

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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(904) 630-1377



117 West Duval Street
City Hall, Suite 425
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Bill Type and Number: Ordinance 2013-349

Introducer/Sponsor(s): LUZ Committee

Date of Introduction: May 28, 2013

Committee(s) of Reference: LUZ

Date of Analysis: May 28, 2013

Type of Action: DRI amendment

Bill Summary: The bill amends the Bartram Park Development of Regional Impact originally adopted by Ordinance 2000-451-E in order to remove a requirement that the developers widen a portion of Racetrack Road to 4 lanes and replace it with a requirement that the developers make future mitigation payments to St. Johns County for the county to widen the road.

Background Information: The Bartram Park DRI currently requires the developer to 4-lane the western end of Racetrack Road in St. Johns County from Bartram Park Boulevard to Russell Sampson Road. The developer now prefers to pay St. Johns County \$5,000 for each of the 911 residential lots in the DRI to generate \$4.555 million which, along with \$1.62 million in transportation impact fees, will fund the county's construction of the widening. Because 545 of the 911 residential lots within the DRI are in Jacksonville, the City needs to amend its approval of the DRI to authorize this change and to provide for a certification process by which the developer will submit to the City's permitting office a voucher or receipt from St. Johns County giving evidence of the payment of the \$5,000 per lot fee before building permits may be issued for the development of lots in the Jacksonville portion of the DRI.

Policy Impact Area: DRI amendment

Fiscal Impact: None to City of Jacksonville

Analyst: Clements

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Bill Type and Number: Ordinance 2013-350

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

Date of Introduction: May 28, 2013

Committee(s) of Reference: R

Date of Analysis: May 28, 2013

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 90 – Library Board of Trustees – and Chapter 57 – TRUE Commission – to change the eligibility criteria for those board and commission members from City of Jacksonville residents to county residents to permit residents of the Beaches and Baldwin to serve on the boards.

Background Information: The mayor's office recently attempted to make appointments to the Library Board of Trustees and the TRUE Commission but was informed by the Council Auditor's Office and Office of General Counsel that the members did not qualify because they were residents of Beaches cities and therefore did not meet the requirement to be a "city" resident. The wording of the eligibility requirements for these two boards uses the words "resident of the city" which the Ordinance Code defines in Sec. 1.102(f) to be the City of Jacksonville. Ordinance Code Chapter 50 – Boards and Commissions – requires that unless otherwise specified, members of boards and commissions are required to be county residents.

Policy Impact Area: Board and commission membership eligibility

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2013-351

Sponsor: Council Member Schellenberg:

Date of Introduction: May 28, 2013

Committee(s) of Reference: R; F

Date of Analysis: May 31, 2013

Type of Action: Ordinance Code Amendment

Bill Summary: The ordinance amends the Ordinance Code to prohibit payment for travel as a gift; the ordinance amends Section 106.703 (Authority for Reimbursement for Travel Expenses), Chapter 106 (Budget and Accounting Code), *Ordinance Code*, to prohibit payment from private entities for travel; amends Part 4 (Donations of Tickets to Events and Travel), Chapter 113 (Gifts to City), *Ordinance Code*, to remove payment for travel as a gift.

Background Information: The ordinance amends the *Ordinance Code* to require City employees' travel be paid for by the City and not by a third party. The provision which allows gifts to be accepted and distributed by the Executive Branch and the Legislative Branch shall not include gifts of travel expenses.

Policy Impact: Ordinance Code; Ethics

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-352

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: May 28, 2013

Committee(s) of Reference: R, F, LUZ

Date of Analysis: May 28, 2013

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 656 – Zoning Code – to reduce the permit fee for temporary directional real estate signs from \$35 to \$30 and to allow each permit to cover up to 5 signs.

Background Information: The Council approved the temporary directional real estate sign program in 2010 to help assist the housing sales market by legalizing and permitting the use of temporary real estate directional signs on weekends (Friday through Sunday) to help potential homebuyers locate properties for sale. The Code section has been amended several times in 2011 and 2012 to reduce the permit fee from \$100 to \$35, to regulate the number of signs that may be posted for each property for sale, and most recently to extend the sunset date for the temporary sign program to June 30, 2015.

