

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Ordinance 2014-716 - revised

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

Date of Introduction: October 28, 2014

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

Date of Analysis: October 30, 2014

Type of Action: Approving settlement agreement; Ordinance Code amendments; City Charter and Ordinance Code waivers

Bill Summary: The bill approves a settlement agreement among the City, Scenic Jacksonville, Inc. and Clear Channel Outdoor, Inc. to end pending litigation among the parties over the interpretation and applicability of various provisions of the City's Ordinance Code and Charter regarding off-site signs. The bill amends Ordinance Code Chapter 614 – Public Order and Safety and Chapter 656 – Zoning Code in their sections on unlawful sign messages to provide that the sections do not prohibit off-site commercial signs maintained or erected in accordance with the terms of an authorized settlement agreement with the City. The Zoning Code is amended in Part 13 – Sign Regulations - to create a new Billboard Inventory Registration System to catalogue all off-site commercial billboards. The bill amends Ordinance Code Chapter 30 – Planning and Development Department – to give the Planning Commission the duty to hear appeals of decisions by the Building Inspection Division concerning off-site commercial billboards, the decisions of which are the final action of the City and may not be further reviewed by the City.

The bill amends City Charter Article 23 – Off-Site Commercial Billboard Ban – in the area of enforcement and penalties to provide for a civil action to be brought only as to those off-site commercial billboards that are not registered with the City. The bill waives the section of the Zoning Code requiring the Planning Commission to review and advise on proposed amendments to the Zoning Code before City Council action and waives any provisions of the City Charter or Ordinance Code that may be contrary to or conflict with the terms of the settlement agreement.

Background Information: The settlement agreement was negotiated to end years of disputes and litigation among the City, Scenic Jacksonville, Inc. (the successor to CapSigns, the citizen organization that conducted the petition campaign in the 1980s leading to the adoption of the “billboard ban” Charter amendment) and Clear Channel Outdoor, Inc. over the terms of the City's regulation of off-site commercial billboards. The effect of the settlement agreement will be the relocation of billboards from neighborhoods, local roads, and other roadways and residential areas, to certain limited access highways and major roadways, and to allow the continued operation of billboards with changing messages (e.g. digital billboards) and allow limited installation of new billboards with changing messages in return for the elimination of a larger number of conventional billboards. Clear Channel will be required to remove three times as many conventional billboards as the number of billboards with changing messages it installs and limits billboards with changing message displays to no more than 15% of the company's sign face display area in Jacksonville. The agreement also prohibits installation of billboards along some roadways entirely that have (roads that have become or will become billboard free as a result of this and/or prior settlement agreements).

Policy Impact Area: Off-site commercial billboard regulation; legal settlement

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2014-717 - revised

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

Date of Introduction: October 28, 2014

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

Date of Analysis: October 30, 2014

Type of Action: Approving settlement agreement; Ordinance Code amendments; City Charter and Ordinance Code waivers

Bill Summary: The bill approves a settlement agreement among the City, Scenic Jacksonville, Inc. and CBS Outdoor, LLC to end pending litigation among the parties over the interpretation and applicability of various provisions of the City's Ordinance Code and Charter regarding off-site signs. The bill amends Ordinance Code Chapter 614 – Public Order and Safety and Chapter 656 – Zoning Code in their sections on unlawful sign messages to provide that the sections do not prohibit off-site commercial signs maintained or erected in accordance with the terms of an authorized settlement agreement with the City. The bill waives the section of the Zoning Code requiring the Planning Commission to review and advise on proposed amendments to the Zoning Code before City Council action and waives any provisions of the City Charter or Ordinance Code that may be contrary to or conflict with the terms of the settlement agreement.

Background Information: The settlement agreement was negotiated to end years of disputes and litigation among the City, Scenic Jacksonville, Inc. (the successor to CapSigns, the citizen organization that conducted the petition campaign in the 1980s leading to the adoption of the "billboard ban" Charter amendment) and CBS Outdoor, LLC. over the terms of the City's regulation of off-site commercial billboards. The effect of the settlement agreement will be the relocation of billboards from neighborhoods, local roads and other roadways and residential areas to certain limited-access highways and major roadways, and to allow the continued operation of billboards with changing messages (e.g. digital billboards) and allow limited installation of new billboards with changing messages in return for the elimination of a larger number of conventional billboards. CBS Outdoor will be permitted to install new changing message displays at no more than 16 locations in the City and agrees to convert 1 changing message sign in St. Nicholas back to a conventional sign and to withdraw its pending application to construct a new changing message sign on I-95 approaching downtown. The agreement also prohibits installation of billboards along some roadways entirely (roads that have become or will become billboard free as a result of this and/or prior settlement).

Policy Impact Area: Off-site commercial billboard regulation; legal settlement

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Resolution 2014-718 - revised

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: October 28, 2014

Committee(s) of Reference: None – emergency action on first reading

Date of Analysis: October 30, 2014

Type of Action: Petition to Mayor and General Counsel

Bill Summary: The bill urges the Mayor and General Counsel to cease any further appeals in the case of *Frank Denton v. City of Jacksonville, et al.*, a case concerning alleged violations of the Government in the Sunshine Act.

Background Information: Frank Denton, Editor of the *Florida Times-Union*, sued the City alleging that negotiations conducted in the context of a court-ordered mediation between the City and the Police and Fire Pension Fund Board of Trustees (“Pension Fund Board”) over proposed changes to the Police and Fire Pension under the purview of the 30-year agreement between the City and the Pension Fund Board constituted collective bargaining, and therefore should have been held in open, noticed meetings as required by state law for collective bargaining. In its defense, the City argued that no collective bargaining took place, the unions have long refused to bargain over pension benefits, the Pension Fund Board is not a certified union bargaining agent, and the court-ordered mediation must be conducted confidentially in any event. A circuit court judge ruled in favor of Mr. Denton and, upon appeal by the City and the Pension Fund Board, the appellate court upheld the circuit court judge’s ruling. This bill notifies the City’s Mayor and Office of General Counsel of City Council’s strong opposition to further appeals in the litigation.

Policy Impact Area: Legal strategy

Fiscal Impact: Undetermined – the City and Pension Fund Board are liable to pay the plaintiff’s attorney costs if he prevails.

Analyst: Clements

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Bill Type and Number: Ordinance 2014-720

Introducer/Sponsor(s): Council President Yarborough

Date of Introduction: November 12, 2014

Committee(s) of Reference: R, F

Date of Analysis: November 14, 2014

Type of Action: Restriction on use of funds; request for emergency action

Bill Summary: The bill provides that, in the event the executive branch determines to appeal the recent appeals court ruling in the case of *Frank Denton v. City of Jacksonville*, the only permissible funding source to pursue the appeal is from the Mayor's Office budget. The bill requests emergency approval of the bill on first reading.

Background Information: Frank Denton, Editor of the *Florida Times-Union*, filed suit against the City alleging a violation of the state's Government in the Sunshine law when the City and the Police and Fire Pension Fund board of trustees discussed potential changes to the PFPF benefits in the context of a court-ordered mediation process that was not open to the public. A circuit court judge found that the discussions did constitute collective bargaining that must, by state law, take place in a public forum, and the circuit court of appeals recently upheld the lower court's ruling. By Resolution 2014-718 the Council strongly opposed any further appeals of this case by the City. This bill would provide that, if the Mayor and General Counsel determine to continue appealing the case, the funds for such appeal must come from the Mayor's Office budget.

Policy Impact Area: Funding source for legal appeal

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2014-721

Introducer/Sponsor(s): Council Members Crescimbeni, Gulliford and Schellenberg

Date of Introduction: November 12, 2014

Committee(s) of Reference: R, F

Date of Analysis: November 14, 2014

Type of Action: Termination of prior agreement; requesting one-cycle emergency passage on second reading

Bill Summary: The bill expresses the City's determination to terminate the so-called "30-year agreement" between the City and the Police and Fire Pension Fund Board of Trustees and authorizes the General Counsel to take such action as may be necessary to effect the termination. The bill requests emergency approval on second reading after one committee cycle.

Background Information: The 30-year agreement adopted in 2000 by Ordinance 2000-1164-E is the latest of several iterations of agreements between the City and the Police and Fire Pension Fund board of trustees intended to settle disputes over various operational aspects of the Police and Fire Pension plan. The agreement defines "base benefits" and "enhanced benefits" and spells out the City's funding requirements, member contributions, and the use of so-called "chapter funds" (authorized in Chapters 175 and 185 of the Florida Statutes) to pay for certain benefits. Because the agreement establishes certain mutually-agreed benefit levels for police and fire retirees, some have interpreted it as a collective bargaining agreement. That interpretation has been the subject of several on-going court challenges, none of which have produced a definitive ruling on whether or not the agreement constitutes a collective bargaining agreement or, if so, whether it violates the statutory prohibition against collective bargaining agreements exceeding 3 years.

Policy Impact Area: Police and fire pensions

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2014-722

Introducer/Sponsor(s): Council Member Schellenberg

Date of Introduction: November 12, 2014

Committee(s) of Reference: R, F

Date of Analysis: November 14, 2014

Type of Action: Appropriation; Ordinance Code waiver, request for one-cycle emergency passage on second reading

Bill Summary: The bill appropriates \$1 million from the General Fund – Transfer from Fund Balance account to provide funding for City Council legislative counsel expertise to advise on pension reform issues. The bill waives Ordinance Code Sec. 108.505 (Special Counsels) to permit the City Council’s Executive Committee, rather than the General Counsel, to select and hire the legislative counsel and requests emergency approval on second reading after one committee cycle.

