

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Resolution 2013-758

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

Date of Introduction: November 12, 2013

Committee(s) of Reference: F

Date of Analysis: November 14, 2013

Type of Action: Approval of economic development agreement; approval of grant and QTI application; designation of oversight agency; waiver of Public Investment Policy

Bill Summary: The bill approves execution of an economic development agreement between the City and Advent Software, Inc. for the company to expand its existing Jacksonville location and hire up to 123 new full-time employees at an average wage of \$67,000 plus a benefit package valued at an average of \$13,400. The agreement provides for a Countywide Economic Development (CED) Fund grant of up to \$123,000 and a City Qualified Targeted Industry (QTI) match of \$147,600 to the State's \$590,400 (\$738,000 total QTI grant). The bill waives the City's Public Investment Policy for the purpose of making the CED grant because the policy does not contain specific guidelines for use of that fund.

Background Information: Advent Software, doing business in Jacksonville through its Black Diamond Reporting subsidiary, is an international financial services software company headquartered in San Francisco and doing business in 14 cities around the world. Black Diamond Reporting currently has 122 full-time employees in Jacksonville and proposes to double that employment by December 2016 and to expand its office space in Deerwood Park from 30,000 to 42,000 square feet at a cost of \$750,000.

In addition to the QTI of \$738,000 (\$590,400 state, \$147,600 local match) and the Countywide Economic Development Fund grant of \$123,000, the State proposes to allocate \$90,442 from the Governor's Quick Action Closing Fund and a Quick Action Training Grant of \$368,000.

Policy Impact Area: Economic development

Fiscal Impact: The City commits to a Countywide Economic Development Fund grant of up to \$123,000 and a City QTI match of \$147,600.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-759

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

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

Date of Analysis: November 29, 2013

Type of Action: Ordinance Amendment

Bill Summary: The ordinance amends Chapter 122 (Public Property), Part 8 (Tangible Personal Property), Section 122.811 (Sales of Tangible Personal Property; Prohibition of Sales to Certain Persons), *Ordinance Code*, to allow the chief of Procurement to dispose of tangible personal property by online public auction.

Background Information: The ordinance authorizes the Chief of Procurement to sell surplus property using an online auction process as well as an in person auction process. The ordinance also removes the requirement that a notice of each online auction be published in a newspaper of general circulation, so long as a description of the online auction process and a link to the online auctioneer's website is published on the Procurement Division's website. This law will allow the City to save some unnecessary costs and follow the accepted practice of other local governments and state agencies in Florida.

Policy Impact: Ordinance Code/Procurement Division

Fiscal Impact: Minimum

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-760

Introducer/Sponsor(s): Council Member Jones

Date of Introduction: November 26, 2013

Committee(s) of Reference: R, PHS, RCD

Date of Analysis: November 28, 2013

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 250 – Miscellaneous Business Regulations – to create an exception to the sidewalk width requirement for sidewalk cafes in the Stockton Street shopping district to accommodate the slightly narrower sidewalks in the area.

Background Information: The City's sidewalk café regulations require the permits may only be granted for sidewalk cafes in areas where the sidewalks are 8 feet or greater in width, and require that there must be a minimum of 2 feet of width for food and beverage serving purposes in addition to the width of the tables and chairs. In the Stockton Street shopping district the sidewalks are 7 feet, 7 inches in width, 5 inches shy of the Code requirement. This bill creates an exception from the width requirement for the Stockton Street shopping district and reduces the required serving area width from 2 feet to 1 foot, 7 inches.

Policy Impact Area: Sidewalk café regulation

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2013-761

Introducer/Sponsor(s): Council Member Jones

Date of Introduction: November 26, 2013

Committee(s) of Reference: TEU, LUZ

Date of Analysis: November 28, 2013

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 655 – Concurrency and Mobility Management Fee – to permit a developer to obtain credit toward a mobility fee liability for complete construction and dedication of a transportation project not listed in the 2030 Mobility Plan, provided the project meets all applicable standards and is approved by the City Council. The amendment also explicitly provides that credit for donation of right-of-way for a transportation project may be transferred from the landowner who made the donation to other landowners or developers for payment of mobility fees owed on other projects within the same mobility zone as the zone in which the donation is made. The amendment also clarifies that in order to receive mobility fee credit for a privately constructed improvement, the improvement must be dedicated to the City.

