

# LEGISLATIVE FACT SHEET

DATE: 05/15/18

BT or RC No: \_\_\_\_\_  
(Administration & City Council Bills)

SPONSOR: Mayor's Office  
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentation Eric Fuller & Sondra Fetner

Provide Name: Eric Fuller, Environmental Programs Manager/ Sondra Fetner, Office of General Counsel

Contact Number: 255-7513/ 630-1714

Email Address: Efuller@coj.net / sfetner@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation. (Minimum of 350 words - Maximum of 1 page.)

The purpose of the legislation (draft provided in Exhibit 1) is to have Council approve and authorize the Mayor and Corporation Secretary to execute and deliver the Declaration of Restrictive Covenant (Exhibit 2) between the City of Jacksonville and the Florida Department of Environmental Protection (FDEP), and any other documents necessary to effectuate the purposes of the Restrictive Covenant for the property known as Bunche Drive Pond, located at 5255 Bunche Drive, RE # 030490-0000 (Property), so as to place environmental restrictions on the site. A color copy of the map is provided for your review (Exhibit 3).

During the construction of a stormwater pond at the site, subsurface debris and septic odors were encountered. Historical review indicated that the property was the former location of a wastewater treatment facility from at least 1959 to 1975. Subsequent testing of the soils indicated the presence of contaminants which mainly consisted of polycyclic aromatic hydrocarbons and arsenic. Site Assessment activities of the soils, groundwater and sediment of the site were conducted. All assessment activities were reported to and reviewed by the Florida Department of Environmental Protection (FDEP). The soil impacts were delineated to the site and groundwater was shown to not be impacted. The soils with the highest concentrations of impacts were removed from the site. In accordance with an FDEP-approved plan, the remaining soils generated from the completion of the stormwater pond were stockpiled on the site, covered with a polyethylene liner and then covered with two feet of soil and sodded. The site has been fenced off to prevent unauthorized access. As part of the formal regulatory closure process, institutional controls in the form of a deed restriction are being placed on the site which requires council action.

Due to the contamination that remains onsite, the FDEP has required the City enter into a Declaration of Restrictive Covenant. The Restrictive Covenant requires physical barriers to environmental impacts on the site, these barriers known as an Engineering Control, which includes the maintenance of two feet of clean and uncontaminated soil that prevents human exposure to site impacts. If excavation and construction beneath the Engineering Control is needed, the removal and disposal of contaminated soils in accordance with proper methods pursuant to Ch. 62-780, F.A.C. shall be required. Any dewatering activities at the site must be pre-approved by FDEP. The Engineering Control is outlined in the Engineering Control Maintenance Plan (Exhibit 4).

APPROPRIATION: Total Amount Appropriated \_\_\_\_\_ as follows:  
 List the source name and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s)	From: N/A	Amount: _____
	To: _____	Amount: _____
Name of State Funding Source(s)	From: _____	Amount: _____
	To: _____	Amount: _____
Name of City of Jacksonville Funding Source(s)	From: _____	Amount: _____
	To: _____	Amount: _____
Name of In-Kind Contribution(s)	From: _____	Amount: _____
	To: _____	Amount: _____
Name & Number of Bond Account(s)	From: _____	Amount: _____
	To: _____	Amount: _____

**PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:**

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

N/A

**ACTION ITEMS: Purpose / Check List.** If "Yes" please provide detail by attaching justification, and code provisions for each.

**ACTION ITEMS:**

	<b>Yes</b>	<b>No</b>
Emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Justification of Emergency: If yes, explanation must include detailed nature of emergency.

	<b>Yes</b>	<b>No</b>
Federal or State Mandate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

The Florida Department of Environmental Protection (FDEP) is requiring the City enter into the Declaration of Restrictive Covenant due to the existence of contaminated soil remaining onsite.

Fiscal Year Carryover?

Note: If yes, note must include explanation of all-year subfund carryover language.

CIP Amendment?

Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.

Contract / Agreement Approval?

Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted?

The Declaration of Restrictive Covenant needs to be executed by the Mayor and the Corporation Secretary. FDEP has reviewed and approved the Declaration of Restrictive Covenant and Engineering Control Maintenance Plan.

Related RC/BT?

Attachment: If yes, attach appropriate RC/BT form(s).

Waiver of Code?

Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Related Enacted Ordinances?

Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper.

**ACTION ITEMS CONTINUED:** Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

**ACTION ITEMS:**      **Yes**      **No**  
Continuation of Grant?


Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

Surplus Property Certification?

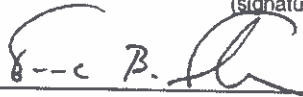
Attachment: If yes, attach appropriate form(s).

Reporting Requirements?

Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for

Division Chief:   
(signature)

Date: 5/17/2018

Prepared By:   
(signature)

Date: 5/16/2018

**ADMINISTRATIVE TRANSMITTAL**

To: MBRC, c/o Roselyn Chall, Budget Office, St. James Suite 325

Thru: Eric Fuller, Environmental Programs Manager, Public Works Department  
(Name, Job Title, Department)  
Phone: 255-7513 E-mail: Efuller@coj.net

From: Sondra Fetner, Assistant General Counsel, OGC  
Initiating Department Representative (Name, Job Title, Department)  
Phone: 630-1714 E-mail: sfetner@coj.net

Primary Contact: Eric Fuller, Environmental Programs Manager, Public Works Department  
(Name, Job Title, Department)  
Phone: 255-7513 E-mail: Efuller@coj.net

CC: Jordan Elsbury, Director of Intergovernmental Affairs, Office of the Mayor  
904-630-7219 E-mail: jelsbury@coj.net

**COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL**

To: Peggy Sidman, Office of General Counsel, St. James Suite 480  
Phone: 904-630-4647 E-mail: psidman@coj.net

From: \_\_\_\_\_  
Initiating Council Member / Independent Agency / Constitutional Officer  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Primary Contact: \_\_\_\_\_  
(Name, Job Title, Department)  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

CC: Jordan Elsbury, Director of Intergovernmental Affairs, Office of the Mayor 0  
904-630-7219 E-mail: jelsbury@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item:    Yes    No  
Boards Action / Resolution?       

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

**FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED**