

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

**JEFFREY R. CLEMENTS**  
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**Bill Type and Number:** Ordinance 2013-588

**Introducer/Sponsor(s):** Council Member Yarborough

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Ordinance Code waiver; request for emergency action

**Bill Summary:** The bill waives the provision of Ordinance Code Section 122.106 – Public hearing required for closing or change of use of fire stations or libraries – to allow the closure of 3 fire stations and 6 fire stations not to be advertised at least 14 days in advance of a public hearing by the City Council on the proposed closures and to waive the required posting of signs. Emergency action is requested because the first public hearing on the budget will be conducted on September 10<sup>th</sup> and the second will be on September 24<sup>th</sup>.

**Background Information:** The bill is intended to avoid unnecessarily alarming communities about the closing of libraries and fire stations as proposed by the Mayor's budget, which the Finance Committee has recommended reversing and for which it has recommended funding in the committee's substitute budget to be presented to the City Council on September 10<sup>th</sup>. If the Council was to decide to deviate from the Finance Committee recommendation and approve the closure of one or more of the facilities, then

**Policy Impact Area:** Public facilities closure notice

**Fiscal Impact:** Undetermined – would avoid the cost of publishing notices and posting signs announcing the closure of facilities that may not be closed, pending Council action on the Finance Committee's recommended budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-589

**Introducer/Sponsor(s):** Council Member Yarborough

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation; budget ordinance amendment; request for emergency action

**Bill Summary:** The bill appropriates \$7 million in budget savings from the Sheriff's FY12-13 budget to a Special Council Contingency fund designated for the Sheriff's Office in order to carry the savings forward into the FY13-14 budget as funding source for the Sheriff's budget to partially offset the extraordinary lapse imposed on the JSO's proposed budget by the Mayor. The bill requests emergency passage so that the funds can be earmarked at the end of FY13 and not swept into the year-end fund balance account.

**Background Information:** The Sheriff anticipates budget savings of at least \$7 million in his FY13 budget and has requested that he be permitted to carry-forward the funds into FY14 to help fill the gap caused by the extraordinary lapse imposed on all departments in the Mayor's proposed FY14 budget. The carry-forward is contingent upon each of the Sheriff's budget sub-objects showing a positive balance at year-end. The Ordinance Code provides that any budgetary surpluses remaining in departmental budgets after the year-end closeout are swept into a general fund balance account to be used as a revenue source toward the following year's budget. This bill would apply the JSO's budget savings directly to its succeeding year budget.

**Policy Impact Area:** Sheriff's Office budget

**Fiscal Impact:** The bill appropriates \$7 million in budget savings from the Sheriff's FY12-13 budget to a Special Council Contingency fund designated for the Sheriff's Office FY14 budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-590

**Introducer/Sponsor(s):** Council Member Carter

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** LUZ

**Date of Analysis:** September 13, 2013

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapter 656 – Zoning Code – to remove “any tree located on any property which is in use for bona fide agricultural purposes” from the list of exceptions to the regulations regarding removal of protected trees, and to add a new paragraph providing that the City’s permitting requirements for removal of protected trees do not apply to trees on land classified as agricultural land pursuant to Sec. 193.461, Florida Statutes, if such agricultural activity is regulated through implemented best management practices.

**Background Information:** The City exempts trees located on property in use for bona fide agricultural purposes from the permitting process otherwise required before a protected tree (based on species and size) can be removed. The process of obtaining designation as a bona fide agricultural use requires an application fee. In the 2013 legislative session the Florida Legislature amended a state law concerning agricultural lands to expand certain prohibitions against local governments regulating agricultural activities, specifically including charging a fee on bona fide farm operations on agricultural lands. This law has the effect of prohibiting the City from charging this fee, so the Zoning Code is being amended to exempt agricultural lands meeting the state requirements from the regulation and fee.

**Policy Impact Area:** Protected tree removal

**Fiscal Impact:** Undetermined; depends on the number of permit application fees the City will no longer receive.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-591

**Introducer/Sponsor(s):** Council Member Crescimbeni

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 13, 2013

**Type of Action:** Council Rules amendment

**Bill Summary:** The bill amends Council Rule 3.901 – Legislation Regarding Economic Development – to provide that prior to City Council taking action on economic development “fast track” legislation, the Council President shall provide for a public comment period which shall follow immediately after the Consent Agenda in the order of Council business, followed directly by action on such bills.

**Background Information:** This bill would create a new entry in the regular order of the council agenda to provide a public comment period and voting upon economic development incentive “fast track” bills immediately following approval of the consent agenda and prior to action on third reading bills.

