

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Ordinance 2016-675

Introducer/Sponsor(s): Council President Boyer and the Rules Committee

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 13, 2016

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 70 – Tourist Development Council – to provide that the three City Council appointees to the TDC shall be the current sitting President, the current Vice President, and the immediate Past President or, if that person is no longer available, the previous past President.

Background Information: The Code currently provides that the TDC shall be composed of 9 members, one of whom shall be the City Council President (who serves as the Chair of the TDC) and two others shall be elected officials of the City of Jacksonville, the three Beaches cities or the Town of Baldwin. Traditionally the President has appointed two other Jacksonville City Council members. This bill specifies that the current Council Vice President shall occupy one of the other two elected official seats and that the third seat shall be filled by the immediate past Council President (if that person is still on the Council) or by the previous past Council President. Although not an official policy, in the vast majority of years the City Council elects its Vice President as the President for the succeeding year. By specifying that the current President, the immediate past President and the current Vice President shall be the Council's three elected official appointees to the TDC, this bill would ensure that the past, current and future (in most cases) Council Presidents and therefore TDC Chairs would be the elected official representatives.

Policy Impact Area: Tourist Development Council membership

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Ordinance 2016-676

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: October 11, 2016

Committee(s) of Reference: NCIS, PHS, LUZ, F

Date of Analysis: October 13, 2016

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 307 - Historic Preservation & Protection, Chapter 320 – General Provisions, Chapter 518 - Jacksonville Property Safety & Management Code, Chapter 609 – Code Enforcement Citations, Chapter 650 - Comprehensive Plan for Future Development, Chapter 654 - Code of Subdivision Regulations; Chapter 656 – Zoning Code, and Chapter 780 - Property Tax to prohibit the approval, grant or issuance of certain licenses, permits, certificates or zoning actions to applicants for properties with unpaid civil penalties or outstanding Code violations.

Background Information: The “whereas” clauses of the bill state that enforcement of the City’s Code and regulations provide a stable and predictable environment for job creation and quality of life in the city, and that persons who are found guilty of Code and regulatory violations should not be permitted to flout the law by obtaining permits, licenses, certificates, etc. for new projects while fines for previous violations on that property remain unpaid. The bill adds a set of standard prohibitions against City officials issuing such permits, licenses, certificates, etc. for the real property of any code violator with 1) any uncorrected violation of any code provision on that real property, 2) unpaid civil penalties or costs arising from a code enforcement action regarding such property, or 3) any unpaid code enforcement correction or abatement lien against such property. It provides for the grant of a building permit or Certificate of Appropriateness in limited circumstances to allow for correction of the specific deficiency(s) resulting in the outstanding lien or fine (but without enlarging the scope of work beyond what is required to correct the violation), and permits the Director of the Planning and Development Department, in consultation with the Director of Public Works, to authorize issuance of such permits as may be necessary to avoid imminent peril to life or property to correct an emergency situation.

Policy Impact Area: Code and regulatory enforcement

Fiscal Impact: Undetermined – could increase the amount of citation fine revenue by prompting violators to pay outstanding fines, balanced against a possible reduction in permit fee revenue if the prohibition causes a reduction in permitting/licensing/rezoning applications.

Analyst: Clements

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Bill Type and Number: Ordinance 2016-677

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

Date of Introduction: October 11, 2016

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

Date of Analysis: October 13, 2016

Type of Action: Approval of transfer and re-appropriation of funds

Bill Summary: This bill approves the transfer and re-appropriation of \$175,000.00 from the reserve line item to an operating line item within the Shipyards Environmental Cleanup Project; reclassifies the existing \$750,000.00 appropriation to the correct sub-object, as initiated by revised B.T. 16-082; amends the 2017-2021 Five-Year Capital Improvement Program approved by Ordinance 2016-505-E to provide funding for the project entitled "Shipyards Project – Environmental Cleanup"; and provides for oversight by the Department of Public Works.

Background Information: The Shipyards Project was established by Ordinance 2014-555-E to provide immediate funding for the environmental cleanup, and sale of the property to a developer. The funds were designated for assessment and remediation. The Florida Department of Environmental Protection's (FDEP's) Site Assessment Report commented that the Shipyards site needed additional assessment to meet the requirement for semi-annual monitoring of the groundwater of the site; general maintenance activities of the site's soil cap and fencing; localized remediation of tar-like material on the west-central portion of the site; and a contingency for additional tasks that may be requested/required including meetings, presentations and additional assessment.

The request for \$175,000 is for potential assessment or remediation activities that may be required.

Policy Impact Area: Department of Public Works

Fiscal Impact: The transfer and re-appropriation of \$175,000.00; and reclassification of the existing \$750,000.00, as initiated by revised B.T. 16-082.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2016-678

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

Date of Introduction: October 11, 2016

Committee(s) of Reference: NCIS, F

Date of Analysis: October 13, 2016

Type of Action: Appropriation

Bill Summary: This bill approves the appropriation of \$322,280.00 from an Enhancement Grant awarded by the Department of Health and Human Services, Substance Abuse and Mental Services Administration (SAMHSA) for the Clay County Adult Drug Court with the River Region Human Services, as initiated by B.T. 16-126.

Background Information: The Clay County Adult Drug Court Program is a court-supervised, comprehensive treatment program for nonviolent defendants. This is a voluntary program which includes regular court appearances before a designated Drug Court Judge, treatment, which includes random drug testing, individual/group counseling, family counseling and regular attendance at Sobriety Support meetings such as 12-step (Narcotics Anonymous, Alcoholics Anonymous) or Smart Recovery.

The grant funds will expand the availability of and enhancement of the quality and/or intensity of services by:

- implementing gender-specific treatment groups;
- implementing three evidence-based treatment modalities: Moral Reconciliation Therapy, Traumatic Incident Reduction, and Relapse Prevention Therapy;
- increasing the available bed days for residential treatment from 30-40 to 70-90 per person;
- providing intensive substance abuse/mental health treatment services along with various recovery support services; and
- implementing medication assisted treatments.

The effectiveness of each goal/modality will be tracked by entering session and drug testing data into the Drug Court Case Management System and Government Performance and Results Act system.

Policy Impact Area: Court Administration

Fiscal Impact: The appropriation of \$322,280.00 as initiated by revised B.T. 16-126.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2016-679

Sponsor: Council Member Becton, co-sponsored by Council President Boyer

Date of Introduction: October 11, 2016

Committee(s) of Reference: TEU; R

Date of Analysis: October 14, 2016

Type of Action: Street Address Clarification; Ordinance Code Waiver

Bill Summary: This is an ordinance regarding Chapter 745 (Addressing and Street Naming Regulations), *Ordinance Code*; to clarify that the correct spelling of “Philips Highway” in Council District 5 and Council District 11 extending from Johns Street on the north to Duval County line on the south should include a single “L”; it waives the requirements of Section 745.105 (B), *Ordinance Code*, which requires review by the 911 Emergency Addressing Advisory Committee; it waives the requirements of Section 745.105(C), *Ordinance Code* which requires written notification of street name changes be forwarded to each owner of property abutting the street; it waives the requirements of Section 745.105(D), *Ordinance Code* which requires the Planning and Development Department to post signs advertising both public hearings at each intersection of the street being renamed; it establishes a compliance time period to require that all citizens, property owners, business owners and governmental entities utilize the correct spelling of “Philips Highway” with a single “L” on any and all official documents, residence addresses, street signs, highway markers and electronic communications on or before December 31, 2019; it directs the Legislative Services Division to forward this ordinance to the Planning and Development Department and the Public Works Department.

Background Information: In 1963, the Jacksonville Mayor-Commissioner and the City Council adopted an ordinance that changed the name of Kings Avenue to “Phillips Highway” with a double “L, which may have stemmed from the road being developed by men named both “Phillips” and “Philips.” The misspelling of “Philips Highway” in 1963 has caused numerous inconsistencies and confusion about the correct spelling of “Philips Highway.” On September 28, 2016, the Jacksonville Historic Preservation Commission voted to issue a letter of support to correct the spelling of “Philips Highway” with a single “L”. Sections of *Ordinance Code* Chapter 745 are being waived because the Ordinance is not changing the name of the street, merely clarifying the correct spelling of Philips Highway; property owners abutting the street are not being notified as the Ordinance is merely clarifying the correct spelling of Philips Highway; the Planning and Developing Department is not required to post signs, as the Ordinance is merely clarifying the correct spelling of Philips Highway.

Policy Impact: Ordinance Code/ Planning & Development Department/911 Emergency Addressing Advisory Committee

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2016-680

Sponsor: Council President at the request of the Mayor:

Date of Introduction: October 11, 2016

Committee(s) of Reference: TEU

Date of Analysis: October 14, 2016

Type of Action: Right-of-Way Closure

Bill Summary: The ordinance closes, abandons and/or disclaims the right-of-way of Cynthia Place, an unopened and unimproved right-of-way south of Bermuda Road between Cora Drive and Annabell Place, established in Plat Book 9, page 37, Atlantic Highlands, of the Public Records of Duval County, dated March 7, 1925, in Council District 3, at the request of Hassan Al-Khazrajy.

Background Information: The closure is requested to allow the applicant to enlarge his residential property. The adjacent property owner was notified of the application, has no objection, and will receive the half of the right-of-way that is adjacent to his own property. The portion of the right-of-way to be closed is unopened and unimproved and contains no infrastructure or utility facilities. This request was sent to various state, municipal, and utility agencies which might have an interest in the matter and there were no objections. All of Cynthia Place was closed by Ordinance 2006-109-E except for this small parcel.

Policy Impact: Public Works/Real Estate Division

Fiscal Impact: The applicant has paid a \$1,688.00 closure application processing fee.

Analyst: Jackson

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Bill Type and Number: Ordinance 2016-681

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

Date of Introduction: October 11, 2016

Committee(s) of Reference: TEU

Date of Analysis: October 13, 2016

Type of Action: Approval and authorization of temporary easement

Bill Summary: This bill approves and authorizes the Mayor, or his designee, and Corporation Secretary to execute and deliver, a Temporary Construction Easement (TCE) to the Florida Department of Transportation (FDOT) in, over, and under Parcel 702, which is adjacent to RE # 076617-0000, which is owned by the City Of Jacksonville.

Background Information: The FDOT needs the TCE for a signal improvements project along Kings Road. The easement will allow the use of the City's right-of-way to provide additional room for mobilization and installation of a mast-arm, as well as to complete a sidewalk and curb-and-gutter replacement at the Eaverson Street intersection. This will tie in and harmonize the right-of-way with the driveway and sidewalk construction. The term of the agreement will extend for a period of 72 months from the date of the TCE.

Policy Impact Area: Department of Public Works

Fiscal Impact: Per the TCE agreement, the consideration of the sum of \$1.00 and other valuable considerations.

Analyst: Mitchell

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Bill Type and Number: Ordinance 2016-685

Introducer/Sponsor(s): Rules Committee

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 13, 2016

Type of Action: Ordinance Code amendment

Bill Summary: The bill Ordinance Code Chapter 34 – Neighborhoods Department - to change the membership of the Jacksonville Housing and Community Development Commission to comport with a change in the state law regarding such commissions.

Background Information: The Housing and Community Development Commission is currently composed of 11 Duval County residents, of whom 6 are appointed by the Mayor and 5 by the Council President. Within the 11 members, 7 specific categories of employment/expertise with an affordable housing connection must be represented, along with individuals representing the local planning agency, county employers, “essential services personnel” as defined in the City’s Local Housing Assistance Plan, and a citizen at large. The Code does not currently specify which categories are to be appointed by the mayor or city council. Council President Boyer informed the Rules Committee that it has been difficult to identify potential appointees to the commission because the specificity of the categories limits the number of persons potentially qualified, and those who are qualified often have a conflict of interest because they work for agencies or companies that are involved in affordable housing and therefore may wish to be participants in programs in which the Commission has an advisory role.

To comport with changes to the requirements for membership on affordable housing advisory committees made by Ch. 2016-210, Laws of Florida, this bill provides that the Commission must consist of representatives of at least 6 of the 11 specified categories. The law provided that local jurisdictions could change the size of their advisory committee to between 8 and 11 members; the Rules Committee recommended that the City’s Commission remain at 11 members. The Commission is charged with reviewing, at least once every 3 years, the City’s land development ordinances, policies, procedures, regulations and its comprehensive plan and making recommendations to the Council on proposed changes that would help incentivize the production of more affordable housing in the city.

Policy Impact Area: Housing and Community Development Commission membership

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Resolution 2016-686

Sponsor: Council President Boyer

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 10, 2016

Type of Action: Appointment

Bill Summary: This bill appoints Shari A. Shuman as a member of the Board of Trustees of the City of Jacksonville Retirement System, replacing Terry R. Wood as a citizen representative, for a 3-year term.

Background Information: The Board of Trustees of the City of Jacksonville Retirement System is established in accordance with Chapter 120, *Ordinance Code*, and charged with the responsibility for administering the Jacksonville General Employees Pension Fund and the authority and duty, to hire actuaries, investment managers, performance evaluators and such other professional, technical or other advisors as it deems necessary.

Section 120.102, *Ordinance Code*, provides that two of the members of the board shall be citizens appointed by the Council. Ms. Shuman is the Vice President of Administration and Finance at the University of North Florida. She previously served in a number of positions with the City of Jacksonville including Comptroller and City Treasurer. Ms. Shuman received a master's degree in public administration from the University of North Florida. She owns and operates *Shucom Properties, Inc.* in Jacksonville and resides in St. Johns County.

Policy Impact Area: Jacksonville Retirement System Board of Trustees operations

Fiscal Impact: Anticipated to be minimal

Analyst: Shoup

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Bill Type and Number: Resolution 2016-689

Sponsor: Council President Boyer

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 10, 2016

Type of Action: Reappointment

Bill Summary: This bill reappoints Delilah R. "Dee" Bumbarger to the Jacksonville Housing Finance Authority, as a finance representative, for a first full term ending June 30, 2020.

Background Information: The Jacksonville Housing Finance Authority is established pursuant to Chapter 52, *Ordinance Code*, and charged to ensure compliance with Sec. 159.601, *Florida Statutes*, regarding the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing and the provision of low-cost loans to purchase affordable housing. Sec. 52.106, *Ordinance Code*, provides that three of the seven members of the board shall be appointed by the Council.

Ms. Bumbarger is a licensed real estate sales broker with *Buck & Buck Inc., Realtors*. She resides in the Lake Lucina area within Council District #1.

Attendance: According to information provided by the staff for the board, Ms. Bumbarger has attended 100% (4 of 4) of the meetings of the board during her current term beginning in February 2016.

Policy Impact Area: Jacksonville Housing Finance Authority operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup

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Bill Type and Number: Resolution 2016-690

Sponsor: Council President at the request of the Mayor

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 10, 2016

Type of Action: Reappointment Confirmation

Bill Summary: This bill confirms the Mayor's reappointment of Benjamin F. Davis to the Planning Commission, as the Planning District #5 representative, for a first full term ending September 30, 2019.

Background Information: The Planning Commission is established pursuant to Chapter 30, Part 2, *Ordinance Code*, and charged to review proposed land use changes, text changes to the Comprehensive Plan, requests for exceptions, variances and waivers to the Zoning Code, appeals from written orders granting or denying an administrative deviation and written interpretations of the Zoning Code and final orders of the Cell Tower Review Committee and other matters related to land use and area planning which are referred to the Department or to the Commission pursuant to law; review and make recommendations to the Council on proposed changes to the Zoning Code, the Code of Subdivision Regulations and other land development regulations or amendments thereto, and with respect to all rezonings; review and make recommendations on plans and programs developed by the Planning Department; and serve as the local planning agency per 163.3174, F.S. and prepare the comprehensive plan.

Section 30.201(a), *Ordinance Code*, provides that the nine members of the Planning Commission shall be residents appointed by the Mayor and confirmed by the Council, including one member residing in each City Planning District.

Mr. Davis is the owner of *Intuition Ale Works* and previously served on the Task Force on Consolidated Government. He resides in the Riverside area within City Council District #14 (Planning District #5).

Policy Impact Area: Planning Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Shoup

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Bill Type and Number: Resolution 2016-691

Sponsor: Council President at the request of the Sheriff

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 10, 2016

Type of Action: Appointment Confirmation with Retroactive Effective Date

Bill Summary: This bill confirms the Sheriff's appointment of Ronald L. Lendvay as Director of Investigations and Homeland Security, within the Sheriff's Office, retroactively effective back to September 17, 2016.

Background Information: Section 37.109, *Ordinance Code*, provides that the Director of the Department of Investigations and Homeland Security, within the Office of the Sheriff, shall have a college degree or at least five years' training and experience.

Chief Lendvay has been employed with the Sheriff's Office since 1994, working his way up from Police Lieutenant to Assistant Chief in 2009, a position he held until his appointment as Division Chief of Homeland Security in 2013. He received a master's degree in Security Studies from the Naval Postgraduate School and has completed various law enforcement training courses. Chief Lendvay is a resident of Duval County.

Policy Impact Area: Jacksonville Sheriff's Office operations

Fiscal Impact: According to Human Resources, the salary range for this position is \$97,636 - \$159,407 annually.

Analyst: Shoup

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Bill Type and Number: Resolution 2016-692

Sponsor: Council President at the request of the Sheriff

Date of Introduction: October 11, 2016

Committee(s) of Reference: R

Date of Analysis: October 10, 2016

Type of Action: Appointment Confirmation with Retroactive Effective Date

Bill Summary: This bill confirms the Sheriff's appointment of Leonard R. Propper as the Chief of the Community Affairs and Special Events Division, within the Sheriff's Office Department of Patrol and Enforcement, retroactively effective to September 17, 2016.

Background Information: Section 37.102(a), *Ordinance Code*, provides that the division chiefs, within the Office of the Sheriff, shall have a college degree or at least five years' training and experience.

Asst. Chief Propper has been employed with the Sheriff's Office since 1988, working his way up from Patrol Officer in 1989 to Sergeant in the Patrol Division in 2003. In 2006 he moved to the Special Events Unit where he was promoted to his current appointment as Assistant Chief in 2011. He received a bachelor's degree from Columbia College in 2004. Asst. Chief Propper is a resident of Duval County.

Policy Impact Area: Jacksonville Sheriff's Office operations

Fiscal Impact: According to Human Resources, the salary range for this position is \$83,707 to \$136,665 annually.

Analyst: Shoup