Background Information: Ordinance 2014-664 created a new Ordinance Code chapter providing for the hiring by the City Council of legislative counsel as authorized by the City Charter. This bill appropriates \$1 million from the General Fund’s non-emergency reserve fund to fund the hiring of legislative counsel to advise the Council on pension issues. The bill waives conflicting provisions of Ordinance Code Sec. 108.505 which provides that special counsel to the City may only be hired by the General Counsel to handle matters that fall outside of the expertise of the Office of General Counsel or when circumstances are such that outside counsel is deemed necessary.

Policy Impact Area: Hiring of legislative counsel.

Fiscal Impact: The bill appropriates \$1 million from the General Fund – Transfer from Fund Balance account to the City Council budget.

Analyst: Clements

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Bill Type and Number: Ordinance 2014-723

Introducer/Sponsor(s): Council Member Boyer

Date of Introduction: November 12, 2014

Committee(s) of Reference: R

Date of Analysis: November 14, 2014

Type of Action: City Charter amendment; authorization for referendum; providing for preparation of a referendum financial impact statement; direction to Supervisor of Elections

Bill Summary: The bill amends the City Charter, subject to voter approval by referendum, to repeal Chapter 1 – General Provisions – of Article 7 – Departments; to relocate existing sections 7.101 through 7.105 relating to department directors and division chiefs, use of central services and the Public Health Department to Article 6 – Mayor - and renumber as Sections 6.09 through 6.13; and to amend remaining sections 7.201 through 7.220 having to do with the Office of General Counsel. The new General Counsel language incorporates new provisions regarding engagement of private counsel by the City and its independent authorities; provides that the General Counsel and assistant general counsels shall not engage in any other activities to supplement their income; requires that the General Counsel shall make legal decisions on the merits for the best interests of the consolidated government without giving preference to any official or agency; requires the General Counsel to advise its client agencies on new or existing state laws and City ordinances and resolutions that affect their operations; to revise the General Counsel selection process by eliminating the selection committee and increasing the minimum qualification from 5 to 10 years of service as a practicing attorney or judge; to provide that mayor’s appointment of a General Counsel shall be for the term of the appointing mayor and must be approved by at least 13 members of City Council within 60 days of the nomination, during which the Council may consult with the City’s constitutional officers, the Jacksonville Bar Association and with former general counsels about the qualifications of the nominee; changes the procedure for filling a vacancy and appointing an acting general counsel in the interim; changes the standard for a mayor removing a general counsel from “cause” to “misfeasance, malfeasance or criminal conduct”; adds a new provision allowing removal of the general counsel by a vote of 15 City Council members for reasons of misfeasance, malfeasance or criminal conduct; and increases the amount of the litigation imprest fund from \$500 to \$2,500.

The bill authorizes the Supervisor of Elections to conduct a referendum on the May 19, 2015 city election ballot and provides for the convening of a Financial Impact Statement committee on the potential cost of the changes.

Background Information: The bill proposes Charter changes recommended by the Task Force on Consolidated Government as a result of its study of the form and function of the consolidated government.

Policy Impact Area: General Counsel charter revisions

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2014-724

Introducer/Sponsor(s): Council Members Lee, Jones, Love, Gulliford, Crescimbeni, Bishop and Anderson:

Date of Introduction: November 12, 2014

Committee(s) of Reference: R, F

Date of Analysis: November 12, 2014

Type of Action: Amending Ordinance Code

Bill Summary: This ordinance amends

1. Chapter 656 (Zoning Code), Ordinance Code 656.109(Administration and Enforcement; Interpretation of Zoning Code) , 656.110 (Enforcement), 656.151 , 656.153, Subpart E of 656.156 (Certificate of Use) and creates new sections 656.157 through 656.163 to amend various provisions and creates new provisions concerning the certificate of use application process, revocation and suspension of existing certificates of use, and enforcement of same;
2. Section 656.1601 (Definitions), *Ordinance Code*, amending the Title of Chapter 770 (County Occupational License Tax) and creating new section 770.126 (Application of Other Laws), *Ordinance Code*, and amending the Title of Chapter 772 (Municipal Occupational License Tax) and creating new section 772.127 (Application of Other Laws), *Ordinance Code*, to clarify that issuance of an occupational license tax receipt does not waive compliance with other applicable city, county or state regulations; and
3. Provides for severability.

Background Information: The Ad Hoc Committee on Neighborhood Blight unanimously passed (5-0) the Certificate of Use legislation draft for introduction at the regular Stand Up for Your Neighborhoods meetings on October 29, 2014. The purpose of the legislation is to provide consistency in the process and requires applicant to be in compliance with all inspections prior to receiving a COU. Additionally, these amendments provide for inclusion of revocation, increased enforcement, and consistency in verbiage throughout the Code regarding Business Tax Receipt.