Policy Impact Area: Economic stimulus

Fiscal Impact: Reduces the potential fee revenue from temporary sign permits if each permit now covers 5 rather than 1 sign.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-353

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

Date of Introduction: May 28, 2013

Committee(s) of Reference: TEU, F

Date of Analysis: May 28, 2013

Type of Action: Appropriation; CIP amendment; authorization to execute supplemental grant agreement

Bill Summary: The bill appropriates \$2,163,180 in additional Florida Department of Transportation grant funds to the Hammond Boulevard Reconstruction project to pay for design, construction and engineering inspection of the paving and drainage improvement project. The Capital Improvement Program is amended to increase the funding amount for the project by the additional FDOT grant amount and finding is made that it would be detrimental to the public interest to defer the CIP amendment to the next budget cycle because the FDOT requires the grant document to be executed prior to the end of the state's fiscal year on June 30th or the City risks losing the funding. The bill also authorizes the execution of Supplemental Agreement #1 to a pre-existing grant agreement between the City and FDOT for earlier funding for this project.

Background Information: The City and FDOT entered into a grant agreement for this project in 2010. The City and FDOT are sharing the project costs on a 50/50 basis; the City's share has already been provided by use of Better Jacksonville Plan funding.

Policy Impact Area: Roadway improvement

Fiscal Impact: The bill appropriates \$2,163,180 in FDOT grant funding.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-354

Sponsor: Council President at the request of the Mayor:

Date of Introduction: May 28, 2013

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

Date of Analysis: May 31, 2013

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$1,826,684.91 in Community Development Block Grant (CDBG) Program income to (1) Northwest Jacksonville Community Development Corporation (North Pointe Project Build-Out) (\$400,000), (2) Limited Repair Program (\$225,684.91), (3) Utility Tap-In Program (\$110,000), (4) Emergency Services Homeless Coalition (Jacksonville Day Resource Center Project) (\$120,000), and (5) Clara White Mission, Inc. (Beaver Street Villas Phase II) (\$971,000) as initiated by B.T. 13-069; provides for the appropriation of program income in accordance with 24 CFR 570.504; provides for carryover of funds from year to year until such funds are expended or lapse according to the originating State or Federal program grant; authorizes the Mayor and Corporation Secretary to execute and deliver documents to effectuate the purposes of this ordinance.

Background Information: The North Pointe Project entails the build-out of five (5) commercial rental units, of which four tenants are ready to enter into lease agreements. The completion of these units is anticipated to create fourteen (14) full-time jobs and six (6) part time jobs. The Limited Repair Program assists qualified homeowners whose homes are in need of repair; the funds are limited to households at 80% or below area medium income. The Utility Tap-In Program assists qualified homeowners with septic tank phase-outs or septic tank emergencies; these funds are limited to households at 80% or below area median income; this funding is expected to provide assistance to approximately 15 households. Emergency Services Homeless Coalition (Day Resource Center) will be used to provide social services to approximately 400 homeless persons and is expected to reduce misdemeanor arrest of homeless persons in downtown Jacksonville. The Clara White Mission Beaver Street Villas project, upon completion of the renovations, will provide sixteen (16) housing units for homeless veterans.

Policy Impact: Neighborhoods Department/Housing & Community Development Division

Fiscal Impact: The ordinance appropriates \$1,826,684.91 in CDBG funds (program income, principal or interest received from loan repayments).

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-355

Sponsor: Council President at the request of the Mayor:

Date of Introduction: May 28, 2013

Committee(s) of Reference: TEU; F

Date of Analysis: ay 31, 2013

Type of Action: Drainage Easement Conveyance Approval

Bill Summary: The ordinance approves, in accordance with Section 122.421, *Ordinance Code*, the conveyance to the Florida Department of Transportation (FDOT) of a Perpetual Drainage Easement in an existing drainage system which carries storm water through the area of Hamilton Street and Jersey Street in the vicinity of Fremont Street in Council District 9 before flowing under Roosevelt Boulevard and into the Ortega River; the ordinance authorizes the Mayor and Corporation Secretary to execute on behalf of the City a Perpetual Drainage Easement and other necessary and appropriate documents to convey the perpetual drainage easement to FDOT.