**Policy Impact Area:** Council Rules; economic development “fast track” legislation

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-592

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** F; PHS

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation

**Bill Summary:** This ordinance concerns a continuation grant. The ordinance appropriates \$106,567.77 in Federal Housing Opportunities for Persons With AIDS (HOPWA) reprogrammed funds to River Region Human Services, Inc. for mental health and substance abuse counseling for persons with HIV/AIDS as well as salary and benefits assistance for its staff, as initiated by B.t. 13-090; provides a carryover of funds from year to year until such funds are expended or lapse according to the originating state or federal program grant; provides for the Mayor and Corporation Secretary to execute and deliver documents relating to the award.

**Background Information:** The funds appropriated by this legislation are reprogrammed from projects completed in fiscal years 2010-2011 and 2011-2012. Because the United States Department of Housing and Urban Development requires recipients to comply with OMB Circular A-122, "Cost Principles for Non-Profit Organizations," Title 24 Housing and Urban Development CFR Part 84 "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations," and hire an independent certified public accountant to audit the program (not to be funded from the HOPWA grant monies) in accordance with OMB Circular A-133, then the provisions of Chapter 118, *Ordinance Code*, shall not be applicable to the City's HOPWA contracts to be awarded to the recipients.

**Policy Impact:** Neighborhoods and Community Development Department

**Fiscal Impact:** The ordinance appropriates \$106,567.77 in a federal grant to the City.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-593

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** F; PHS

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance appropriates \$10,923 from the Department of Homeland Security through the State of Florida Department of Emergency Management ("FDEM") for developing and implementing Homeland Security support programs and adopting Department of Homeland Security national initiatives, as initiated by B.T 13-096; approves and authorizes the Mayor and Corporation Secretary to execute and deliver the federally-funded Subgrant Agreement between the City and FDEM.

**Background Information:** JFRD has been receiving this grant on an annual basis for a number of years. The purpose of the funds is to provide training for the Emergency Preparedness staff.

**Policy Impact:** Jacksonville Fire and Rescue Department/Emergency Preparedness

**Fiscal Impact:** The ordinance appropriates a federal grant in the amount of \$10,923

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-594

**Sponsor:** Council President at the request of the Sheriff:

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** PHS; F

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation; Agreement Authorization & Approval

**Bill Summary:** The ordinance appropriates, in accordance with Section 932.7055, Florida Statutes, and \$124,000 from the Special Law Enforcement Trust Fund in order to provide \$100,000 to the Police Athletic League of Jacksonville, Inc. and \$24,000 to Lumen Entertainment, Inc., as initiated by B.t. 13-098; provides a carryover of funds to Fiscal Year 2013-2014; approves and authorizes the Mayor and Corporation Secretary to execute and deliver the Miscellaneous Appropriations Agreement between the City of Jacksonville and Police Athletic League of Jacksonville, Inc.; approves and authorizes the Mayor and Corporation Secretary to execute and deliver the Miscellaneous Appropriates Agreement between the City of Jacksonville and Lumen Entertainment, Inc.

**Background Information:** The funds in this ordinance are allocated to a program to inspire children on the value of life, to promote safe neighborhoods and to educate young people and families on the sanctity of life.

**Policy Impact:** Police Athletic League/Youth/Safe Neighborhoods

**Fiscal Impact:** The ordinance appropriates \$124,000

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-595

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** F; PHS

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation; Position Approval

**Bill Summary:** The ordinance concerns a continuation grant; it appropriates \$2,608,329 in Federal Housing Opportunity for Persons With AIDS (HOPWA) Program funding to provide housing assistance and related supportive services to low-income persons living with HIV/AIDS and their families within Duval County, as initiated by B.T. 14-001; provides for a carryover of funds from year to year until such funds are expended or lapse according to the originating state or federal program grant; provides for the Mayor and Corporation Secretary to execute and deliver documents relating to the awards; the ordinance approves a position, as initiated by R.C. 14-001.

**Background Information:** The Centers for Disease Control and Prevention has determined that there were 5,560 persons living with HIV/AIDS in the Jacksonville Metropolitan Statistical Area. The Housing and Community Development Division, through its annual universal cycle, solicits applications from entities seeking to provide eligible activities under the program. The recipients of these funds were selected through a public Notice of Funding Availability (NOFA) soliciting application. Those applications were reviewed, scored and ranked. The agencies and the number of clients to be served: Catholic Charities Bureau, Inc. (1,035); Gateway Community Services, Inc. (50), Lutheran Social Services, Inc. (300), Northeast Florida AIDS Network, Inc. (400), Northeast Florida AID Network, Inc. (185) (the former's funds for short-term rent, mortgage & utilities; the latter – housing placement); River Region Human Services (28).