Policy Impact Area: Ordinance Code, Tax Collector's Office, Planning & Development Department; Regulatory Compliance, Public Works

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2014-729

Introducer/Sponsor(s): Council President at the request of the Jacksonville Historic Preservation Commission

Date of Introduction: November 12, 2014

Committee(s) of Reference: LUZ

Date of Analysis: November 12, 2014

Type of Action: Historic Landmark Designation

Bill Summary: This ordinance designates the Second Missionary Baptist Church located at 954 Kings Road, in Council District 9, as a landmark and landmark site, directs the Zoning Administrator to enter the landmark and landmark site on the Zoning Atlas; and directs the Chief of Legislative Services to notify each applicant, property owner and property appraiser of the designation to cause said designation to be recorded in the public records.

Background Information: Second Missionary Baptist Church on the southeast corner of Kings Road and Interstate 95 in the LaVilla neighborhood west of Downtown Jacksonville has been a part of that historic neighborhood for more than 160 years. The property satisfies three (3) out of seven requisite criteria set forth in the Code. The criteria are: 1) property's value is significant reminder of the cultural, historical, architectural or archaeological heritage of the City, state or nation; 2) property is identified as the work of a master builder, designer, or architect, whose work was influenced in the development of the City, state, or nation; and 3) property is suitable for preservation or restoration.

Policy Impact Area: Planning & Development Department and Historic Preservation

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2014-731

Sponsor: Council President at the request of the Sheriff:

Date of Introduction: November 12, 2014

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

Date of Analysis: November 14, 2014

Type of Action: Appropriation; Agreement Authorization

Bill Summary: This ordinance appropriates \$33,900 from the U.S. Department of Homeland Security, with no local match, to the Jacksonville Sheriff's Office through the Florida Division of Emergency Management (FDEM) to provide funds for the purchase of specialty team equipment (SWAT Robot), as initiated by B.T. 15-08; it provides a carryover of funds into Fiscal Year 2015-2016; it approves and authorizes the Mayor and the Corporation Secretary to execute and deliver the Federally-Funded Subgrant Agreement between the City and the State of Florida, Division of Emergency Management.

Background Information: Funding in the grant that this ordinance appropriates enables the Jacksonville Sheriff's Office to purchase a robot that adds to the resources of the agency's SWAT team operations.

Policy Impact: Jacksonville Sheriff's Office

Fiscal Impact: The ordinance appropriates \$33,900 in federal grant funds, with no local match required.

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-732

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

Date of Introduction: November 12, 2014

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

Date of Analysis: November 14, 2014

Type of Action: Supplement to previous economic development agreement; appropriation; CIP amendment; designation of oversight agency; authorization executive

Bill Summary: The bill approves the execution of Supplemental Agreement No. 1 to the City's economic development agreement with Railex, LLC to provide for the distribution of a \$5 million FDOT Economic Development Transportation Fund grant via the City to the Railex West Bowden Rail Yard project. The bill appropriates the \$5 million FDOT grant to Railex and amends the 2015-19 Capital Improvement Program to incorporate the project, finding that deferral of the amendment to the next annual CIP adoption cycle would be detrimental to the public interest because of the potential loss of the state grant funding. The bill designates the Public Works Department as the oversight agency for the project and authorizes the execution of documents and the making of technical amendments that do not change the City's financial responsibilities, provided that any changes to the description of ingress to and egress from the project is onto Toledo Road or other points north thereof to Powers Avenue.

Background Information: Railex will construct a 252,000 square foot refrigerated warehouse/logistics center to load refrigerated cargo onto trains as part of a coast-to-coast temperature-controlled rail cargo network. The company plans to hire 310 new full-time employees at an average salary of \$47,581 generating an annual payroll of \$17.3 million. The company's capital investment in the logistics center/warehouse, equipment, furniture and fixtures and refrigerated rail cars and intermodal trailers is estimated at \$105.7 million. The City granted the project a REV grant and a QTI match. The state is contributing \$6,829,000 in incentives to the project, of which \$5 million is in the form of an FDOT economic development grant to the City for pass-through to the project.

Policy Impact Area: Economic development

Fiscal Impact: The bill appropriates a \$5 million FDOT grant to the project

Analyst: Clements

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Bill Type and Number: Ordinance 2014-733

Introducer/Sponsor(s): Council Member Holt

Date of Introduction: November 12, 2014

Committee(s) of Reference: TEU, F

Date of Analysis: November 12, 2014

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$200,000.00 from the Trail Ridge Landfill Mitigation Fund Retained Earnings to provide funding for repairs/improvements (including permitting costs) to the Magnolia Street Bridge Rehab project; provides for the Public Works Department to oversee the expenditure of funds and providing for the return of unspent funds; and amends the 2015-2019 Five-Year Capital Improvement Program approved by Ordinance 2014-467-E to add funding for the project entitled "Magnolia Street Bridge Rehab".

