation is to provide funding for said Warrants Unit to serve writs of attachment in child support cases for the remainder of fiscal year 2008.

**Policy Impact Area:** Office of the Sheriff

**Fiscal Impact:** \$70,800 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2008-521

**Sponsor:** Council President at the Request of the Sheriff

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$54,000 from the Child Support Enforcement Division of the Florida Dept. of Revenue to provide funding for utilization by the Jacksonville Sheriff's Office.

**Background Information:** The stated purpose of the appropriation is to allow the Jacksonville Sheriff's Office to hire private process servers to serve papers in child support cases for the remainder of fiscal year 2008.

**Policy Impact Area:** Office of the Sheriff

**Fiscal Impact:** \$54,000

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2008-522

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

**Date of Introduction:** June 23, 2008

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

**Date of Analysis:** June 27, 2008

**Type of Action:** Appropriation

**Bill Summary:** This ordinance cancels the previously appropriation of \$212,794 from the Home Investment Partnership Program ("HOME") to the Housing Partnership of Northeast Florida, Inc. ("Housing Partnership"), reappropriating these same HOME funds to the Headstart to Home Ownership Program, and appropriating to the Housing Partnership \$212,794 in State Housing Initiative Partnership ("SHIP") funds for the Down payment Assistance Program, all as initiated by B.T. 08-144. The bill stipulates that the funds carryover to Fiscal Year 2008-2009. The Mayor or his designee is authorized to execute and deliver documents to effectuate and implement the purpose of this ordinance.

**Background:** The Housing Partnership of Northeast Florida, Inc. clients' income levels are more compliant to state, rather than federal housing assistance programs. This ordinance cancels the previously appropriated \$212,794 from the HOME program to the Housing Partnership of Northeast Florida and \$212,794, originally appropriated to the HOME Program, is reappropriated in the same amount to the Headstart to the Home Ownership Program. The bill appropriates \$212,794 in SHIP program income from Investment Pool Earnings to the Housing Partnership program for the down payment assistance program.

**Policy Impact:** Affordable Housing/Housing & Neighborhood Department/Housing Services Division/HOME & SHIP Programs

**Fiscal Impact:** This ordinance appropriates \$212,794

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2008-524

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

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

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

**Bill Summary:** This bill closes and abandons an unnamed, unopened, and unimproved right-of-way created by Plat of Jacksonville and located off 103<sup>rd</sup> Street. A \$1,500 closure application fee has been paid. The request was routed to government agencies, and any objections have been resolved.

**Background Information:** Information from the Real Estate Division states that the applicant is Links at Bent Creek, and closure has been requested to prevent future road access from 103<sup>rd</sup> Street to Bent Creek Golf Course and to allow for future development.

**Policy Impact Area:** Real Estate - Closures

**Fiscal Impact:** Undetermined; a \$1,500 closure application fee has been paid

**Analyst:** Campbell

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**Bill Type and Number:** Resolution 2008-525

**Sponsor:** Council President Davis

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 17, 2008

**Type of Action:** Appointment

**Bill Summary:** This bill appoints Council Member Daniel Davis to the Tourist Development Council (TDC), replacing Council Member Mia Jones for a four-year term ending June 30, 2012.

**Background Information:** Section 70.102, *Ordinance Code*, provides that in addition to the Council President, two of the members of the TDC shall be elected officials. Council Member Davis served as Chair of the TDC for the 07/08 year during his term as Council President.

**Policy Impact Area:** Tourist Development Council Operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2008-526

**Sponsor:** Council President Davis

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 17, 2008

**Type of Action:** Appointment

**Bill Summary:** This bill appoints Brad King to the Housing Commission, replacing Ronald Jackson, for an unexpired term ending November 30, 2009.

**Background Information:** Section 55.203, *Ordinance Code*, provides that five of the members of the Housing Commission shall be appointed by the Council. Mr. King received a bachelor's degree in business administration from the University of Akron and is a V.P. of Mortgage Lending with *Wachovia Mortgage Corporation*. He resides in the Sans Pareil area within Council District #3.

**Policy Impact Area:** Housing Commission operations

**Fiscal Impact:** Anticipated to be minimal.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2008-528

**Sponsor:** Council Member Redman

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 17, 2008

**Type of Action:** Appointment

**Bill Summary:** This bill appoints Gordon H. Touchton to the Jacksonville-Duval County Council on Elder Affairs, replacing Jeanne Holler as the representative for Council District 4, for a two-year term ending June 30, 2010.