Background Information: The Perpetual Drainage Easement is for the purpose of accessing, constructing and maintaining existing headwalls, proposed side drain culverts, and re-grading the area in front of existing headwalls within an existing drainage system. The subject drainage system carries storm water through the area of Hamilton Street and Jersey Street in the vicinity of Fremont Street. Both FDOT and City storm drainage flows through this area before it flows under Roosevelt Blvd, and ultimately flowing into the Ortega River. This request has been sent to the various municipal agencies. There is no objection to granting the easement.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-356

Sponsor: Council President at the request of the Mayor:

Date of Introduction: May 28, 2013

Committee(s) of Reference: F; TEU

Date of Analysis: May 31, 2013

Type of Action: Easement Conveyance Authorization and Approval

Bill Summary: The ordinance approves and authorizes the Mayor and Corporation Secretary to execute appropriate documents to convey to the State of Florida Department of Transportation, in accordance with Section 122.421, *Ordinance Code*, two (2) temporary easements in, over, and under City of Jacksonville parcels along Dunn Avenue and Busch Drive in Council Districts 7 and 8 for the construction and maintenance of traffic signal loops, pedestrian poles, and signal equipment and the harmonization of driveways and walkways.

Background Information: This project is for general maintenance of Dunn Avenue. It includes the addition of bike lanes, sidewalk renovations and intersection signal loop relocation at Busch Drive. This project has been sent to various municipal agencies which have an interest in this project. There is no objection to granting the easements.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-357

Introducer/Sponsor(s): Council Member Gulliford

Date of Introduction: May 28, 2013

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

Date of Analysis: May 28, 2013

Type of Action: Authorizing interlocal agreement; Ordinance Code waiver

Bill Summary: The bill authorizes the Mayor to execute an Interlocal agreement with the City of Atlantic Beach providing for a division of responsibilities relating to the redevelopment of the Selva Marina golf course as a residential/golf course development which lies partially in the City of Jacksonville and partially in the City of Atlantic Beach. The bill waives portions of Ordinance Code Chapters 320 – Construction Regulations/General Provisions, Chapter 654 – Code of Subdivision Regulations, Chapter 655 – Concurrency and Mobility Management, and Chapter 656 – Zoning Code – to permit Atlantic Beach to handle the concurrency management, permitting, platting and other development functions for the redevelopment, including the portions of the project located in Jacksonville.

Background Information: Selva Marina Country Club and Atlantic Beach Partners, LLC propose to redevelop the existing golf course and residential development, which straddles the city limits of Jacksonville and Atlantic Beach. To simplify permitting and construction, the cities of Jacksonville and Atlantic Beach have agreed to an Interlocal Agreement to permit Atlantic Beach to be the lead agency for permitting and inspecting the construction of the redevelopment. Atlantic Beach will provide water and sewer service while the JEA will provide electricity. Roadways in the development will be dedicated to the city in which the road is actually located. The developer has proposed annexation of the portions of the property currently located in Jacksonville into Atlantic Beach, which both cities agree to consider.

Policy Impact Area: Intergovernmental cooperation

Fiscal Impact: Undetermined – some savings to Jacksonville by Atlantic Beach officials handling permitting and inspection of the redevelopment process.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-358

Sponsor: Council Member Gaffney:

Date of Introduction: May 28, 2013

Committee(s) of Reference: R; TEU

Date of Analysis: May 31, 2013

Type of Action: Honorary Street Designation; Ordinance Code Waiver

Bill Summary: The ordinance establishes an honorary street designation on a segment of 5th Street East extending from the intersection of Walnut Street in Jacksonville for Carlon Freelove Robinson; it provides for the installation of two honorary roadway markers to be located in appropriate locations on the designated roadway in Council District 7; the honorary designation honors the life, legacy and achievements of Carlon Freelove Robinson; it provides for conformance with Part I (General Provisions) of Chapter 745, *Ordinance Code* (Addressing and Street Naming Regulations); waives the requirements of Section 745.105 (e)(2), *Ordinance Code*, regarding persons who honorary street designation may be named after; directs Legislative Services to forward the ordinance to the Planning & Development Department.

Background Information: In the early 1980s, Carlon Freelove Robinson and her husband purchased a home and moved to the Historic Springfield District where in her 20 years residence became a community activist. In addition to serving as president of the Springfield Women's Club, Mrs. Robinson was active in Greenscape, the Urban Core CPAC and JaxPride. A private donor has provided funding to cover the costs of the roadway markers.

Policy Impact: Public Works/Ordinance Code

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Resolution 2013-359

Sponsor: Council President at the request of the Mayor

Date of Introduction: May 28, 2013

Committee(s) of Reference: R

Date of Analysis: May 30, 2013

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Craig D. Davisson, AIA, as a member of the Downtown Development Review Board, replacing John A. Fischer as an architect representative, for a partial term ending June 30, 2014, followed by a first full two-year term ending June 30, 2016.