Background Information: The mobility fee system enacted by the City in 2011 to replace the former “fair share” system of private developer contributions to road construction and improvement provides that a private developer may only receive credit toward a mobility fee calculation for construction of a transportation improvement if that improvement is already listed on the City’s adopted 2030 Mobility Plan. This bill provides that transportation projects that are not listed on the Mobility Plan, but which nevertheless help to increase overall mobility efficiency within a mobility zone, as demonstrated by professionally accepted standards and criteria, may be used to obtain mobility fee credit upon approval by the City Council. The amendments regarding mobility fee credit for right-of-way donation being transferrable from one landowner or developer to another within a mobility zone and the requirement that an improvement be dedicated to the City are clarifications of existing practices that are not explicitly stated in the Code.

Policy Impact Area: Mobility fee system administration

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2013-762

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

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

Date of Analysis: November 29, 2013

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$138,268 from ITD's Retained Earnings Account to purchase a Mosquito Control System, as initiated by B.T. 14-007.

Background Information: The appropriation is to purchase a new Mosquito Control Management System to replace the old one, a 10-year old system that is labor and resource intensive and does not support all processes. The new system will enhance response capability to address public health and nuisance issues and will reduce the need to manually research and enter fog zones for work assignments. In addition, the new system will be able to track accuracy of service requests and ground applications and better meet state reporting requirements.

Policy Impact: Intra-Government/Information Technology/Mosquito Control

Fiscal Impact: The ordinance appropriates \$138,268.00.

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-763

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

Date of Introduction: November 26, 2013

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

Date of Analysis: November 28, 2013

Type of Action: Appropriation and carry-over authorization; CIP amendment; finding of necessity for mid-year CIP amendment

Bill Summary: The bill re-appropriates \$998,469.62 previously appropriated by earlier ordinances in order to reallocate emergency preparedness grant funding from several completed projects and one cancelled project to several other projects for similar authorized capital improvement uses. The bill amends the 2013-18 Capital Improvement Program to correspondingly reduce the budgets for several projects and increase the budgets for other projects and finds that delaying the CIP amendments to the next budget cycle would not be in the public interest because it would jeopardize the use of all available grant funds.

Background Information: The bill reallocates state grant funding from the Public Buildings – Disaster Repairs project (\$706,088), McCoy’s Creek Pond D drainage improvement project (\$288,297) and City of Atlantic Beach drainage improvement project (\$4,085) to provide additional funding for the Bradham Brooks Library disaster repair project (\$498,472), Emergency Operations Center building hardening project (\$493,752), Robert Kennedy Park Community Center repairs (\$4,599) and Emmett Reed Community Center repairs project (\$1,647). The Public Buildings Division’s capital facilities budget has been used to pay some of the expenses on these projects with the understanding that that budget would be replenished by the reallocation of available state grant funding to the projects, allowing the funds to be returned to Public Buildings for internal uses.

Policy Impact Area: Public facility improvements.

Fiscal Impact: The bill re-appropriates \$998,469.62 previously appropriated by earlier ordinances to reallocate the funding to other projects.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-764

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

Committee(s) of Reference: F; RCD

Date of Analysis: November 29, 2013

Type of Action: Appropriation

Bill Summary: The ordinance accepts and appropriates a \$99,000 grant from Petsmart Charities to provide funding for spaying or neutering 1,666 dogs in Zip Codes 32206 and 32254 in Duval County, as initiated by B.T. 14-011.

Background Information: The funds in the grant cover the cost of surgeries at an average of \$60.00 per surgery which includes a rabies vaccine, if needed, and a microchip including registration. There are a preponderance of dogs in these particular Zip Codes that are unregistered, stray and often nuisances in the communities.

Policy Impact: Animal Care and Protective Services

Fiscal Impact: The ordinance appropriates a grant in the amount of \$99,000 from a private charity.

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-765

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

Committee(s) of Reference: PHS; F

Date of Analysis: November 29, 2013

Type of Action: Appropriation

Bill Summary: The ordinance concerns a continuation grant; it appropriates \$624,507.21 (\$349,999.65 from the Department of Justice, Office of Justice Programs and \$274,507.56 in an in-kind contribution of personnel from the Public Defender) to provide funding to implement a Veterans Treatment Court in Duval County, as initiated by B.T. 14-012; it provides for a carryover of funds to Fiscal Year 2014-2015; provides for oversight by Court Administration.