**Background Information:** Section 82.101, *Ordinance Code*, provides that fourteen of the members of the Council on Elder Affairs shall be appointed by the City Council, with one nominee from each of the District Council Members. Mr. Touchton is retired from the insurance industry. He has previously served on the Building Codes Adjustment Board and the Jacksonville Ethics Commission.

**Policy Impact Area:** Jacksonville-Duval County Council on Elder Affairs operations

**Fiscal Impact:** Anticipated to be minimal.

**Analyst:** Welsh



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**Bill Type and Number:** Ordinance 2008-529

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

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 27, 2008

**Type of Action:** License Agreement Approval

**Bill Summary:** This ordinance approves and authorizes the Mayor and Corporation Secretary to execute a License Agreement between the City of Jacksonville and the United Congregations for Communities and Youth Faith-Based Development Corporation ("Licensee") for use of the Westside Community Center, located at 1061 Line Street, for the purpose of the Licensee's providing a women's empowerment and self-sufficiency program, family mentorship and referrals, drug, alcohol and pregnancy prevention programs, and a virtues program. The License Agreement is for a term of three (3) years at \$1.00 per year with the option to extend the term of the License Agreement for two (2) additional three (3) year periods under the same terms and conditions upon mutual agreement of the parties. City oversight shall be provided by the Department of Recreation and Community Services.

**Background:** The Westside Community Center is located in Council District 9. Programs provided will be available to neighborhood residents for a wide variety of age groups targeted to enhance the quality of life for the participants.

**Policy Impact:** Faith-Based Outreach and Neighborhood Social Services

**Fiscal Impact:** This ordinance approves a Lease Agreement that entails an annual fee of \$1.00

**Analyst:** Jackson

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**Bill Type and Number:** Resolution 2008-530

**Sponsor:** Council Member Shad

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 19, 2008

**Type of Action:** Appointment

**Bill Summary:** This bill appoints Rudolph M. Albert to the Jacksonville-Duval County Council on Elder Affairs, replacing Gordon Robbie as the representative for Council District 5, for a two-year term ending June 30, 2010.

**Background Information:** Section 82.101, *Ordinance Code*, provides that fourteen of the members of the Council on Elder Affairs shall be appointed by the City Council, with one nominee from each of the District Council Members. Mr. Albert received a Ph.D. in chemistry from the University of Florida and is retired from Vistakon. He previously served on the board of the Council on Elder Affairs and as the Interim Executive Director of the Council on Elder Affairs from November 2003 to May 2004. Mr. Albert resides in the Miramer area within Council District #5.

**Policy Impact Area:** Jacksonville-Duval County Council on Elder Affairs operations

**Fiscal Impact:** Anticipated to be minimal.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2008-531

**Sponsor:** Council President Davis

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Petition to U.S. Congress

**Bill Summary:** The bill urges the Congress to remove domestic oil and gas drilling restrictions and to encourage exploration for new domestic sources of oil and gas in an environmentally sensitive manner. The bill also encourages other Florida cities and counties to adopt similar resolutions and petition the Congress to take action to increase domestic energy production.

**Background Information:** The sharp spike in the price of crude oil worldwide has led to renewed calls for increased domestic oil and gas production. President Bush last week asked Congress to remove the current restrictions on drilling in Alaska and on the Continental Shelf off the Pacific and Gulf coasts of the coast of the U.S. mainland.

**Policy Impact Area:** U.S. domestic energy production

**Fiscal Impact:** Undetermined

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2008-532

**Sponsor:** TEU Committee

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Approval of fair share agreement

**Bill Summary:** The bill approves a fair share agreement between the City and Mike Reed for a warehouse project known as Old Kings Road Industrial. The fair share assessment is \$354,775 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 35 p.m. peak hour trips being generated on links in fair share fund sector 5.2 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Old Kings Road – Edgewood Avenue to Plummer Road	35

**Background Information:** The project consists of up to 100,000 sq. feet of warehouse space on 8.24 acres at the corner of Pickettville Road and Old Kings Road in Council District 10.