Background Information: The Magnolia Bridge in Maxville was inspected by the Florida Department of Transportation on August 12, 2013, which concluded that the bridge was structurally deficient. This repair project was removed from the 2014/2015 budget legislation prior to Ordinance 2014 -466-E being enacted on by the Council. As indicated in the Interim Inspection Report by the Florida Department of Transportation dated April 4, 2014, the bridge repair is in need of immediate attention and improvement.

Policy Impact Area: Public Works and Capital Improvement Plan

Fiscal Impact: The appropriation of \$200,000.00 to Magnolia Street Bridge Rehab project.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2014-734

Sponsor: Council President at the request of the Sheriff:

Date of Introduction: November 12, 2014

Committee(s) of Reference: F; RCDPHS

Date of Analysis: November 14, 2014

Type of Action: Authorization/Approval of Interlocal Agreements

Bill Summary: This ordinance concerns 9-1-1 User Fees for the City of Atlantic Beach, the City of Jacksonville Beach, and the City of Neptune Beach (collectively referred to as the "Beach Cities"); it approves and authorizes the Mayor and Corporation Secretary to execute and deliver Interlocal Agreements with each of the Beaches Cities to formulate and confirm distribution formula for dividing a portion of the proceeds collected via the 9-1-1 User Fee to be used for 9-1-1 calltaker salary reimbursement for the term from October 1, 2014 through September 30, 2019.

Background Information: The 9-1-1 User Fee is a State of Florida charge on individual monthly telephone bills; there is a minor variation on whether the telephone is mobile or a land line.

Policy Impact: Jacksonville Sheriff's Office

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-735

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

Date of Introduction: November 12, 2014

Committee(s) of Reference: F, RCDPHS

Date of Analysis: November 12, 2014

Type of Action: Approval and Authorization of Lease Agreement

Bill Summary: This ordinance approves and authorizes the Mayor, or his designee, and Corporation Secretary to execute and deliver that certain lease agreement between the City of Jacksonville and Grace Electronics, LLC, for Building 907 at Cecil Commerce Center located at 13557 Lake Newman Street; and provides for oversight by the Office of Economic Development.

Background Information: The space will be used for manufacturing product prototypes for various customers in the Jacksonville area. The tenant expects to hire between five and 10 people in the first year. The lease is for a term of three (3) years, with options to renew for two (2) additional one (1) year terms at a monthly rental rate of \$1,941.25 (\$7.00 per square foot) with annual rent increases of three percent (3%). The total square footage of Building 907 is 2,985.

Policy Impact Area: Office of Economic Development

Fiscal Impact: Monthly rental rate of \$1,941.25 (\$7.00 per square foot) plus annual increase of 3%.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2014-736

Sponsor: Council Member Crescimbeni:

Date of Introduction: November 12, 2014

Committee(s) of Reference: TEU; RCDPHS; JWW

Date of Analysis: November 14, 2014

Type of Action: Approve/Authorization of Memorandum of Understanding/Emergency Passage Request

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute a Memorandum of Understanding between the City of Jacksonville and the Jacksonville Transportation Authority to delineate the parties responsibilities and obligations during the design, procurement and construction of the ferry slipwalls for the St. Johns River Ferry. *A one cycle emergency passage is requested.*

Background Information: The City of Jacksonville is in the process of transferring, within the next year, ownership and operation of the St. Johns River Ferry to the Jacksonville Transportation Authority. The City has been able to acquire funding in state and federal grants to make necessary repairs to the ferry slipwalls for the St. George and Mayport terminals. Both the City and the JTA feel that it is in the best interests of both entities to enter into a Memorandum of Understanding that delineates the parties responsibilities and obligations during the transitional period in relation to the procurement of a contractor and the construction and completion of ferry slipwall replacement work; JTA will be project manager in the construction and completion of the work. Time is of the essence as some of the funding for the project will expire on June 30, 2015. Both the City and JTA believe that it is imperative to move forward with the selection of contractors for the project and that the work be commenced as soon as possible. *The nature of the emergency is that JTA would like to initiate the procurement process as soon as possible, and a memorandum of understanding is needed to establish the responsibilities and obligations of the City and JTA.* Risk Management is particularly interested in having issues such as insurance coverage clarified.

Policy Impact: St. Johns River Ferry/Jacksonville Transportation Authority

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-737

Sponsor: Council Member Brown:

Date of Introduction: November 12, 2014

Committee(s) of Reference: R; TEU

Date of Analysis: November 14, 2014

Type of Action: Honorary Street Designation; Ordinance Code Amendment; Emergency Passage Request

Bill Summary: This ordinance establishes an honorary street designation on Harbor View Drive for Alfred "Al" Austin; provides for the installation of two honorary roadway markers to be located in appropriate locations on the designated roadway in Council District 10; waiving the requirements of Section 745.105(e)(2), *Ordinance Code*, regarding persons who honorary street designation may be named after as the honoree is still living; waiving the requirements of Section 745.105 (h) (8), *Ordinance Code*, which requires that a petition be signed by all property owners abutting the designated honorary street; directs Legislative Services to forward the ordinance to the Planning and Development Department; requests emergency passage upon introduction.

Background Information: Alfred "Al" Austin was a teacher, coach and mentor. A native of Jacksonville, Mr. Austin attended New Stanton High School and subsequently attended Florida A&M University where he was a track and field star along with teammate "Bullet" Bob Hayes. For more than 30 years, Mr. Austin taught in the Duval Public Schools, He taught at Ribault High School where he served as Head Coach for the Women's Basketball team. Throughout his career, Mr. Austin received numerous awards that recognized his service and dedication to the community. Emergency passage is sought due to an event which will pay tribute and honor Mr. Austin in Jacksonville on November 15, 2014.

Policy Impact: Public Works Department/Ordinance Code

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-738

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 12, 2014

Committee(s) of Reference: F

Date of Analysis: November 14, 2014

Type of Action: Authorization for Amended Development Agreement

Bill Summary: This ordinance authorizes the Mayor and Corporation Secretary to execute a First Amendment ("First Amendment") to the Economic Development Agreement ("EDA") between the City of Jacksonville and Advent Software, Inc. ("company"), to reduce the average salary (as defined in the EDA) from \$67,000 to \$54,000 and to reduce the maximum indebtedness amount from \$270,600 to \$246,000 and to revise the QTI refund language in Article 4 of the EDA accordingly; it authorizes the execution of the First Amendment and authorizes technical changes.

Background Information: Advent Software, headquartered in San Francisco, has offices in 14 cities, including Jacksonville, London, Dubai and Singapore. The company develops proprietary software for financial services companies. The City and Company have previously entered into an Economic Development Agreement, authorized by Resolution 2013-758-A, to support the expansion of the company's operations in Jacksonville, and provided certain incentives in connection with the project. The EDA authorized the City to pay as local financial support its twenty percent (20%) share of Qualified Targeted Industries ("QTI") tax refund incentive with High Impact Bonus refund incentive in the maximum amount of (\$147,600), or \$1,200 per new job. The company has requested that the average salary be reduced from \$67,000 to \$54,000, which will reduce the overall local financial support amount, and will require an amendment to the EDA as the reduced average salary is below the 90% level set forth in the EDA.

Policy Impact: Office of Economic Development

Fiscal Impact: Minimal

Analyst: Jackson

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2014-739

Sponsor(s): Council Member Bishop

Date of Introduction: November 12, 2014

Committee(s) of Reference: R, RCDPHS

Date of Analysis: November 12, 2014

Type of Action: Establishment of Festival Overlay Zone and Activity Period; Wavier of Ordinance Code and Environmental Protection Board Rules

Bill Summary: The bill establishes a festival overlay zone in the downtown area and designates the time from 12:01 a.m. on Tuesday, April 7th through 11:59 p.m. on Wednesday, April 12th as the Festival Activity Period to facilitate the operations of the 2015 One Spark Festival. The bill waives the provisions of the City's Noise Control Ordinance and Environmental Protection Board (Chapter 368) and the provisions of Section 154.108, Ordinance Code, to permit outdoor musical entertainment and allow open containers in the designated overlay zone during the Festival Activity Period only.

Background Information: The One Spark Festival 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 concept is loosely based on ArtPrize in Grand Rapids, Michigan, billed as the world's largest art contest. The festival will be held in venues around downtown and hopes to attract hundreds of entrants and tens of thousands of attendees.

The festival overlay zone covers the area downtown roughly from the St. Johns River on the south to City Hall on the north and from Liberty Street on the east to Pearl Street on the west.

Policy Impact Area: Downtown Revitalization

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Ordinance 2014-740

Sponsor: Council Member Holt:

Date of Introduction: November 12, 2014

Committee(s) of Reference: TEU; F

Date of Analysis: November 14, 2014

Type of Action: Quitclaim Deed Approval/Authorization

Bill Summary: This ordinance approve and authorizes the Mayor and Corporation Secretary to execute a Quitclaim Deed from the City of Jacksonville pursuant to the terms of a reverter clause contained in the Deed of Dedication record in Official Record Book 13579, page 1460, in the Public Records of Duval County, conveying two (2) continuous parcels of land (R.E. Numbers 107959-0000 and 107960-0000) to the Oceanway Volunteer Fire Department, In., a dissolved Florida corporation ("corporation"), at no cost.

Background Information: On October 5, 2006, the Oceanway Volunteer Fire Department, Inc., a dissolved Florida corporation, conveyed property to the City of Jacksonville to be utilized as a public park. The Deed contained a reverter clause that provided for the property to revert to the corporation in the event that the City did not use the property for park purposes within five (5) years. The corporation desires to convey the property to a non-profit entity that intends to renovate the existing building located on the property for non-profit purposes. The non-profit is The Guardians of the Ribbon (a.k.a. Pink Heals).

Policy Impact: Public Works/Real Estate

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-741

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

Date of Introduction: November 12, 2014

Committee(s) of Reference: R, RCDPHS

Date of Analysis: November 12, 2014

Type of Action: Park Naming

Bill Summary: This ordinance permits Sunshine Soccer to name the soccer pitch at the Baseball Grounds of Jacksonville “_____ Park” only during soccer events at the baseball grounds.

Background Information: The City named the playing field at the Baseball Grounds “Bragan Field” in honor of the life and accomplishments of Jacksonville Suns owner Peter Bragan, Sr., with Ordinance 2012-500-E. Consent to the naming rights was authorized by Peter Bragan, Jr. This ordinance will not diminish or affect the existing rights of the City of Jacksonville or the obligations of Baseball Jax, Inc. or Sunshine Soccer, related to the sale or licensure of the naming and/or sponsorship rights associated with the Baseball Grounds of Jacksonville.

Policy Impact Area: Parks, Recreation & Community Services Department

Fiscal Impact: Undetermined

Analyst: Mitchell

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Bill Type and Number: Resolution 2014-742

Introducer/Sponsor(s): Council Member Clark

Date of Introduction: November 12, 2014

Committee(s) of Reference: R

Date of Analysis: November 14, 2014

Type of Action: City Council request to JTA; request for emergency action

Bill Summary: The bill expresses the City Council's support for the JTA's plan to immediately issue bonds, backed by the revenue from the extended local option gasoline tax, to begin construction on the list of projects to be funded by the gas tax pursuant to the interlocal agreement entered into by the City and the JTA. The bill requests emergency passage on first reading.

Background Information: Via Ordinance 2013-820-E the City Council approved a 20-year renewal of the local option gas tax from its current expiration date on August 31, 2016 through August 31, 2036. Five cents of the six cent local option tax will be transferred to the JTA via an interlocal agreement for the construction of a defined list of road projects adopted in the bill, with the remaining one cent to be used by the City for roadway maintenance and bicycle and pedestrian-related improvements. The resolution's preamble states that during the negotiations between the City and the JTA over the use of the extended local option gas tax and the development of the project list, both parties clearly understood the expectation that the JTA would issue bonds immediately to begin work on the project list, notwithstanding the fact that the revenue from the extended gas tax will not be available for debt service until September 1, 2016. The emergency action is requested because the JTA has advertised a bond validation hearing for November 24, 2014, the day before the City Council's next regular meeting. This resolution will express the City's support for the immediate bond sale and may be entered as evidence in the hearing.

Policy Impact Area: Roadway construction; local option gas tax usage

Fiscal Impact: Undetermined – the local option gas tax is currently producing approximately \$28 million per year over the last two fiscal years.

Analyst: Clements

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Bill Type and Number: Resolution 2014-743

Sponsor: Council President Yarborough

Date of Introduction: November 12, 2014

Committee(s) of Reference: R

Date of Analysis: November 10, 2014

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the reappointment of Gaylord George Candler, to the Jacksonville Ethics Commission, for a first full three-year term ending December 31, 2017.

Background Information: The Jacksonville Ethics Commission is established pursuant to Chapter 602, Part 9, *Ordinance Code*, and empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202, *Municipal Charter*, to exercise the following powers and duties:

- Authorized to receive, and to investigate and issue findings with regard to complaints alleging an ethics violation;
- Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program, as well as all public records and sunshine law training throughout the government;
- May, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees;
- Jurisdiction to levy those civil fines or penalties authorized in Chapter 602 for violations of the City's ethics code; and
- Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

Section 602.912, *Ordinance Code*, provides that one of the nine members of the commission shall be appointed by the President of the Council and confirmed by Council.

Dr. Candler received his Ph.D. from Indiana University with a concentration in Public Policy, Comparative Politics and Environmental Policy and is an Associate Professor with the *University of North Florida*. He resides in Jacksonville Beach within Council District #13.

Attendance: According to information provided by the staff for the Jacksonville Ethics Commission, Dr. Candler has attended 78% of the meetings of the commission since his initial appointment in 2013.

	Meetings Held	Meetings Attended
2013	10	8
2014	8	6
Total	18	14

Policy Impact Area: Jacksonville Ethics Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-744

Sponsor: Council President Yarborough

Date of Introduction: November 12, 2014

Committee(s) of Reference: R

Date of Analysis: November 10, 2014

Type of Action: Reappointment

Bill Summary: This bill reappoints Jesse C. Crimm, to the Jacksonville Health Facilities Authority, for a first full four-year term ending December 15, 2018.

Background Information: The Jacksonville Health Facilities Authority is established pursuant to Chapter 490, *Ordinance Code*, and charged to assist health facilities in the acquisition, construction, financing, and refinancing of projects. Section 490.106, *Ordinance Code*, provides that the members of the board are appointed by the Council.

Mr. Crimm received master's degrees in business administration and health care administration from the University of North Florida. He retired with 24-years of health care financial administration experience. Mr. Crimm resides in the Miramer area within Council District #5.

Attendance: According to the General Counsel's Office, the Jacksonville Health Facilities Authority meets on an as needed basis and the board has not met since Mr. Crimm's initial appointment in October 2013.

Policy Impact Area: Jacksonville Health Facilities Authority operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-746

Sponsor: Council President at the request of the Mayor

Date of Introduction: November 12, 2014

Committee(s) of Reference: R

Date of Analysis: November 10, 2014

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Antonio "Tony" Lopez as the Director of Parks, Recreation and Community Services.

Background Information: Section 28.102, *Ordinance Code*, provides that the Director shall have a bachelor's degree or higher from an accredited college or university in recreation, sociology, psychology, public/business administration, management or similar field and at least five years of progressively responsible experience in a management or executive position, with certification within field of expertise preferred.

Mr. Lopez received a master's degree in parks and recreation management from Florida International University and is a certified Parks and Recreation Executive. He has been employed in parks and recreation positions with the Town of Miami Lakes since 2004, including eight years at a management level.

Policy Impact Area: Parks, Recreation and Community Services Department operations

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

Analyst: Merritt

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Bill Type and Number: Ordinance 2014-747

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: November 12, 2014

Committee(s) of Reference: R

Date of Analysis: November 14, 2014

Type of Action: City Charter amendment; referendum authorization

Bill Summary: The bill amends City Charter Article 5 – City Council – to create a new Part 2 – Inspector General, subject to voter approval by referendum. The new part provides for the creation of an Office of Inspector General with jurisdiction to promote accountability, integrity and oversight of the entire consolidated government, including all of the City’s constitutional officers, independent authorities and appointed commissions, including the School Board. The office has the power to review and evaluate internal controls and procedures; to audit and investigate financial and performance activities of City officials and City contractors and subcontractors; to establish a complaints hotline; to make referrals to the Office of Ethics, Compliance and Oversight; to make referrals to law enforcement agencies where criminal conduct is suspected; to recommend operational and performance improvements; to monitor and inspect procurement processes and contract compliance; and to make reports to City officials and to the general public. The amendment establishes qualifications for the Inspector General and creates an Inspector General Selection and Retention Committee to fill the position, which appointment must be confirmed by City Council, for a term of 4 years. It provides for a removal of an Inspector General by a majority vote of the IG Selection and Retention Committee with confirmation by the City Council. The bill authorizes the Supervisor of Elections to place the referendum on the March 24, 2015 City election ballot and authorizes the appointment of a Referendum Fiscal Impact Committee to provide the required fiscal estimate.

Background Information: By Ordinance 2014-519-E the City Council amended City Charter Article 1 – Government and Ethics – to insert provisions regarding an Office of Inspector General into Chapter 2 – Ethics. This bill provides for a relocated IG Office in the City Council chapter of the Charter having substantially similar powers, duties and authority, with the significant exception being that this bill provides that the IG’s jurisdiction extends to all of the City’s constitutional officers, independent authorities and appointed commissions, including the School Board.

Policy Impact Area: Inspector General’s powers and scope of jurisdiction

Fiscal Impact: Undetermined – the expansion of covered agencies and offices would presumably require additional resources and personnel beyond what has previously been appropriated to cover internal City departments and commissions.

Analyst: Clements

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Bill Type and Number: Resolution 2014-748

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

Date of Introduction: November 12, 2014

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

Date of Analysis: November 14, 2014

Type of Action: Authorizing economic redevelopment agreement; Public Investment Policy waiver; designation of oversight agency

Bill Summary: The bill authorizes an economic development agreement between the City and Hallmark Partners, Inc. to provide a Recapture Enhanced Value (REV) grant of up to \$7 million to support the construction of a new mixed use residential and retail development at 200 Riverside Avenue. The bill waives provisions of the City's Public Investment Policy to permit a REV grant at a higher percentage (75%) and for a longer period (20 years) than the standard provided in the policy. It designates the Downtown Investment Authority as the oversight agency for the agreement and authorizes the Executive Director of the DIA to execute contracts and other documents to effectuate the project.

Background Information: Hallmark Partners proposes to construct 223 apartments, 18,000 square feet of retail space and 318 parking spaces at 200 Riverside Avenue, adjacent to its under-construction 220 Riverside project, at a total cost of \$42 million. The DIA recommends approval of a REV grant of up to \$7 million, representing 75% of the increase in the county ad valorem tax on the property for a period of 20 years. The project is estimated to produce \$9.3 million in new property taxes over the 20 year period and to create 500 temporary construction jobs and 60 new full-time jobs upon completion. The Public Investment Policy waiver is required to exceed the standard maximum REV grant of 50% of new taxes for a period of up to 7 years.

Policy Impact Area: Downtown economic development

Fiscal Impact: The bill would provide a REV grant of up to \$7 million over 20 years.

Analyst: Clements