**Policy Impact:** Neighborhoods and Community Development

**Fiscal Impact:** The ordinance appropriates a continuation grant from the federal government in the amount of \$2,608,329. No local match required.

**Analyst:** Jackson



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**Bill Type and Number:** Ordinance 2013-596

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

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation; Position Approval

**Bill Summary:** The ordinance concerns a continuation grant; it appropriates \$2,160,092 in Federal Home Investment Partnership Program funding to provide funding for activities that build, buy and/or rehabilitate affordable housing for rent or ownership or provide direct rental assistance to low-income people, as initiated by B.T. 14-002; provides a carryover of funds from year to year until such funds are expended or lapse according to the originating state or federal program grant; the ordinance authorizes the Mayor and Corporation Secretary to execute and deliver documents to effectuate the purpose of this ordinance; the ordinance approves Home Management Policies; approves positions, as initiated by R. C. 14-002.

**Background Information:** The Housing & Community Development Division of the Neighborhoods Department has awarded allocations to the following certified Community Housing Development Organizations (CHDO): Grace and Truth CDC, Helpful Citizens, Inc., Metro North, CDC, Northwest Jacksonville, CDC, Operation New Hope, Inc., Wealth Watchers, Inc. The City is committed to providing affordable housing for eligible very low, low and moderate-income people and families. The availability of affordable housing programs is contingent upon annual funding provided by the U.S. Department of Housing and Urban Development. The three positions approved in the ordinance are: Housing Services Manager, Contract Compliance manager and Human Services Planner II.

**Policy Impact:** Neighborhoods/Housing & Community Development

**Fiscal Impact:** The ordinance appropriates \$2,160,092.00

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-597

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

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation; Positions Approval

**Bill Summary:** This ordinance concerns a continuation grant; the ordinance appropriates \$5,554,760 in federal Community Development Block Grant (CDBG) funding to activities that develop viable urban communities by providing decent housing and suitable living environments and by expanding economic opportunities, principally for low and moderate income people, as initiated by B.T. 14-003; provides a carryover of funds from year to year until such funds are expended or lapse according to the originating state or federal program grant; provides for the Mayor and Corporation Secretary to execute and deliver documents relating to the awards; approves CDBG program management policies; approves positions, as initiated by R. C. 14-003.

**Background Information:** Funding, through Public Service Grant, is provided to the following organizations: Adult Services Division (Foster Grandparents Program; Special Programs for Older Adults), Clara White Mission (Clara White Vocational Training), Community Connections (Literacy Readiness for Homeless), Edward Waters College (Elderly Health Literacy), Girl Scouts of Gateway Council, Inc. (Niamoja Troops), Jacksonville Area Legal Aid (CDC Counseling Center), City of Jacksonville Beach (Utility Bill Assistance Program, Carver Center Recreation Program, Community Assisted Policing Efforts), Jacksonville Housing Authority (Brentwood Neighborhood Network Center, Family Self-Sufficiency Program), Learn to Read (Jax Reads Program), City of Neptune Beach (Neptune Beach Senior Activity Center), North Florida School of Special Education (Farming, Art & Culinary Training), COJ Parks & Recreation Department (Youth Build Program), Pine Castle, Inc. (Community Employment Initiative), The Arc Jacksonville, Inc. (People Assessing their Habits), The Bridge of NE Florida, Inc. (Weaver Zone Initiative), Women's Center of Jacksonville (Mental Health Counseling). The two positions created by the ordinance are Document Specialist and Administrative Assistant.

**Policy Impact:** Neighborhoods/Housing & Community Development

**Fiscal Impact:** The ordinance appropriates \$5,554,760.00 in federal Community Development Block Grant (CDBG) funds.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-598

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

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation

**Bill Summary:** This ordinance concerns a continuation grant; the ordinance appropriates \$392,963 in Federal Emergency Solutions Grants Program (HEARTH-ESG) funding for administrative costs, data collection and analysis, housing assistance, and related supportive services within Duval County, as initiated by B.T. 14-004; provides a carryover of funds from year to year until such funds are expended or lapse according to the originating state or federal program grant; provides for the Mayor and Corporation Secretary to execute and deliver documents to effectuate the purpose of this ordinance.

**Background Information:** The ESG grant program is authorized under the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 which amended and reauthorized the McKinney-Vento Homeless Assistance Act. ESG funds must be used to provide homeless persons with basic shelter and essential supportive services. It can also be used to provide short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure or utility shutoffs. The Housing and Community Development Division, through its annual universal cycle, solicits applications from entities seeking to provide eligible activities under the program. The recipients of these funds were selected through public Notice of Funding Availability (NOFA) soliciting applications. Agencies awarded funding: Catholic Charities Bureau, Inc., Emergency Services & Homeless Coalition of Jacksonville, Inc., I.M. Sulzbacher Center for the Homeless, Inc., and the City of Jacksonville (for Program Administration and Oversight).

**Policy Impact:** Neighborhoods/Housing & Community Development/the Homeless

**Fiscal Impact:** The ordinance appropriates \$392,963 in federal grant funds; no local match required.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-599

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

**Date of Introduction:** September 11, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance concerns a continuation grant; the ordinance appropriates \$1,286,005 in State Housing Initiative Partnership (SHIP) funds to pay for administration costs, activities that rehabilitate owner-occupied homes with disabled persons, as initiated by B.T. 14-005; providing a carryover of funds from year to year until such funds are expended or lapse according to the originating state or federal program grant; it authorizes the Mayor and Corporation Secretary to execute and deliver documents to effectuate the purpose of this ordinance; approves SHIP Program Management Policies.

**Background Information:** The Housing and Community Development Division, through its annual universal cycle, solicits applications from entities seeking to provide eligible activities under the program. The recipients of these funds were selected through public Notice of Funding Availability (NOFA) soliciting applications. Applicants recommended for funding include Family of Foundations of NE Florida, Inc. (Homeownership Counseling), Jacksonville Urban League (Homeownership Counseling), Metro North CDC (Owner Occupied Rehabilitation), Operation New Hope (Owner Occupied Rehabilitation), Wealth Watchers, Inc. (Homeownership Counseling), City of Jacksonville (Disability Rehabilitation), City of Jacksonville (Administration).

**Policy Impact:** Neighborhoods/Housing & Community Development

**Fiscal Impact:** The ordinance appropriates \$1,286,005 in State Housing Initiative Partnership (SHIP) funds.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-600

**Introducer/Sponsor(s):** Council Member Crescimbeni

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R, PHS, F

**Date of Analysis:** September 13, 2013

**Type of Action:** Appropriation

**Bill Summary:** The bill appropriates \$132,995 from the Office of General Counsel's fund balance and \$10,600 from Court Administration to fund a newly created position of City Magistrate. The bill also appropriates a total of \$129,367 from a variety of accounts in the Court Administration - Juvenile Alternative Program budget to a reserve account in the department and eliminates the position to which that funding was attached in order to allow that position to be transferred to the Office of General Counsel for the magistrate position. The bill requests one-cycle emergency passage.

**Background Information:** The bill would create a new position of City Magistrate to be responsible for hearing a variety of cases involving municipal code violations, including handicapped parking enforcement, adult and juvenile drug court cases, mental health hearings, cases involving military veterans, and domestic violence cases, as assigned by the Chief Judge. Emergency passage is requested in order to have the position become effective with the start of the new fiscal year on October 1<sup>st</sup>.

**Policy Impact Area:** Court operations

**Fiscal Impact:** The bill appropriates \$132,995 from the Office of General Counsel's fund balance and \$10,600 from Court Administration to fund a newly created position of City Magistrate, and appropriates \$129,367 associated with the transferred position from the Court Administration - Juvenile Alternative Program budget to a reserve account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-601

**Introducer/Sponsor(s):** Council Members Gaffney and Crescimbeni

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** PHS, F

**Date of Analysis:** September 13, 2013

**Type of Action:** Authorization to issue health care facilities revenue bonds

**Bill Summary:** The bill authorizes the issuance of up to \$150 million in healthcare facilities revenue bonds by the Florida Development Finance Corporation on behalf of Shands Healthcare Jacksonville to fund new capital improvements and the refunding of previous bond issues.

**Background Information:** the Florida Development Finance Corporation is a state agency that provides access to non-taxable borrowing for projects that will enhance economic activity in the state, if approved by the local government within which the project is to take place. The proceeds of the bonds will be used by Shands to refund a previous bond issue of \$100 million and to make new capital improvements at Shands facilities in Jacksonville at a cost of \$35.2 million. The new capital improvements include medical equipment, information technology equipment, renovations, development of a new UFHealth Jacksonville medical facility on the Northside, and a new electronic medical records system.