**Policy Impact Area:** Economic development; concurrency management

**Fiscal Impact:** The fair share assessment is \$354,775 to the Sector 5.2 account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2008-533

**Sponsor:** TEU Committee

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Approval of fair share agreement

**Bill Summary:** The bill approves a fair share agreement between the City and Johnny L. Dudley, LLC for a residential project known as Philips/9A Multifamily. The fair share assessment is \$535,484 with a 6-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 179 p.m. peak hour trips being generated on links in fair share fund sector 3.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Philips Highway – SR 9A to Southside Boulevard	138
Southside Boulevard – Philips Highway to I-95	41

**Background Information:** The project consists of up to 480 apartments on 30 acres on Pine Street in the northeast corner of the interchange of SR 9A and I-95 Council District 5.

**Policy Impact Area:** Economic development; concurrency management

**Fiscal Impact:** The fair share assessment is \$535,484 to the Sector 3.1 account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2008-534

**Sponsor:** TEU Committee

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Approval of fair share agreement

**Bill Summary:** The bill approves a fair share agreement between the City and Bent Creek, LLLP for a residential project known as Tara Cove. The fair share assessment is \$237,649 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 31 p.m. peak hour trips being generated on links in fair share fund sector 4.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
103 <sup>rd</sup> Street – Normandy Boulevard to Old Middleburg Road South	16
103 <sup>rd</sup> Street – Old Middleburg Road South to I-295	15

**Background Information:** The project consists of up to 44 apartment units on approximately 14.5 acres on 103<sup>rd</sup> Street between Connie Jean Road and Piper Glen Boulevard in Council District 12.

**Policy Impact Area:** Economic development; concurrency management

**Fiscal Impact:** The fair share assessment is \$237,649 to the Sector 4.1 account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2008-535

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

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 27, 2008

**Type of Action:** Agreement Authorization

**Bill Summary:** This ordinance authorizes the Mayor and Corporation Secretary to execute an agreement with Shands Jacksonville Medical Center, Inc. and a Letter of Agreement with the State of Florida through its agency for Health Care Administration, both concerning payment and distribution of the City's \$23,775,594 indigent health care contract obligation for Fiscal Year 2008-2009, and to take any further action to implement the purpose of this ordinance.

**Background:** The purpose of this ordinance is to provide for the distribution of the City's contribution to indigent care funding between Shands and the State of Florida, as part of the State's Medicaid Hospital Program. Florida Statutes (409.991, 409.9113.9114) authorize the distribution of State funds appropriated from their Public Medical Assistance Trust Fund to go to hospitals that provide a disproportionate share of Medicaid or charity care services. This program enables the City funds to draw down additional funds for the provision of indigent medical care.

**Policy Impact:** Indigent Medical Care/Shands

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2008-537

**Sponsor:** Council President at the Request of the General Counsel

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Approval of Special Counsel/Appropriation/Waiver

**Bill Summary:** This bill authorizes the General Counsel to enter into an agreement with the law firm of Greenberg Traurig to represent the City in the St. Johns River Water Management District/Seminole County Environmental Services/Yankee Lake withdrawal. The maximum expenditure for fees, experts, and out-of-pocket expenses for all services shall be \$400,000 without further Council authorization. Deposition costs and subpoena costs are to be separately approved by the Office of General Counsel and paid for from its Ancillary Legal Account. An appropriation of \$400,000 is made from the Environmental Protection Fund to a Professional Services account to fund the retaining of special counsel. Provision is made for appropriated funds to carryover into fiscal year 2008-2009 and subsequent fiscal years until the funds have been expended or the litigation is concluded. The provisions of Section 111.755, Ordinance Code, are waived to the extent of authorizing the appropriation of these funds without Environmental Protection Board action and to authorize the expenditure of the appropriated funds for the stated purposes.

**Background Information:** Resolution 2008-181-A authorized the Office of General Counsel to take necessary action, including retention of special counsel, to allow the City to protect its rights and reduce substantial injury that may be caused by the St. Johns River Water Management District granting the Yankee Lake withdrawal application. The Office of General Counsel has recommended retention of the law firm of Greenberg Traurig to represent the City's interests for the following fees: \$320 per hour for partners; \$215 per hour for associates; \$150 per hour for paralegals; and reimbursement of reasonable and necessary out-of-pocket expenses. The City's claims against Seminole County and the St. Johns River Water Management District are being funded out of the Environmental Trust Fund.

**Policy Impact Area:** Environmental Protection; Special Counsel

**Fiscal Impact:** Undetermined; \$400,000 is appropriated by this ordinance

**Analyst:** Campbell



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**Bill Type and Number:** Ordinance 2008-538

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

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 27, 2008

**Type of Action:** Agreement Approval; Ordinance Code Waiver

**Bill Summary:** This ordinance approves and authorizes the Mayor and Corporation Secretary to execute an amended and restated Landfill Operation and Construction Agreement between the City of Jacksonville and Trail Ridge Landfill, Inc (“Contractor”), a subsidiary of Waste Management, Inc. of Florida. The ordinance waives the provisions of Part 2 (Supplies, Contractual Services and Capital Improvements) and Part 3 (Professional Services Contracts) of Chapter 126, (Procurement Code), *Ordinance Code*, so as to allow execution of the Agreement without the necessity of following certain of the competitive bidding and/or proposal procedures of the Procurement Code due to (1) the Council’s approval of the Agreement in this ordinance (2) contractor’s knowledge and experience in the operation and construction of the existing landfill facility and (3) the requirement for the contractor or City to competitively bid the construction of the new landfill facility at such time as the appropriate landfill permits are obtained and the permit requirements and specifications are known.

**Background:** The City owns the Trail Ridge Landfill, located at 5110 U.S. Highway 301 South in Baldwin (Council District 11). The property consists of approximately 978 acres. The existing landfill facility was constructed in 1991 and is located on 144 acres at the southern portion of the Trailridge site. The City has a long term continuing need for the Trail Ridge Landfill facility beyond the operational life of the existing landfill facility. The normal process with the State for a new facility takes several or more years and the City desires to begin the permitting process for the design, construction and operation of a new landfill facility as soon as possible. The purpose of this ordinance is to modify and extend the contract with Trail Ridge Landfill, Inc. for the construction and operation of the new landfill facility beyond the remaining operational life of the existing facility.

**Policy Impact:** Public Works Department/Solid Waste Division/Trailridge

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2008-539

**Sponsor:** Council Member Webb:

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 27, 2008

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$1,143,843 from the Special Lapse Contingency account, which is designated for the 2% operating lapse to the Finance Department, Environmental and Compliance Department, Medical Examiner, Central Operations, Recreational and Community Services Department, Supervisor of Elections, Public Works Department and the Human Rights Commission so as to restore funding that was placed in the Contingency Account in the City's 2007-2008 Fiscal Year Budget, as set forth in Ordinance 2007-813-E.

**Background:** When the Council enacted the budget, a portion of a number of departments' budgets had been placed in a special lapse contingency account. The funds had been designated for a special 2% operating lapse. At the same time, the Council approved an ad hoc committee appointed by the Council President whose mandate was to review each department's special 2% lapse and to make recommendations. This appropriation is a result of the ad hoc committee's recommendations. The Public Works amount of \$9,500 is to be used for sidewalk restoration.

**Policy Impact:** The City's 2007-2008 Fiscal Year Budget

**Fiscal Impact:** This ordinance appropriates \$1,143,843

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2008-540

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

**Date of Introduction:** June 24, 2008

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

**Date of Analysis:** June 26, 2008

**Type of Action:** Approval of Schedule of Rates and Fees

**Bill Summary:** This bill approves a new schedule of rates and fees for Huguenot Memorial Park. A table containing the existing and proposed rate schedule is attached to the bill as Exhibit 1.

**Background Information:** The new schedule is submitted in accordance with Section 28.404 (Division Chief to submit schedule of fees to Council), Ordinance Code, and Ordinance 2005-807-E. Said ordinance provided for the currently-termed Dept. of Recreation and Community Services to present a new rate schedule for Huguenot Park to the Council for consideration no earlier than when the construction of restroom facilities went out for bid. Construction of new concession and restroom facilities was completed in the spring of 2007. Information from the Dept. of Recreation and Community Services states that park rates and fees have not been adjusted since 1991. The new schedule is intended to provide additional operational revenue to maintain safe and effective operation of the park.

**Policy Impact Area:** Recreation and Parks

**Fiscal Impact:** To be determined

**Analyst:** Campbell