

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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117 West Duval Street
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Bill Type and Number: Ordinance 2012-168

Introducer/Sponsor(s): Council Member Yarborough

Date of Introduction: March 13, 2012

Committee(s) of Reference: LUZ

Date of Analysis: March 15, 2012

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 656 – Zoning Code – in Part 15 – Communication Tower and Antenna Regulations – to provide that one flag shall be allowed to be flown from each flag pole-designed camouflaged tower.

Background Information: While the Zoning Code does not specifically permit or prohibit flags from being flown on flag pole-designed camouflaged telecommunications towers, permission to construct such towers has occasionally been conditioned the Planning Department or Planning Commission to prohibit the flying of a flag. This amendment would clearly permit the flying of a single flag on such specifically designed towers.

Policy Impact Area: Zoning Code

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2012-171

Sponsor: The Council President at the request of the Jacksonville Economic Development Commission:

Date of Introduction: March 13, 2012

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

Date of Analysis: March 16, 2012

Type of Action: Economic Development Agreement Approval; QTI Recommendation; Ordinance Code Waiver

Bill Summary: The ordinance approves and authorizes the execution of an Economic Development Agreement between the City of Jacksonville, the Jacksonville Economic Development Commission and Caterpillar Work Tools, Inc. ("company"), to support the expansion of the company's operations in Jacksonville; recommends that the company be approved by the State of Florida's Department of Economic Opportunity as a Qualified Target Industry ("QTI") business; evidences a commitment of City support in an amount not to exceed \$23,400 as the local financial support under the QTI Tax Refund Program payable over multiple years per guidelines set by the State Department of Economic Opportunity, with a State match of \$93,600, for a total City and State QTI amount of \$117,000 for 39 jobs; approves execution of documents by the Mayor, Corporation Secretary & JEDC Executive Director; authorizes technical amendments by the JEDC Executive Director; provides for City oversight by JEDC; waives that portion of the public investment policy adopted by Resolution 2006-119-A which would require that in order for a project to receive a QTI grant, the project provide an average wage of at least 115% of the state or county average wage.

Background Information: Caterpillar Work Tools (CWT), a subsidiary of Caterpillar, Inc. (Peoria, Ill), manufactures products generally used in construction and mining operations. CWT is proposing to expand operations to respond to increasing order volume. CWT, through the expansion of its Highway Avenue manufacturing facility, proposes to create 39 new, full-time jobs no later than December 31, 2013. The average wage of the new jobs is approximately \$39,859, plus benefits valued at \$13,950. The average wage for the proposed new jobs is 100 percent of the 2011 Florida average wage. The semi-skilled and skilled manufacturing jobs to be created at the plant, located in Council District 9, will be new job opportunities for residents within this area of West Jacksonville where the unemployment rate is 20.6%. CWT estimates that this project will result in new private capital investment of \$3,895,000 (in building renovations and purchases of manufacturing machinery and equipment). The City's portion of the QTI is 20% of the basic award, up to \$23,400; the State's portion is 80% of the award, up to \$93,600.

Policy Impact: Economic Development/Jacksonville Economic Development Commission

Fiscal Impact: The Economic Development Agreement in this legislation commits the City to \$23,400, the City's portion of a State of Florida QTI award in the amount of \$117,000.

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-172

Sponsor: The Council President at the request of the Jacksonville Economic Development Commission:

Date of Introduction: March 13, 2012

Committee(s) of Reference: F; RCDPHS

Date of Analysis: March 16, 2012

Type of Action: Authorization for Lease Agreement

Bill Summary: The ordinance authorizes the Mayor to execute a Lease Agreement between the City of Jacksonville and Sunrise Aviation, Inc., a Florida corporation, for leased premises (Building #374) at Cecil Commerce Center. The legislation designates JEDC as monitor of the lease.

Background Information: Sunrise Aviation, Inc. is a flight school company that recently partnered with Florida State College at Jacksonville to help provide flight training for students enrolled in the college's Aviation Center of Excellence at Cecil. The demand for services has exceeded the program's expectations and additional classroom space is now needed to meet the growing student enrollment. Sunrise wishes to lease Building 374, a 1,800 square foot office building that is located in close proximity to their existing classroom space at the FSCJ Aviation Center of Excellence. Price per sq ft: \$8.00. Monthly base rent: \$1,200.00; Term: 12 months. Renewal option: 2 additional 12-month terms..

Policy Impact: Jacksonville Economic Development Commission/Cecil Commerce Center

Fiscal Impact: The ordinance authorizes a lease agreement that entails \$1,200.00 per month for a 1,800 sq ft facility at Cecil Commerce Center.

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-173

Sponsor: Council Member Carter:

Date of Introduction: March 13, 2012

Committee(s) of Reference: F; TEU

Date of Analysis: March 16, 2012

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$27,860 from the Tree Protection and Related Expenses Trust Fund for tree planting, installation and maintenance on Crystal Springs Road, Jacksonville, Florida 32210, in Council District 12; authorizes a procurement directive utilizing the continuing contract of Davey Tree Service; provides for City oversight by the Public Works Department.

Background Information: The appropriation provides for an amount not to exceed \$27,860.00 for the trees, planting, and maintenance of 70 3 inch live oaks in the 6 medians along Crystal Spring Road from Chaffee Road South to Cahoon Road.

Policy Impact: Beautification

Fiscal Impact: The ordinance appropriates \$27,860

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-174

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: TEU

Date of Analysis: March 16, 2012

Type of Action: Easements Closure

Bill Summary: This ordinance closes, abandons and/or disclaims three all utility easements in Carver International Subdivision and Carver Manor Subdivision in Council District 10, established via Plat Book 37, Page 93A, Plat Book 34, Page 30A, and Plat Book 34, Page 72A, of the current public records of Duval County, Florida, at the request of Carver International Homeowners Association (the "applicant") in order to address title related concerns of lending institutions connected with the selling or refinancing of properties in the subdivisions.

Background Information: There is no infrastructure in the easements, the easements are not used, and there is no anticipation of future need for the easements. This request was routed to all government agencies and parties which might have an interest in this matter and any objections have been resolved.

Policy Impact: Public Works/Real Estate

Fiscal Impact: The applicant has paid a \$2,000 closure application fee.

Analyst: Jackson

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Bill Type and Number: Ordinance 2012-175

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: TEU

Date of Analysis: March 16, 2012

Type of Action: Right-of-Way Closure

Bill Summary: This ordinance closes, abandons and/or disclaims a portion of an unopened and unimproved right-of-way in Jacksonville Heights in Council District 14, established via Blat Book 5, Page 93 of the current public records of Duval County, Florida, at the request of AFI Associates, Inc. in order to facilitate future development.

Background Information: The right-of-way is not used, there is no infrastructure in the right-of-way, there is no anticipation of future use, and there are no adjacent property owners. The request was routed to all government agencies having an interest and there were no objections.

Policy Impact: Public Works/Real Estate

Fiscal Impact: The applicant has paid a \$1,500 closure application fee.

Analyst: Jackson

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Bill Type and Number: Resolution 2012-176

Sponsor: Council member Love:

Date of Introduction: March 13, 2012

Committee(s) of Reference: RCDPHS; JWW

Date of Analysis: March 16, 2012

Type of Action:

Bill Summary: This resolution supports water management structure and functions as delineated in Chapter 373, Florida Statutes, as the statutes existed prior to 2011 and adequate funding for water management districts; the resolution opposes centralization, command and control of regional and local water resources within the Executive and/or Legislative branches of government, or by a statewide board or authority and any effort to move water from public ownership to ownership or total control by private interests; directing the Chief of Legislative Services to forward the resolution to certain public officials.

Background Information: In the recently adjourned State Legislative session, there had been bill introduced and deliberated that would have made the Legislature responsible for approving the budgets of Water Management Districts which some observers felt was giving the Legislature control of the Water Management Districts. None of the bills passed as introduced but will, in all likelihood, be a part of future legislative agendas. HB 639 sponsored by Representative Young was dubbed the "privatization bill." It would have eliminated the authority of the water management districts to regulate reclaimed water; it would allow utilities to own reclaimed water. The bill sought to eliminate reclaimed water from the statutory definition of "waters in the state" under Chapter 373. SB 1834 sponsored by Senator Hays sought to extend legislative authority over water management districts. The bill would shift ultimate responsibility for budget approval to the Legislature, away from the water management districts, a centralized approach based in Tallahassee.

Policy Impact: The Environment/Water Management Districts

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Resolution 2012-177

Sponsor: Council President at the request of the Mayor

Date of Introduction: March 13, 2012

Committee(s) of Reference: R

Date of Analysis: March 8, 2012

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Brandon Nakoia Choy as a member of the Art in Public Places Committee, replacing Allison K. Shelton as a Cultural Council representative, for an unexpired term ending December 31, 2012.

Background Information: The Art in Public Places Committee is established pursuant to Chapter 126, *Ordinance Code*, and charged to choose art which is compatible with and which will enhance the architecture and general environment of the City; receive, review and act on the recommendations of the Art Selection Panels; seek to ensure that at least 15% of the artists selected for purchase or commission will be resident(s) in the Greater Jacksonville area (Duval, St. Johns, Nassau, Clay and Baker Counties); and also encourage the selection of regional artists e.g. Florida and the Southeastern United States. Section 126.903, *Ordinance Code*, provides that the 11 members of the committee are appointed by the Mayor and confirmed by the Council, with three of the members representing the Cultural Council Board.

Mr. Choy received a bachelor's degree in political science and economics from Washington University and is a Director-Commercial Business Unit Support with *ADT Security Services, Inc.* He also serves on the Cultural Service Grant Committee. Mr. Choy resides in Jacksonville Beach within Council District #13.

Policy Impact Area: Art in Public Places Committee operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2012-178

Sponsor: Council President at the request of the Mayor

Date of Introduction: March 13, 2012

Committee(s) of Reference: R

Date of Analysis: March 8, 2012

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Clifford Denmon Snell as a member of the Construction Trades Qualifying Board, replacing John W. Bentley as a heating, air conditioning, refrigeration (HAR) contractor, for a first term ending September 30, 2014.

Background Information: The Construction Trades Qualifying Board is established pursuant to Chapter 62, *Ordinance Code*, and charged to administer Chapter 342; ensure that an applicant for any certificate meets the qualifications provided by law; provide for the preparation, administration and grading of examinations; decide questions of definition and interpretation of the scope of work of the various construction trades covered; make recommendations to the Council for amendment to ordinances it is required to administer; and provide a continuous study of the different trades and crafts regulated and recommend the regulation of additional trades or crafts as may be determined to protect the public health, safety and welfare. Section 62.101, *Ordinance Code*, provides that the 18 members are appointed by the Mayor and confirmed by the Council, and that one of the members shall be an HAR contractor.

Mr. Snell received a bachelor's degree in business management from the University of Phoenix and is a state certified mechanical contractor and registered alarm system contractor. He owns *Ideal Conditions Heating & Air Conditioning, Inc.*, and resides in the Arlington Manor area within Council District #1.

Policy Impact Area: Construction Trades Qualifying Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2012-179

Sponsor: Council President Joost

Date of Introduction: March 13, 2012

Committee(s) of Reference: R

Date of Analysis: March 8, 2012

Type of Action: Appointment

Bill Summary: This bill appoints Richard A. Tipping, Jr., to the Building Codes Adjustment Board (BCAB), replacing Joseph R. Frisco, Jr., for a partial 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.

Mr. Tipping received a law degree from the University of Florida and is an Investigator with *Federal Deposit Insurance Corp. (FDIC)*. He resides in the Riverside area within Council District #14.

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 2012-182

Sponsor: Council President Joost

Date of Introduction: March 13, 2012

Committee(s) of Reference: R

Date of Analysis: March 8, 2012

Type of Action: Appointment

Bill Summary: This bill appoints Alisa D. Wilkes, Esq. to the Building Codes Adjustment Board (BCAB), replacing Robert A. Rubens, for a first term ending September 30, 2014.

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. Wilkes received a law degree from the Florida Coastal School of Law and is an Associate Attorney with *Sexton & Wykoff, PLLC*. She resides in the Beach Haven area within Council District #3.

Policy Impact Area: Building Codes Adjustment Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Ordinance 2012-183

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: F, RCDPHS

Date of Analysis: March 15, 2012

Type of Action: Authorization of lease amendment; designation of oversight department

Bill Summary: The bill authorizes the execution of a lease amendment between the City and the Jacksonville Arboretum and Gardens Inc. to add an additional parcel of land to the arboretum and to increase the amount of insurance the organization must keep in force at the facility. The bill designates the

Background Information: The additional parcel near the entrance to the arboretum will add 1.13 acres to the site under private management and allow for the extension of existing trails. The revised insurance coverage will require the arboretum to increase the amount of sexual molestation coverage it carries to comply with current City standards of \$1 million per occurrence and \$2 million aggregate.

Policy Impact Area: Jacksonville Arboretum and Gardens lease

Fiscal Impact: None to City; will increase the cost of insurance for Jacksonville Arboretum and Gardens Inc.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-184

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: F

Date of Analysis: March 15, 2012

Type of Action: Authorization of legal settlement

Bill Summary: The bill authorizes a legal settlement of an Equal Employment Opportunity claim against the City made by Elizabeth Henderson, an employee in the Fire and Rescue Department. The settlement provides that the City shall increase Ms. Henderson's base pay to the hourly equivalent of \$74,000 per year beginning March, 2012 and to the hourly equivalent of \$80,000 per year from March 1, 2013 to March 1, 2014; shall pay a cash settlement of \$16,000 to Ms. Henderson, and shall pay plaintiff's legal fees of \$16,666. Ms. Henderson agrees to waive and release any and all claims against the City relating to employment discrimination, reversion rights, grievances, unfair labor practices or other claims. The parties agree that the settlement shall not constitute an admission by either party of wrongdoing, liability or unlawful conduct.