**Policy Impact Area:** Health care provision

**Fiscal Impact:** None to the City – UFHealth Jacksonville is responsible for all bond costs and debt service.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-602

**Introducer/Sponsor(s):** Council Member Redman

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Authorization of intergovernmental agreement; designation of oversight agency

**Bill Summary:** The bill authorizes the execution of a Cooperative Agreement between the City and the Jacksonville Transportation Authority evidencing the City's commitment to maintain certain public facilities used by JTA for a federally funded Bus Rapid Transit (BRT) system for the useful life of those facilities as defined by federal grant regulations. The bill authorizes the Public Works Department and Office of General Counsel to take such actions as may be necessary in conjunction with the execution of documents, issuance of permits, and other actions to fulfill the terms of the agreement and satisfy federal grant requirements.

**Background Information:** The JTA plans to eventually construct 4 BRT lines, one in each quadrant of the city, to provide frequent, efficient bus transportation from suburban areas to the city center using a combination of existing streets combined with new traffic signal control technology, dedicated travel lanes for buses on some roads, enhanced bus stops with ticket machines, park and ride lots, and transit information systems. The first phase to be constructed will be the North Corridor BRT along Lem Turner Road and Norwood Avenue to the FSCJ Downtown campus. The federal government will pay 80% of the cost of construction through Federal Transit Administration grants, the state will contribute 10% and the JTA will fund 10%. The City's involvement is required because a condition of the receipt of the federal grants is that the entity owning the capital facilities must commit to adequately maintaining those facilities for the useful life of the project (20 years for roadways, guideways, stations, shelters, and other major capital facilities). Since City streets and sidewalks will be part of the project, the City's maintenance commitment is required for those elements. The JTA will be responsible for maintenance of all the infrastructure it constructs for the system using federal funds.

Ordinance 2013-195-E authorized a Cooperative Agreement for City maintenance of facilities utilized for the North Corridor BRT line. This bill covers facilities utilized for Downtown Phase 1, including BRT "superstops" on the Southbank on Kings Avenue and on the Northbank on Broad and Jefferson streets, Bay Street and Forsyth Street.

**Policy Impact Area:** Public Works maintenance commitment

**Fiscal Impact:** The Public Works Department reports that the City's responsibility for maintaining its defined infrastructure will entail little to no additional cost beyond what is already routinely provided on those facilities.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-604

**Introducer/Sponsor(s):** Council Member Lumb

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** LUZ

**Date of Analysis:** September 13, 2013

**Type of Action:** Authorization to withdraw land use change application with refund of fees

**Bill Summary:** The bill authorizes the withdrawal of an application for a small-scale land use amendment (2013C-003) at the corner of Gilmore and Goodwin Streets in the Five Points area and authorizes refund of the application fee to the applicant.

**Background Information:** The applicant made application for a small-scale land use amendment and a rezoning from CRO to CN to permit the development of a tattoo parlor. The rezoning was later amended from CN to a PUD with conditions placing certain limitations on the operation of the tattoo parlor. With those limitations in place, the applicant no longer needed the land use amendment associated with the original CN zoning proposal and requested withdrawal of the land use change application and a refund of fees. Since the land use amendment was never drafted and introduced as an ordinance, City Council has nothing to withdraw, and the Zoning Code only allows a refund of 50% of fees once a land use change application has passed the workshop step. This bill would allow the Planning Department to refund 100% of the application and advertising fees.

**Policy Impact Area:** Land use amendment processing

**Fiscal Impact:** The bill authorizes the refund of \$

**Analyst:** Clements



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**Bill Type and Number:** Ordinance 2013-605

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** September 13, 2013

**Type of Action:** Grant of certificate of need for solid waste recycling center

**Bill Summary:** The bill grants a solid waste Certificate of Public Convenience and Necessity to US Roof Recycle, LLC for operation of a shingle recycling facility on West 12<sup>th</sup> Street, with conditions, on leased property at the Duval Asphalt plant site.

**Background Information:** The US Roof Recycle facility is being permitted to accept up to 100 tons per day of roofing debris. The conditions on the CON include: any materials transported to the site from out of the county are subject to payment of the City's solid waste host fee; no hazardous or special wastes or regulated substances may be brought to the site; no materials, incoming or recycled, may remain on the site for more than 180 days and storage piles may not exceed 35 feet in height; operating hours shall be from 8 a.m. to 7 p.m., Monday through Saturday, excluding Thanksgiving and Christmas days; a minimum of 80% of materials received at the facility shall be recycled and monthly reports must be provided to the City; the company must obtain all other applicable air, water and other permits; the facility must comply with the City's noise ordinance and regulations; litter must be controlled and removed on 12<sup>th</sup> street within 200 feet in both directions from the facility's entrance; host fees are payable on all non-recycled materials that are not disposed of within Duval County.