Background Information: The Downtown Development Review Board is established pursuant to Section 656.361.7, *Ordinance Code*, and charged to review and make decisions with respect to all applications for development and redevelopment within the Downtown Overlay Zone. The nine voting members of the board are appointed by the Mayor and confirmed by the City Council, in various categories including architects.

Mr. Davisson received a bachelor's degree in architecture from Kent State University and is a Florida licensed Architect and Interior Designer. He is a principal at Studio9 Architecture, LLC and resides in the Miramer area within Council District #5.

NOTE: In order to qualify as a "partial" term, Mr. Davisson's initial term must start on or after July 1st.

Policy Impact Area: Downtown Development Review Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2013-360

Sponsor: Council President at the request of the Mayor

Date of Introduction: May 28, 2013

Committee(s) of Reference: R

Date of Analysis: May 28, 2013

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Folks M. Huxford as the Chief of Current Planning within the Planning and Development Department.

Background Information: Section 30.302, *Ordinance Code*, provides that the Chief of Current Planning shall have a college degree in urban planning, community planning, regional planning, architecture, geography or landscape architecture, public administration, or a related field and at least seven years' experience in comprehensive community planning, or at least five years of experience with a master's degree in any of the listed fields, or commensurate training and experience, and shall have proven administrative experience.

Mr. Huxford received bachelor's degree in history from Valdosta State University and a bachelor's degree in political science from the University of North Florida. He has been employed with the City of Jacksonville, within the Planning and Development Department, since 1987, working his way up from City Planner to Zoning Administrator, a position he has held since 2008. Mr. Huxford has served as the Acting Chief of Current Planning since December 2012. He resides in Duval County.

Policy Impact Area: Planning and Development Department / Current Planning Division operations

Fiscal Impact: According to Employee Services, the salary range for this position is \$69,250 - \$113,062 annually.

Analyst: Welsh

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Bill Type and Number: Resolution 2013-361

Sponsor: Council President at the request of the Mayor

Date of Introduction: May 28, 2013

Committee(s) of Reference: R

Date of Analysis: May 28, 2013

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of George A. Spencer, Jr., as a member of the Taxation, Revenue and Utilization of Expenditures (TRUE) Commission, filling the seat formerly held by David Lane, for a 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; 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 with an interest in city financial planning and budgeting and knowledge or expertise in financial management or accounting, and six of the members shall be appointed by the Mayor and confirmed by the Council.

Mr. Spencer received a master's degree in accountancy from Florida State University and a law degree from the Florida International University. He is an Attorney in private practice and resides in the Turtle Creek area within Council District #7.

Policy Impact Area: TRUE Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Ordinance 2013-365

Introducer/Sponsor(s): Council President Bishop

Date of Introduction: May 28, 2013

Committee(s) of Reference: First reading emergency – no committee references

Date of Analysis: May 28, 2013

Type of Action: Amendment to previous license agreement; emergency action request

Bill Summary: The bill authorizes an amendment to the City's license agreement with One Spark, Inc. to allow the organization to continue to occupy office space in the Main Library on a month-to-month basis through July 31, 2013 on the same terms as the original agreement (\$1 per month plus utilities).

Background Information: One Spark began leasing 2,489 square feet of space in January 2013 to use as the organization's headquarters while it prepared for and administered the One Spark Festival held in April, 2013. The original lease covered January 1, 2013 through May 31, 2013. One Spark is a private, non-profit organization that intends to spur the revitalization of Jacksonville, and particularly the downtown area, by hosting a five day festival of creativity, art, entrepreneurship and innovation, offering cash prizes for the best projects as determined by vote of the festival attendees. The festival, held in venues around downtown, attracted over 700 official entrants and tens of thousands of attendees.

Policy Impact Area: Downtown revitalization

Fiscal Impact: The lease rate is a token \$1 per month.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-366

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

Date of Introduction: May 28, 2013

Committee(s) of Reference: F

Date of Analysis: May 28, 2013

Type of Action: Ordinance Code amendment; approval of mediation settlement agreement; acknowledgement of attached actuarial impact statement

Bill Summary: The bill amends Ordinance Code Chapter 121 – Police and Fire Pension Plans – to create two categories of membership, Group I members who were employed by the City prior to October 1, 2013 and Group II members employed on or after October 1, 2013, who receive different levels of pension benefits. Benefits for Group I employees remain unchanged, while Group I members will be required to make additional employer contributions to the pension, contingent upon salary reductions from 2010 (firefighters) and 2012 (police) being restored at some point in the future.

Group II employees will be eligible for full retirement after 30 years of service; will pay an employee contribution of 10% of salary; will have a retirement benefit capped at \$99,999.99 per year indexed to inflation (Social Security COLA) with a cap of 1.5%; will have a pension accrual rate of 2.5% per year up to a maximum of 75%; would be eligible for early retirement with between 25 and 30 years of service, incurring a 3% accrual rate penalty for any year or part thereof short of 30 years; will earn a benefit accrual rate of 2% if retiring short of 25 years of service, with no benefit paid before age 62 for any employee retiring before 25 years of service; will not be eligible for the DROP program; will be eligible for a back-DROP plan of up to 5 years after 30 years of service (subject to significant financial penalties); will be eligible for a COLA based on the Social Security COLA, capped at 1.5% per year, beginning the third January after retirement; will have a benefit based on a final average compensation calculated on the last 60 months (130 pay periods) of employment; and will make an employee contribution of 10% of salary.

The bill approves a mediated settlement agreement among the City, Randall Wyse and several other individual plaintiffs, the Police and Fire Pension Fund Board of Trustees, the Fraternal Order of Police Lodge 5-30 and the Jacksonville Association of Firefighters Local 122, IAFF.

The bill acknowledges the receipt and attachment, as required by law, of an actuarial impact statement of the effects of the proposed settlement agreement and pension code changes.

Background Information: The administrations of former Mayor John Peyton and current Mayor Alvin Brown have been in talks for several years with the fire and police unions and the Police and Fire Pension Fund trustees and administrator over potential reforms to the Police and Fire Pension. Several lawsuits have been filed and this ordinance derives from a recent mediated settlement agreed to by all the affected parties and filed with the court on May 23rd.

Policy Impact Area: Pension reform

Fiscal Impact: An actuarial study projects cost savings to the City resulting from reduced employer contributions compared to the current projections totaling approximately \$1.2 billion over the next 30 years. The actuary notes that 83% of the long term savings are attributable to changing the benefit structure for employees hired on or after October 31, 2103, not to projected differences in investment rates of return. The actuary also finds the approximately 70% of the unfunded accrued actuarial liability (UAAL) is attributable to benefits earned by and owed to retirees and employees already in the DROP plan. The remaining 30% of UAAL is attributable to other current employees, but there are legal limits as to how much the benefits already earned may be altered for those employees, particularly those already eligible for retirement.

Although not part of the package of Ordinance Code amendments, the mediated settlement agreement provides that the Police and Fire Pension Fund will gradually reduce the assumed rate of return on the fund's investments from the current 7.75% to 7.25% in FY16-17. The unions and the Pension Fund agree to pay a one-time contribution of \$20 million upon the effective date of the settlement agreement from the "chapter funds" provided under state law to localities as a rebate of insurance premium taxes, and to make additional employee contributions out of the "chapter funds" of 1% of payroll until September 30, 2014 for the police members and until September 30, 2015 for fire members.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-367

Introducer/Sponsor(s): Council Members Schellenberg, Bishop, Gulliford, Boyer, Crescimbeni, Lumb, Love and Daniels

Date of Introduction: May 28, 2013

Committee(s) of Reference: First reading emergency – no committee references

Date of Analysis: May 28, 2013

Type of Action: Appropriation; Ordinance Code waiver; emergency action request

Bill Summary: The bill appropriates \$75,000 from the Special Council Operating Reserve fund for the purpose of hiring a legislative counsel to assist the City Council in its legislative duties by providing additional legal insight and advice in addition to the services provided by the Office of General Counsel. The bill waives the provisions of Ordinance Code Section 108.505 (Special counsels) to allow the City Council's Executive Committee to select a legislative counsel and refer that selection to the full Council for approval of the engagement. The bill requests emergency action in order to procure the services of legislative counsel for immediate review of a pending legal settlement issue that is the subject of an ordinance on the Council's agenda.

Background Information: Section 7.201 of the City Charter provides that the City Council may create an office of legislative counsel within the legislative branch to advise and assist the Council and its committees in their legislative work and to perform such other duties for the council as it may direct. Ordinance Code Section 108.505 establishes the procedures by which the General Counsel selects outside legal counsel when necessary; the bill waives that provision so that the City Council may make the selection of its legislative counsel directly.

Policy Impact Area: City Council legal counsel

Fiscal Impact: The bill appropriates \$75,000 from the Special Council Operating Reserve fund

Analyst: Clements