Background Information:

Policy Impact Area: Legal settlement

Fiscal Impact: The City agrees to pay a cash settlement of \$16,000, to pay attorney fees of \$16,666, and to increase Ms. Henderson's hourly pay rate for two years.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-185

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: F

Date of Analysis: March 15, 2012

Type of Action: Authorization of legal settlement

Bill Summary: The bill approves a legal settlement between the City and Louis Almengor regarding the City's demolition of a structure on North Laura Street as a result of code violations. The City will pay Mr. Almengor \$150,000, which includes applicable attorney fees, and will release any and all demolition liens. Mr. Almengor will release any pending claims against the City. Neither party admits any liability.

Background Information: The City's Municipal Code Compliance Division cited the structure at 1939 North Laura Street for property maintenance code violations and eventually had the structure demolished on an emergency basis due to public safety concerns after an engineering firm reported that the structure was unsafe and could not be properly braced for needed repairs. The owner of the property sued seeking damages, costs, attorney fees and interest of \$1.93 million, claiming the City exceeded its powers by failing to take a lesser measure than complete demolition of the property. The OGC believes the settlement to be in the City's best interest to avoid the costs and risks of further litigation. The Ordinance Code requires the City Council to approve legal settlements exceeding \$50,000.

Policy Impact Area: Legal settlement

Fiscal Impact: The City will pay \$150,000 to settle the litigation.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-186

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: F

Date of Analysis: March 15, 2012

Type of Action: Approval of settlement agreement; authorization of quit-claim deed and property transfer agreement

Bill Summary: The bill approves a settlement agreement between the City and Estates of Atlantic Beach, LLC (EAB) for transfer of a parcel of property (Old Sherry Road property) in Atlantic Beach from the City to the corporation in exchange for a payment of \$50,000. The bill approves the transfer of the property by means of a quit-claim deed to EAB

Background Information: The property, adjacent to the Ocean Walk development, was deeded to the City in the 1920s to be used for park purposes, with a reverter clause calling for the property to be returned to the donor in the event it was not used for recreational purposes. In 2005 EAB, which owned adjacent property and claimed to be the successor to the original donor, requested the reversion of the property since it was not being used for park purposes. The City issued a quit-claim deed to EAB, which was subsequently challenged by the directors of R-C-B-S Corporation who claimed to be the legitimate successor to the original donor and sued EAB and the City to gain control of the property. As an accessory party to the lawsuit between EAB and RCBS, the City wishes to transfer the property to whichever is determined to be the proper successor to the donor and to extricate itself from the litigation. This settlement provides that the City will issue a corrected quit-claim to EAB in exchange for \$50,000 and the ownership of the parcel will ultimately be decided by the outcome of the lawsuit between the two parties.

Policy Impact Area: Legal settlement

Fiscal Impact: The City will receive \$50,000 from EAB for the quit-claim

Analyst: Clements

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Bill Type and Number: Ordinance 2012-187

Introducer/Sponsor(s): Council President pursuant to Chapter 380, Ordinance Code

Date of Introduction: March 13, 2012

Committee(s) of Reference: TEU

Date of Analysis: March 15, 2012

Type of Action: Grant of solid waste certificate of public convenience and necessity

Bill Summary: The bill grants a solid waste certificate of public convenience and necessity (CON) to Sphinx Management, Inc. to operate a biomass facility for yard waste mulching at 11771 Philips Highway between I-295 and Old St. Augustine Road.

Background Information: The permit provides that the facility may operate six days a week (closed on Sunday) from 6:00 a.m. to 7:00 p.m. and may accept up to 2,000 tons of yard waste and clean wood per working day. Medical and hazardous waste, sewage sludge and other non-yard waste and wood materials are defined as unacceptable waste and must not exceed 0.05% of the total volume of materials received at the facility.

Policy Impact Area: Solid waste processing

Fiscal Impact: Sphinx Management will pay the City the applicable permit and licensing fees. There is no solid waste facility host fee payable on any materials that are recycled.

Analyst: Clements

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Bill Type and Number: Ordinance 2012-188

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

Date of Introduction: March 13, 2012

Committee(s) of Reference: R

Date of Analysis: March 15, 2012

Type of Action: Authorizing revision of voting precinct boundaries; renumbering voting precincts; approving polling place locations

Bill Summary: The bill approves the changes in voting precinct boundaries and the renumbering of precincts necessitated by the City Council redistricting process following the 2010 U.S. Census, effective immediately. The bill also approves the list of all precinct polling places.

Background Information: After each City Council redistricting process the Supervisor of Elections must redraw and renumber the voting precincts to correspond to the new districts, and polling places must be established for each of the precincts. The new precinct map reduces the number of voting precincts from 250 to 200.

Policy Impact Area: Elections

Fiscal Impact: The Supervisor of Elections reports that the cost of re-drawing the precincts is fairly nominal. The cost savings from reducing the number of precincts by 20% is approximately \$125,500 per election in reduced salary and operational costs, plus a one-time savings of approximately \$322,500 in the cost of purchasing new voting tabulation equipment.

Analyst: Clements