**Policy Impact Area:** Solid waste recycling

**Fiscal Impact:** Undetermined – host fees will be collected on out-of-county materials accepted at the site and on non-recycled materials that are disposed of out-of-county. Materials disposed of in-county will be charged the host fee at the landfill as part of the tipping fee.

**Analyst:** Clements

**CITY COUNCIL RESEARCH DIVISION**  
**LEGISLATIVE SUMMARY**

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**Bill Type and Number:** Ordinance 2013-606

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

**Date of Introduction:** September 10, 2013

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

**Date of Analysis:** September 13, 2013

**Type of Action:** Declaration and disposal of surplus property; Ordinance Code waiver

**Bill Summary:** The bill declares as surplus a parcel of City-owned property between East Church and East Duval Streets along the east bank of Hogan's Creek just west of the Sports Complex area, and conveys the property to the adjacent property owner – Hubbard House – at no cost. The bill waives the provisions of Ordinance Code Chapter 122 – Public Property – to permit the conveyance at no cost rather than for appraised value.

**Background Information:** Hubbard House plans to expand its current building and needs access to the City parcel behind its property to accommodate the expansion. The 0.11-acre triangular property has an assessed value of \$19 and no City agency has expressed any need for the site.

**Policy Impact Area:** Surplus property disposition

**Fiscal Impact:** Minimal – the property has little value and is being conveyed at no cost to the recipient.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-607

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** September 13, 2013

**Type of Action:** Declaration and disposal of surplus property

**Bill Summary:** The bill declares a parcel of property on Towhee Lane to be surplus to the City's needs and authorizes its direct sale to the adjoining landowner for the appraised value of \$8,500.

**Background Information:** The property was originally acquired as part of the St. Augustine Road Improvement Project for use as a retention pond site. The pond has been constructed and this 0.16 acre, triangular-shaped parcel is unneeded by the City. The Ordinance Code provides that surplus properties with an appraised value of less than \$25,000 may be disposed of by direct sale an adjoining property owner. The adjacent landowner – Land Trust 069784-0000 – plans to incorporate the parcel into the larger adjacent property and develop 4 single-family homes on the tract.

**Policy Impact Area:** Surplus property disposal

**Fiscal Impact:** The City will receive the appraised value of \$8500 for the property.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-608

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** September 13, 2013

**Type of Action:** Closing and abandoning platted right-of-way

**Bill Summary:** The bill closes and abandons a portion of the platted and improved right-of-way of Phyllis Street in the Riverside Gardens area, subject to reservation of City and JEA utility easements, at the request of adjacent property owner, Tom Nehl Truck Company.

**Background Information:** The property, comprising approximately 7,500 square feet, is the end of Phyllis Street near the intersection of I-10 and Edgewood Avenue and is owned by Tom Nehl Truck Company which paid the \$1500 closure application fee so that the right-of-way can be abandoned and the roadway incorporated into the company's facility to provide secured access to the site.

**Policy Impact Area:** Right-of-way closure

**Fiscal Impact:** The company paid the \$1500 right-of-way closure fee.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-609

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

**Date of Introduction:** September 9, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** September 13, 2010

**Type of Action:** Right-of-Way Closure; Conveyance

**Bill Summary:** The ordinance closes, abandons and/or disclaims a 60 foot wide unopened and unimproved right-of-way described and established in Deed Book 1538, Page 272, dated January 17, 1952, and Chancery Order Book 445, Page 536, dated November 15, 1951, of the public records of Duval County, in Council District 4, at the request of 121 Financial Credit Union ("Applicant") to enhance the security of its property, expand parking, and install landscaping, subject to reservation unto the City of Jacksonville and JEA of easements over the closed right-of-way for ingress and egress and for all utilities and subject to reservation unto the Florida Department of Transportation of an easement over the closed right-of-way for ingress and egress and drainage; conveying closed right-of-way to applicant for its appraised value.

**Background Information:** The applicant has paid a \$1,500 closure application processing fee. This closure request was sent to various state, municipal, and utilities agencies which might have an interest in this matter and there were no objections. The subject right-of-way has been appraised at the expense of the applicant and will be conveyed to the applicant for the appraised value of \$6,600.00 pursuant to Section 122-423, *Ordinance Code*.