Background Information: The Veterans Treatment Court program ensures that all offenders are identified and assess for risk and need; substance abusing offenders receive substance abuse treatment, mandatory drug testing sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent substance abusing offenders.

Policy Impact: Judicial Courts/Adult Drug Court

Fiscal Impact: The ordinance appropriates \$624,507.21

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-766

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

Committee(s) of Reference: F; RCD

Date of Analysis: November 29, 2013

Type of Action: Appropriation

Bill Summary: The ordinance authorizes the expenditure, pursuant to Section 110.413, *Ordinance Code*, of \$63,366.43 from the Florida Boater Improvement Program Fund for the removal and replacement of the floating dock at Arlington Lions Club Park; provides for oversight by the Parks and Recreation Department.

Background Information: The existing floating dock is severely damaged and cannot be repaired. The Florida Boater Improvement Program Fund derives its funding from a portion of the registration fee that all boaters must pay when registering their watercraft. The funds are expended on repair work (or, in this case, replacement) for facilities that provide access to the waterways. At its November 13th monthly meeting, the Jacksonville Waterways Commission had approved a resolution recommending that the Council move this particular measure as an emergency.

Policy Impact: Waterways/Parks & Recreation Department/Boating

Fiscal Impact: The bill authorizes the expenditure of \$63,366.43

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-767

Sponsor: Council Member Brown:

Date of Introduction: November 26, 2013

Committee(s) of Reference: F; RCD

Date of Analysis: November 29, 2013

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$10,000 from the Tree Protection and Related Expenses Trust Fund to plant 26 trees on City property located at 4511 Portsmouth Avenue (R.E. No. 037560-0000), the Lewis-Cobb Community Center, in Council District 10; it provides for the Public Works Department to oversee the continuing contract of Davey Tree Service.

Background Information: The twenty-six (26) trees (13 Crape Myrtles and 13 Eagleston Holly) are to be purchased, installed and maintained by Davey Tree Company under a continuing contract, which is valid through September 30, 2014.

Policy Impact: Beautification; Tree Protection and Related Expenses Trust Fund.

Fiscal Impact: The ordinance appropriates \$10,000.

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-768

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

Committee(s) of Reference: F; RCD

Date of Analysis: November 29, 2013

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$57,955 from the Tree Protection and Related Expenses Trust Fund to plant 167 trees on City property located on Firestone Road between Melvin Road and Wilson Boulevard in Council District 10; it provides for the Public Works Department to oversee the project; provides for a procurement directive utilizing the continuing contract of Davey Tree Service.

Background Information: The ordinance provides for the purchase of 167 trees (74 Crape Myrtle, 62 Nelly Stevens Hollies, 27 Redbuds and 4 Live Oak Cathedrals). The purchase, installation and maintenance of the trees are to be provided by Davey Tree Company under a continuing contract that is valid through September 30, 2014.

Policy Impact: Beautification; Tree Protection and Related Expenses Trust Fund

Fiscal Impact: The ordinance appropriates \$57,955.00

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-769

Introducer/Sponsor(s): Council Member Brown

Date of Introduction: November 26, 2013

Committee(s) of Reference: F, RCD

Date of Analysis: November 28, 2013

Type of Action: Appropriation

Bill Summary: The bill appropriates \$33,859 from a fund balance account to an expenditure account within the Jacksonville Children's Commission's youth team travel budget to make it available for use.

Background Information: At the end of the 2012-13 fiscal year the remaining funds in the account were automatically swept into the Children's Commission fund balance account. This bill appropriates the funding out the fund balance account and back into an expenditure line so that it may be allocated by the Children's Commission for youth team travel expenses in accordance with established procedures. The commission approved a travel allocation at its last meeting, contingent upon Council restoring the availability of the funds for use.

Policy Impact Area: Youth team travel expense

Fiscal Impact: The bill restores \$33,859 from a fund balance account to an expenditure account.

Analyst: Clements

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Bill Type and Number: Ordinance 2013-773

Sponsor: Council President at the request of the Mayor:

Date of Introduction: November 26, 2013

Committee(s) of Reference: TEU

Date of Analysis: November 29, 2013

Type of Action: Right-of-Way Closure

Bill Summary: The ordinance close, abandons, and/or disclaims a portion of a 50 foot platted, unopened, and unimproved right-of-way, established in Jacksonville Heights, North Half of Town Site via Plat Book 3, Page 51, dated October 13, 1090, in the public records of Duval County, in Council District 12, at the request of Widdles, Inc. (the "applicant"), owner of the adjacent property, in order to allow applicant to increase parking and security at its facility and clean and maintain the site.

Background Information: This right-of-way is frequently used as a dump site for trash, tires, and other large items. The applicant proposes to secure, clean and maintain the site. The applicant has paid a \$1,500.00 processing fee. The closure request was sent to various state, municipal and utility agencies which might have an interest in the matter and there were no objections.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2013-774

Sponsor: Council Member Lee:

Date of Introduction: November 26, 2013

Committee(s) of Reference: R; TEU

Date of Analysis: November 29, 2013

Type of Action: Establishing Honorary Street Designation; Ordinance Code Waiver

Bill Summary: The ordinance establishes an honorary street designation on a segment of Moncrief Road West and Avenue B to the intersection of Raines Avenue in Jacksonville for Julian Earl White, Ph.D.; provides for the installation of two honorary roadway markers to be located in appropriate locations on the designated roadway in Council District 10; the designation waives the requirements of Section 745.105(E)(2), *Ordinance Code*, regarding persons whom honorary street designations may be named after as the honoree is living; directs Legislative Services to forward the ordinance to the Planning & Development Department; the ordinance requests emergency passage upon introduction.

Background Information: a Jacksonville native, Dr. White is widely recognized as the legendary Band Director for Florida A&M University's "Marching 100" college band. A graduate of Florida A&M University (degree in music education), Dr. White achieved a Master's degree from the University of Illinois and earned a doctorate at Florida State University. Dr. White led the "Marching 100" band in numerous noteworthy appearances including three NFL Super Bowl games, the Grammys Awards shows, the CBS Game Day and the Inaugural Parade of President Barack Obama. The purpose of the request for emergency passage upon introduction is due to a gala honoring Dr. White on December 28, 2013.

On Page 2, line 14, it should read "Barack" rather than "Barak" Obama.

Policy Impact: Public Works

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Resolution 2013-775

Introducer/Sponsor(s): Council President Gulliford

Date of Introduction: November 26, 2013

Committee(s) of Reference: R, F

Date of Analysis: November 28, 2013

Type of Action: Expression of support for legislative J-bill

Bill Summary: The bill expresses the Council's support for proposed local bill J-1, to be considered by the Duval Legislative Delegation, that would amend City Charter Article 22 – Jacksonville Police and Fire Pension Board of Trustees – to delete reference to 1 board member being chosen by the other 4 members of the board and to insert language providing that the fifth member shall be selected by the other 4 members of the board from a list of 3 names submitted to it by the City Council ranked in priority order, none of whom shall have an interest in the fund. Should the 4 board members be unable by a majority vote to select 1 of the 3 names on the list to hold the position, the candidate listed first by the City Council shall be deemed selected. The amendment also adds a requirement that the PFPF board shall submit an annual budget to the mayor and city council and provides that the City Council shall have the power to review, modify and approve the administrative costs of the fund as it does for other City departments and agencies. Finally, the bill would delete language providing that the PFPF board is not limited to the express powers listed in the chapter and may exercise all other reasonably necessary powers, and deletes the provision that any decision or judgment of the board done in good faith shall be final, binding and conclusive upon all parties concerned.

Background Information: The Police and Fire Pension Fund board of trustees is currently composed of 1 member elected by the firefighter members of the plan, 1 member elected by the police officer members of the plan, two members appointed by the City Council, and 1 member selected by majority vote of the other 4 members.

Policy Impact Area: Police and Fire Pension Fund operations

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Resolution 2013-776

Introducer/Sponsor(s): Council Member Love

Date of Introduction: November 26, 2013

Committee(s) of Reference: R, LUZ

Date of Analysis: November 28, 2013

Type of Action: Expression of support for legislative J-bill

Bill Summary: The bill expresses the Council's support for proposed legislative bill J-2 which would amend Chapter 87-471, Laws of Florida, to establish a special liquor license for Biscotti's Espresso Café, Inc. located at 3556 St. Johns Avenue in Avondale.

Background Information: The bill would permit the Florida Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license for liquor sales to a restaurant that does not meet the current size criteria if the facility has at least 1,800 square feet of floor space and at least 100 seats and produces at least 51% of its revenue from the sale of food. ABT regulations normally require a building of at least 2,500 square feet and 150 seats.

Policy Impact Area: Alcoholic beverage licensing

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Resolution 2013-777

Introducer/Sponsor(s): Council Member Love

Date of Introduction: November 26, 2013

Committee(s) of Reference: R, LUZ

Date of Analysis: November 28, 2013

Type of Action: Expression of support for legislative J-bill

Bill Summary: The bill expresses the Council's support for proposed legislative bill J-3 which would amend Chapter 87-471, Laws of Florida, to establish a special liquor license for the Casbah Café located at 3628 St. Johns Avenue in Avondale.

Background Information: The bill would permit the Florida Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license for liquor sales to a restaurant that does not meet the current size criteria if the facility has at least 1,800 square feet of floor space and at least 100 seats and produces at least 51% of its revenue from the sale of food. ABT regulations normally require a building of at least 2,500 square feet and 150 seats.

Policy Impact Area: Alcoholic beverage licensing

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Resolution 2013-778

Sponsor: Council President at the request of the Mayor

Date of Introduction: November 26, 2013

Committee(s) of Reference: R

Date of Analysis: November 25, 2013

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Craig A. Gibbs to the Downtown Investment Authority, replacing Donald Harris as a Southbank CRA substantial business interest representative, for an unexpired term ending June 30, 2016.

Background Information: The Downtown Investment Authority is established pursuant to Chapter 55, Part 3, *Ordinance Code*, and charged as the sole development and community redevelopment agency for Downtown for the City of Jacksonville pursuant to Chapter 163, Part III, *Florida Statutes*. Section 55.307(b)(1), *Ordinance Code*, provides that five of the nine members of the board be appointed by the Mayor and confirmed by Council, in various categories, including an individual with a substantial business interest in the Southbank CRA.

Mr. Gibbs received a law degree in from Case Western Reserve University and is a managing partner with the *Law Office of Craig Gibbs, P.A.* He previously served on the Jacksonville Economic Development Commission and currently serves on the Jacksonville Children's Commission. Mr. Gibbs resides in the Glynea/Grove Park area within Council District #4.

NOTE: Because both boards have substantive powers, Mr. Gibbs may be required to resign from the Jacksonville Children's Commission upon appointment to the Downtown Investment Authority.

Policy Impact Area: Downtown Investment Authority Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2013-782

Sponsor: Council Member Carter:

Date of Introduction: November 26, 2013

Committee(s) of Reference: TEU

Date of Analysis: November 29, 2013

Type of Action: Vacation of Rights-of-Way

Bill Summary: The resolution concerns the vacation of portions of the Jacksonville Terrace Plat and portions of the Plat of De Soto Park Division of the Jacksonville Terrace Plat, pursuant to Section 177.101(3), Florida Statutes; returning a portion of the lands shown on said Jacksonville terrace Plat and the Plat of De Soto Park Division of Jacksonville Terrace Plat to acreage; making findings; abandoning certain unopened timber roads within the boundaries of the Jacksonville Terrace Plat and the Plat of De Soto Park Division of Jacksonville Terrace Plat which have not been opened and have not become roads suitable and necessary for the traveling public; ensuring legal access to abutting properties.

Background Information: Florida Statutes authorizes the governing bodies of counties to adopt resolutions vacating plats of subdivisions and returning the property to acreage upon showing that the person making application for vacation is the owner of that portion of the lands covered by the plat sought to be vacated; the vacation must not affect the ownership or right of convenient access of persons owning other parts of the previously plotted subdivision. These lands are west of downtown Jacksonville adjacent to the Cecil Commerce Center property. The rights-of-way located with the lands are considered "timber roads" because these rights-of-way were never opened, improved or accepted by the City for maintenance. These rights-of-way have not become highways suitable for the traveling public. William E. Boyed and Boyed Timber, Inc. have applied to vacate the portions of the Plats. The remaining lots or portions of the lots owned by others within the Plat will not abut a City of Jacksonville approved public or private roadway. The Applicants have agreed to provide legal access to landlocked parcels.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Resolution 2013-784

Sponsor: Council President at the request of the Mayor

Date of Introduction: November 26, 2013

Committee(s) of Reference: R

Date of Analysis: November 27, 2013

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Steven C. Woodard as the Chief of the Emergency Preparedness Division within the Fire and Rescue Department.

Background Information: Section 31.602, *Ordinance Code*, provides that the Chief shall have had at least five years' administrative or executive experience.

Mr. Woodard received a bachelor's degree from West Virginia University. He was employed with the Federal Emergency Management Agency for five years, serving as a Deputy Assistant Administrator since 2010. His prior experience also includes 20 years with the United States Secret Service. Mr. Woodard has been serving as the Acting Chief since October 7, 2013. He resides in Duval County.

Policy Impact Area: Fire and Rescue Department / Emergency Preparedness Division operations

Fiscal Impact: According to Employee Services, the salary range for this position is \$80,774 - \$131,875 annually.

Analyst: Welsh

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Bill Type and Number: Ordinance 2013-785

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

Date of Introduction: November 12, 2013

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

Date of Analysis: November 14, 2013

Type of Action: Lease amendment authorization

Bill Summary: The bill authorizes the Mayor to execute Amendment #1 to the lease agreement between the City and GIV Imeson, LLC for the new Supervisor of Elections operations center at One Imeson Park Boulevard to extend the substantial completion date for the build-out by 2 months and to amend the approved interior plans to reflect changes already authorized by change order. The bill authorizes an additional amendment to Exhibit C to the lease ("Rent") to recognize the rent amount effective upon completion of the tenant improvements. It provides that the City will not be responsible for any temporary storage costs during the extension of the tenant build-out process and provides that the City will reimburse the landlord for the cost of purchasing and installing an emergency backup generator.

Background Information: The lease amendment would extend the build-out substantial completion date by two months from January 1 to March 1, 2014, with an absolute deadline of April 1, 2014. It amends Exhibit D ("Approved Interior Plans") to recognize that change orders have been approved to authorize additional or upgraded equipment and finishes in the area of flooring, tile, cabinetry, walls, counter tops, light switches, toilet partitions and loading dock levelers, the costs of which will be paid from savings in the moving contract costs for relocation of the Supervisor's operation from Gateway to Imeson. The authorization to amend Exhibit C ("Rent") is included by the General Counsel's Office in an abundance of caution to clearly authorize the Mayor to execute documents as anticipated in the original exhibit to the lease which provides that the actual lease rate will be determined at the end of the build-out period after total tenant improvement costs have been determined. The City Council has approved a maximum lease rate which may be decreased if the cost of tenant improvements comes in under the \$800,000 allocated. The new generator is required because of a dispute between the Supervisor of Elections and the management of the Gateway Center over ownership of the generator that served the Supervisor's facility there. The Supervisor has been paying for maintenance of the generator since its installation, but the City cannot produce documentation that it purchased the generator. The SOE will pay for the cost of a new generator (\$65,000) in part by utilizing cost savings from the wiring and cabling of the new facility (\$30,000) and in part by internally reallocating money in the SOE budget (\$35,000) from a rent account to an equipment account, using savings in the rent account made available by the two month extension on the occupancy date of the Imeson space.

Policy Impact Area: Supervisor of Elections operations

Fiscal Impact: The bill authorizes lease amendments that involve the transfer of funds within the Imeson build-out and moving budgets to allow the completion of the overall project. The Supervisor of Elections will reallocate funding within his budget to make funds available for the purchase of the new generator.

Analyst: Clements

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2013-786

Introducer/Sponsor(s): Council Member Anderson

Date of Introduction: November 12, 2013

Committee(s) of Reference: Enacted as a first reading emergency – no committee reference

Date of Analysis: November 14, 2013

Type of Action: Ordinance Code and Environmental Protection Board (EPB) rule waiver; request for emergency first reading approval

Bill Summary: The bill temporarily waives the provisions of the City's noise ordinance and the EPB's noise regulations as they apply to two upcoming events at Metropolitan Park – the Soul Fest from 9:00 a.m. to 11:00 p.m. on Saturday, November 30, 2013 and the Big Ticket from 9:00 a.m. to 11:00 p.m. on Sunday, December 8, 2013.

Background Information: The bill proposes to exempt two upcoming events at Metropolitan Park with musical entertainment from the provisions of the City's noise regulations while various City Council committees continue to debate the adoption of a set of permanent regulations for events in the park that will produce loud noise. The Council previously exempted two other events (Welcome to Rockville and Funkfest 2013) from the noise regulations while the Environmental Quality Division took sound readings during the concert, both on-site and in surrounding neighborhoods, to build a database of information on which to revise the current noise regulations.

Policy Impact Area: Noise regulation

Fiscal Impact: None

Analyst: Clements