**Policy Impact:** Public Works/Real Estate

**Fiscal Impact:** The applicant has paid a \$1,500 closure application fee; the appraised value of \$6,600 of the right-of-way is being paid by the applicant for the conveyance.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-610

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** September 13, 2013

**Type of Action:** Conveyance

**Bill Summary:** The ordinance approves and authorizes the Mayor and Corporation Secretary to execute (1) a City deed conveying to the State of Florida Transportation Department (FDOT) a fee simple parcel, Parcel 157, for the purpose of the construction of the Intersection of SR9B and Citicards Way and (2) a perpetual easement granting to FDOT a perpetual easement in, over and under Parcel 814 for the purposes of the construction and maintenance of a traffic signal mast arm and related equipment.

**Background Information:** The FDOT road work in this conveyance legislation is located in Council District 6. The Parcel 157, the fee simple parcel for the construction of the intersection of SR9B and Citicards Way is located along Citicards Way near its intersection with Flagler Center Boulevard. Parcel 814 is located at the intersection of Citicards Way, Flagler Boulevard, and Veveras Drive.

**Policy Impact:** Public Works Department

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-611

**Sponsor:** Council Member Brown:

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** RCD

**Date of Analysis:** September 13, 2013

**Type of Action:** Naming Recreational Facility

**Bill Summary:** The ordinance names the baseball fields at the Beverly Hills Community Center located at 4511 Portsmouth Avenue, Jacksonville, Florida, in Council District 10, to the Billy Cobb, Sr., Baseball Fields.

**Background Information:** Coach Billy Cobb, Sr., was an educator community leader who mentored countless students in the Duval County Public School System. After serving in Korea in the U.S. Army, Coach Cobb earned a Physical Education degree at Edward Waters College, served as the Dean of Students at Wolfson High School for 17 years and as Recreation Leader for the City's Beverly Hills Community Center for 25 years. For 40 years, Coach Cobb was a member and leader of the First Baptist Church of Oakland.

**Policy Impact:** Parks & Recreation Department

**Fiscal Impact:** Minimal

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-612

**Sponsor:** Council Member Brown:

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** RCD

**Date of Analysis:** September 13, 2013

**Type of Action:** Renaming Public Facility

**Bill Summary:** The ordinance renames the Beverly Hills Community Center located at 4511 Portsmouth Avenue, Jacksonville, Florida 32208, in Council District 10, to the Lewis-Cobb Community Center.

**Background Information:** Jean A. Lewis and Coach Billy Cobb, Sr. were community leaders who devoted their lives in nurturing and shaping the lives of young people in the community. For more than 35 years, Jean Lewis was a volunteer and ultimately president of the Sherwood Forest Community Association. She created the "Bright Ideal Project", a tutorial program established to help students excel on FCAT tests. A 1983 graduate of Edward Waters College, Jean Lewis was active in her church, Bethel Baptist Institutional Church and was recognized by First Coast News for the award "12 Who Care Community Award." Coach Bill Cobb, Sr. was a role model and mentor to countless students in Jacksonville. After serving in Korea in the United States Army in the 1960s, Coach Cobb attended Edward Waters College and earned a degree in Physical Education in 1971. Coach Cobb served as the Dean of Students at Wolfson High School for 17 years and as Recreation Leader for the City's Beverly Hills Community Center for 25 years. For 40 years, Coach Cobb was active and a leader in his church, the First Baptist Church of Oakland.

**Policy Impact:** Community Centers

**Fiscal Impact:** Undetermined

**Analyst:** Jackson



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**Bill Type and Number:** Resolution 2013-613

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 6, 2013

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Edward M. Booth, Jr. as a member of the Jacksonville Aviation Authority, replacing Cyrus Jollivette for an unexpired term ending September 30, 2015.

**Background Information:** The Jacksonville Aviation Authority is established pursuant to Article 4, *Jacksonville Municipal Charter*, and charged to operate, manage, and control all publicly owned airports and ancillary facilities located within Duval County. Section 1(2), Article 4, provides that three of the members of the board are appointed by the Mayor with the confirmation of the Council of the City of Jacksonville.

Mr. Booth received a law degree from Florida State University and is a partner at *Quintairos, Prieto, Wood & Boyer, P.A.* He resides in Duval County.

**Policy Impact Area:** Jacksonville Aviation Authority operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-614

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 6, 2013

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Daniel F. Albert, as a member of the Jacksonville Housing and Community Development Commission (JHCDC), filling the seat formerly held by Bursey Armstrong, as a banking industry representative, for a first term ending November 30, 2016.

**Background Information:** The JHCDC is established pursuant to Chapter 35, *Ordinance Code*, in accordance with Section 420.9076, *Florida Statutes*, and charged to act as an advisory committee, conduct any required public hearings, undertake the review, take any and all required actions for compliance, and make recommendations to the Council for adoption (and authorize the transmittal) as required by section 420.9076, *Florida Statutes*, regarding local affordable housing incentives. Section 35.703(a), *Ordinance Code*, provides that six of the eleven members of the Commission shall be appointed by the Mayor and confirmed by Council, in various categories, including a person actively engaged in the banking or mortgage banking industry in connection with affordable housing.

Mr. Albert received a master's degree in business administration from the University of New Orleans and a law degree from North Carolina Central University. He is a Public Finance Associate with *McGuireWoods, LLP* and resides in the Southside area with Council District #4.

**Policy Impact Area:** Jacksonville Housing and Community Development Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-615

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 6, 2013

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Susan Lisa King, as a member of the Jacksonville Housing and Community Development Commission (JHCDC), filling the seat formerly held by Meredith Hines, as a local planning agency representative, for a first term ending November 30, 2015.

**Background Information:** The JHCDC is established pursuant to Chapter 35, *Ordinance Code*, in accordance with Section 420.9076, *Florida Statutes*, and charged to act as an advisory committee, conduct any required public hearings, undertake the review, take any and all required actions for compliance, and make recommendations to the Council for adoption (and authorize the transmittal) as required by section 420.9076, *Florida Statutes*, regarding local affordable housing incentives. Section 35.703(a), *Ordinance Code*, provides that six of the eleven members of the Commission shall be appointed by the Mayor and confirmed by Council, in various categories, including a representative also actively serving on the local planning agency, i.e. the Planning Commission.

Ms. King received a bachelor's degree in political science from Stetson University and is a Vice President with *Langton Associates*. She is the Planning District #6 representative on the Planning Commission and also serves as a Planning Commission representative on the Tower Review Committee. Ms. King resides in the Fort George Island area within Council District #11.

**Policy Impact Area:** Jacksonville Housing and Community Development Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-616

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 6, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of Jerry L. Friley, III, as a member of the Planning Commission, for a second full three-year term ending October 1, 2016.

**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 three members appointed at-large.

Mr. Friley received bachelor's degrees in architecture and in interdisciplinary studies, both from Mississippi State University. He is a Project Manager with *BSB Design*. Mr. Friley serves as a Planning Commission representative on the Tower Review Committee and previously served on the Jacksonville Historic Preservation Commission. He resides in the Crystal Springs area within Council District #12.

**Policy Impact Area:** Planning Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-617

**Sponsor:** Council President Gulliford

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 6, 2013

**Type of Action:** Reappointment

**Bill Summary:** This bill reappoints Terry R. Wood, as a member of the Board of Trustees of the City of Jacksonville Retirement System, as a citizen representative, for a second three-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 and the Jacksonville Corrections Officers Pension Plans 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 the Council shall appoint the two citizen members of the board. Further, each citizen member shall have professional experience in at least one of the following disciplines: finance, investments, economics, pension management, pension administration and/or accounting.

Former Council Member Wood received a master's degree from the University of Florida and operates an insurance and government consulting firm, specializing in public finance, public administration, employee benefits (health and retirement), and government policy. During his five terms on the City Council, Mr. Wood served a year as Council President and five years as Chair of Finance. He resides in the Greenland area within Council District #6.

**Attendance:** According to records provided by the staff for the Retirement System Board, Mr. Wood has attended 100% of the meetings of the board since his appointment.

	<b>Meetings Attended</b>	<b>Meetings Held</b>
<b>2011</b>	12	12
<b>2012</b>	11	11
<b>2013</b>	7	7
<b>Total</b>	30	30

**Policy Impact Area:** Jacksonville Retirement System Board of Trustees operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-620

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

**Date of Introduction:** September 10, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** September 6, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of Anthony S. Robbins, as a member of the Planning Commission as the Planning District #2 representative, for a second three-year term ending October 1, 2016.

**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. Robbins received a master's degree in public administration from the University of West Florida and is a Senior Planner with *Prosser Hallock, Inc.* He has previously served on the Municipal Code Enforcement Board. Mr. Robbins resides in the Beacon Hills area within Council District #1 (Planning District #2 – Greater Arlington).

**Policy Impact Area:** Planning Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh