

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
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Bill Type and Number: Ordinance 2008-1

Sponsor: TEU Committee

Date of Introduction: January 8, 2008

Committee(s) of Reference: TEU

Date of Analysis: January 8, 2008

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Palm Pointe Holdings, LLC for a mixed use project known as Dunn Creek Townhomes. The fair share assessment is \$2,848,490 with a 10-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 1,707 p.m. peak hour trips being generated on links in fair share fund sector 6.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Heckscher Drive – Drummond Point to August Drive	267
Heckscher Drive – August Drive to SR 9A	470
Heckscher Drive – SR 9A to Blount Island	245
Heckscher Drive – Busch Drive to Drummond Point	244
Eastport Road – Faye Road to Heckscher Drive	23
SR 9A – Main Street to Heckscher Drive	159
SR 9A – Heckcher Drive to Merrill Road	214
Alta Drive – Rushing Branch to Faye Road	26
Alta Drive - Faye Road to SR 9A	28
New Berlin Road – Cedar Point Road to Heckscher Drive	15
Alta Drive – SR 9A to New Berlin Road	16

Background Information: The project consists of a maximum of 250,000 square feet of warehouse space, a 150 room hotel, 20,000 square feet of retail uses, 20 additional condominium units, a 250 seat restaurant, a 3,200 square foot convenience store with 4 fuel islands, one fast food restaurant with one drive thru, one bank with 4 drive thrus and a 40,000 square foot office building on 36 acres located on the northwest corner of the intersection of Zoo Parkway and 9A in Council District 11.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$2,848,490 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2008-2

Sponsor: TEU Committee

Date of Introduction: January 8, 2008

Committee(s) of Reference: TEU

Date of Analysis: January 8, 2008

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Whitehouse Manor, Inc. for an office project known as Debra Development. The fair share assessment is \$195,358 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 125 p.m. peak hour trips being generated on links in fair share fund sector 4.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Wilson Boulevard – Lane Avenue to Old Middleburg Road	106
Old Middleburg Road – 103 rd Street to Herlong Road	19

Background Information: The project consists of a maximum of 60,000 square feet of general office uses on approximately 3.2 acres located on Debra Drive, between Wilson Boulevard and I-295 in Council District 10.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$198,358 to the Sector 4.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2008-3

Sponsor: TEU Committee

Date of Introduction: January 8, 2008

Committee(s) of Reference: TEU

Date of Analysis: January 8, 2008

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Sembler Florida, Inc. for a commercial project known as Southside Baymeadows Project. The fair share assessment is \$722,475 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 188 p.m. peak hour trips being generated on links in fair share fund sector 3.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Southside Boulevard – I-95 to Baymeadows Road	38
Baymeadows Road – I-95 to Southside Boulevard	70
Baymeadows Road – Southside Boulevard to SR 9A	80

Background Information: The project consists of a maximum of 30,000 square feet of shopping center uses on approximately 4.68 acres located on the southeast corner of the intersection of Baymeadows Road and Southside Boulevard in Council District 13.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$722,475 to the Sector 3.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2008-4

Sponsor: TEU Committee

Date of Introduction: January 8, 2008

Committee(s) of Reference: TEU

Date of Analysis: January 8, 2008

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Jaguar Builders, Inc. for a warehouse project known as Eastport Warehouse Project. The fair share assessment is \$239,880 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 107 p.m. peak hour trips being generated on links in fair share fund sector 6.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Eastport Road – Main Street to Faye Road	59
Pulaski Road – Eastport Road to New Berlin Road	48

Background Information: The project consists of a maximum of 104,000 square feet of warehouse uses on approximately 8.00 acres located on the south side of Eastport Road between Pulaski Road and Wynell Road in Council District 12.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$239,880 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2008-5

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 8, 2008

Committee(s) of Reference: F; TEU

Date of Analysis: January 11, 2008

Type of Action: Purchase Approval

Bill Summary: This ordinance approves the purchase by the City of Jacksonville, from the Duval County School Board ("DCSB"), of 1) a fee simple parcel to allow widening of Crystal Springs Road as part of the Crystal Springs Road Project, a Better Jacksonville Project, and 2) a drainage easement area for the storage and treatment of storm water and the construction of drainage and parking improvements, for no monetary consideration but for certain work to be performed by the City for DCSB. The ordinance authorizes the Mayor, or his designee, and the Corporation Secretary to execute all closing documents and to take all necessary action to effectuate the purchase of the real property.

Background Information: The parcel is located on Crystal Springs Road, at Hammond Boulevard and Ramona Boulevard. The site is in Council District 12. The City will alter an existing pond site and parking spaces on DCSB property as a part of the agreement. The DCSB accepted the terms of the agreement at its November 2007 meeting.

Policy Impact: Public Works/Real Estate/Duval County School Board/Better Jacksonville Plan

Fiscal Impact: Undetermined

Analyst: Jackson

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REVISED SUMMARY

Bill Type and Number: Ordinance 2008-6

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 8, 2008

Committee(s) of Reference: F; RCD

Date of Analysis: January 11, 2008

Type of Action: Appropriation; Agreement Approval

Bill Summary: This ordinance appropriates \$500,000 from the Northwest Jacksonville Economic Development Trust Fund to provide Lofts at Main, LLC, with a three-year, three percent (3%) loan to fund the Main & Third Street Project, a mixed-use development with a 36-unit extended stay apartment/hotel and 7,506 square feet of commercial space, as initiated by B.T. 08-053. Provision is made to carry the funds into Fiscal Year 2008-2009. The ordinance authorizes and approves the Redevelopment Agreement between the City and Lofts at Main, LLC.

Background Information: Lofts at Main will be a mixed-use development with a 36-unit extended-stay apartment/hotel with 7,506 square feet of commercial space. A three-story building, the site is located at 1303 Main Street, in Council District 7. The principals of Lofts at Main, LLC are William Cesery Jr. and Barbara Cesery. The project is expected to provide a total of twelve jobs. The total cost of the project will be \$6,163,079. The Third and Main project includes the commitment of \$844,900 in private equity and a commitment of \$4.8M from a commercial bank (Ameris Bank.). The project's principal, Mr. Cesery expects that the project will be partnering with the Proton Beam Therapy Institute facility at Shands, who will have a need for short-term residents for their patients and families of sick patients.

Policy Impact: Housing & Neighborhood Department/Northwest Jacksonville Economic Development Trust Fund/Economic Development

Fiscal Impact: The ordinance appropriates \$500,000 in the form of a loan from NWJEDF

Analyst: Jackson

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Bill Type and Number: Ordinance 2008-9

Sponsor: TEU Committee

Date of Introduction: January 8, 2008

Committee(s) of Reference: TEU

Date of Analysis: January 8, 2008

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Pickettville Partners Ltd. for a warehouse and manufacturing project known as Pickettville Commerce Center. The fair share assessment is \$1,434,032 with a 10-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 541 p.m. peak hour trips being generated on links in fair share fund sector 5.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
I-295 – I-10 to New Kings Road	116
Old Kings Road – Edgewood Avenue to Plummer Road	42
Commonwealth Avenue – Lane Avenue to I-295	143
Commonwealth Avenue – I-295 to Imeson Road	219
Pritchard Road – I-295 to Old Kings Road	15
Pritchard Road – Imeson Road to I-295	6

Background Information: The project consists of a maximum of 200,000 square feet of warehouse uses and 300,000 square feet of manufacturing uses on approximately 84.7 acres located on Robinson Road West, between Pritchard Road and Commonwealth Avenue in Council District 10.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$1,434,032 to the Sector 5.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2008-10

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 8, 2008

Committee(s) of Reference: F, RCD

Date of Analysis: January 8, 2008

Type of Action: Approval of interlocal agreement

Bill Summary: The bill approves an interlocal agreement between the City of Jacksonville and the City of Atlantic Beach regarding the development of a 114-lot expansion of the Selva Marina Country Club property that straddles the city limits between the two cities. The agreement provides that both cities shall rezone the property to PUD based on the same development site plan; that Atlantic Beach will provide water and sewer service to the lots; that the JEA will provide electric service to the lots; that lots that are entirely or predominantly in each jurisdiction will be permitted, inspected and taxed by that jurisdiction; and that the roads shall be permitted by the City of Atlantic Beach but built to City of Jacksonville standards. The agreement becomes effective when signed by both parties and filed with the Clerk of the Courts for the public record, and is terminable only upon written agreement by both parties.

Background Information: The development will consist of 31 acres, of which 25.3 acres are located within Atlantic Beach and 5.7 acres are located within Jacksonville. Eighty-seven of the 114 residential lots will be located in Atlantic Beach, 22 in Jacksonville, and 5 lots will cross the city line into both jurisdictions. All of the golf course property is located in Jacksonville, while the clubhouse is located in Atlantic Beach.

Policy Impact Area: Intergovernmental relations

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Resolution 2008-0013

Sponsor: Council Member M. Jones

Date of Introduction: January 8, 2008

Committee(s) of Reference: R; PHS

Date of Analysis: January 10, 2008

Type of Action: Request to Congress

Bill Summary: This bill urges individual members of the United States Senate to cosponsor Senate Bill 2007-1060, and to unanimously pass the Second Chance Act of 2007, in an effort to reduce recidivism and provide expanded services to adult and juvenile offenders, and their families, for reentry into society. The Chief of Legislative Services is directed to forward this resolution to Florida Senators Nelson and Martinez.

Background Information: The bill states that Congress is considering how to manage the population of offenders released from prison each year, estimated to be approximately 650,000. It is further estimated that over 60% of all released prisoners will commit new offenses within 3 years of their release. There has been discussion of reinstating parole at the federal level (for non-violent, drug offenders), and creating new programs and enhancing existing programs designed to provide assistance for offenders to prepare them for reentry into their communities. The Second Chance Act of 2007 was enacted by the House of Representatives on November 13, 2007. This measure would amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize, rewrite, and expand provisions for adult and juvenile offenders and their families by providing training, mentoring, and drug treatment to those who desire to become contributing members of society.

Policy Impact Area: Federal Government; Crime

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2008-0017

Sponsor: Council President Davis

Date of Introduction: January 8, 2008

Committee(s) of Reference: F; RCD

Date of Analysis: January 10, 2008

Type of Action: Appropriation

Bill Summary: This bill appropriates \$200,000 from a Special Council Contingency account to provide funding to develop a master plan for Cecil Field recreational uses.

Background Information: Funds are being appropriated to a Cecil Field Recreational Master Plan Study account.

Policy Impact Area: Recreation and Parks; Cecil Field

Fiscal Impact: \$200,000 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2008-0018

Sponsor: Council Member M. Jones

Date of Introduction: January 8, 2008

Committee(s) of Reference: R; TEU

Date of Analysis: January 10, 2008

Type of Action: Street Renaming; Ordinance Code Waiver

Bill Summary: This bill renames Grande Avenue in Council District 10 to Rio Grande Avenue. The Chief of Legislative Services is requested to send a copy of this legislation, once enacted, to various affected agencies and organizations. Conflicting provisions of Chapter 745 (Addressing and Street Naming Regulations) are waived, as the 911 Emergency Addressing Advisory Committee conducted a preliminary review of the proposed street name change but the Historic Preservation Commission did not review the proposal.

Background Information: Grande Avenue is a dead end street that intersects with Edgewood Avenue North. It has been locally identified as Rio Grande Avenue. A street named Grand Avenue is located in the Ortega area, and the 911 Emergency Addressing Advisory Committee has determined that, although the names are spelled differently, the situation presents opportunities for confusion. The one existing business owner is in agreement with clarifying the name of the street to be Rio Grande Avenue.

Policy Impact Area: Street Naming; Public Safety

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2008-19

Sponsor: Council Member Warren Jones:

Date of Introduction: January 8, 2008

Committee(s) of Reference: RCD

Date of Analysis: January 11, 2008

Type of Action: Designation

Bill Summary: This ordinance recognizes the achievements of the Victim Services Division and renames the building located at 403 West 10th Street, Jacksonville, as the "Victim Services Center" and requests that the department erect a sign.

Background Information: Created in 1984 to provide services to victims of crime, the Victims Services Center has been located at 403 West 10th Street since 1991 on land donated by neighboring Shands (then known as University Hospital). Though there is a sign indicating that the building is the Victim Services Center, the building has never been formally designated as such. This legislation formally renames the structure as the Victim Services Center and request that the Department of Recreation and Community Services erect a sign stating the name of the building as "The Victim Services Center" and replacing any other sign on the property stating otherwise.

Policy Impact: Victim Services Center/Recreation & Community Services Department

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2008-0027

Sponsor: Council Member Shad

Date of Introduction: January 8, 2008

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

Date of Analysis: January 10, 2008

Type of Action: Ordinance Code Amendment

Bill Summary: This bill amends Section 656.401, Ordinance Code, to provide for performance standards and development criteria relative to restaurants and food service establishments allowing for the presence of patrons' dogs within designated outdoor areas. Public food service establishments that provide outdoor dining may allow patrons' dogs within certain designated outdoor portions of the establishment when application is made and a permit is approved. A new Chapter 165 is created concerning public food service establishments. Provision is made for application to, and receipt of permit from, the City Council. The application form is to be developed by the Municipal Code Compliance Division, and is to include specified information. Requirements in addition to those otherwise provided by law are enumerated, and include provisions for: hand washing and waterless hand sanitizer; no contact between dogs and items involved in food service operations; dogs to be kept on a leash, under reasonable control, and not allowed on chairs, tables, or other furnishings; cleaning between patrons and cleaning of accidents involving dog waste; signage; and, travel by dogs only through outdoor designated areas. Permits are to automatically expire upon sale of the establishment, with no transferability, and permits are to expire on July 1, 2009, unless extended by Council ordinance upon extension or reenactment of appropriate Florida Statutes. Failure to comply with this ordinance shall be unlawful, and a person committing such a violation shall be guilty of a Class A offense. The Municipal Code Compliance Division is made responsible for monitoring enforcement of the ordinance, and it is required to establish a procedure for citizen complaints, with timely reports to the appropriate State of Florida division or agency. Chapter 123 is amended to establish a \$250 fee for a public food service establishment outside patrons' dog permit. It is stated that this ordinance is enacted by the Council exercising its power as the governing body of Duval County under the Charter.

Background Information: The Florida Legislature has established a 3-year pilot program for local governments to allow restaurant patrons' dogs within designated outdoor portions of public food service establishments. In the current legislation, the Council finds that the City of Jacksonville should participate in this trial program.

Policy Impact Area: Animals; Public Food Service Establishments; Fees; Planning and Zoning

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2008-28

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 8, 2008

Committee(s) of Reference: PHS; TEU

Date of Analysis: January 11, 2008

Type of Action: Ordinance Code Amendment

Bill Summary: This ordinance amends Chapter 366 (Groundwater Resource Management), *Ordinance Code*, to expand the regulatory authority of the Environmental and Compliance Department and the Environmental Protection Board over surface waters of the County; amends Section 366.209, *Ordinance Code*, and including ticketing authority; creating a new Part 6 to Chapter 366, *Ordinance Code*, to effectuate the purpose of this ordinance; providing for management and regulation of lawn and specialized turf fertilization including, but not limited to, lawns on residential and commercial properties, yards, City and County properties, and public and private golf courses; providing that the ordinance shall be applicable countywide; providing for education, training and record keeping requirements for commercial landscapers and fertilizer applicators; prohibiting any person for hire from applying fertilizer to any subject property unless such person has successfully completed specified training requirements; providing for guidelines for Florida friendly landscaping; providing for exemptions; providing for fertilizer storage and maintenance requirements and an inspection program; directing transmittal to the Municipal Code Corporation for codification.

Background Information: The Clean Water Act mandates that the County must comply with the Total Maximum Daily Load (TMDL) regulations for the Lower St. Johns River and its tributaries by reducing the excessive amount of nutrients discharged into the surface water bodies. The excessive levels of nutrients result in harmful algal blooms that, in turn, directly impact the health, use and enjoyment of the river and its tributaries. The nutrients discharged into the surface water bodies are commonly found in fertilizers. This legislation's objective is to amend the Ordinance Code to provide for the regulation of fertilizer application by public and commercial applicators and to implement an education program that would effectively eliminate the harmful environmental impacts cause by improper fertilizer application. The legislation establishes best management practices (BMPs) for the storage of commercial fertilizers by requiring retail facilities to regularly inspect storage areas and mandating that the Department of Environmental and Compliance annually inspect storage facilities.

This ordinance applies only to the First Urban District, excluding the Beaches and Baldwin.

Policy Impact: Waterways/Environmental and Compliance Department

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2008-0029

Sponsor: Council President at the Request of the Mayor

Date of Introduction: January 8, 2008

Committee(s) of Reference: F; PHS

Date of Analysis: January 10, 2008

Type of Action: Appropriation

Bill Summary: This bill appropriates \$3,000,000 from an Emergency Reserve account to fund overtime officers deployed across the City by the Jacksonville Sheriff's Office in Operation Safe Streets. It is required that the first \$3,000,000 in budget surplus available at the end of fiscal year 2007-2008 be automatically appropriated to the Emergency Reserve to reimburse the funds appropriated by this ordinance.

Background Information: The use of overtime officers as part of the Jacksonville Sheriff's Office Operation Safe Streets initiative significantly reduced the City's murder rate during the second half of 2006, and it is stated that overtime funds should again be used as a short-term increase to the City's police presence while longer-term staffing and funding solutions are developed at the local, state, and federal levels. The bill encourages the Sheriff's Office, the Office of the Mayor, and the City Council to develop such a long-term plan for incorporation into the fiscal year 2008-2009 budget, stating that the temporary expenditure of Emergency Reserve funds to help reduce the loss of life in our community is justified.

Policy Impact Area: Sheriff; Public Safety; Emergency Reserves

Fiscal Impact: \$3,000,000 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2008-30

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 8, 2008

Committee(s) of Reference: PHS; TEU

Date of Analysis: January 11, 2008

Type of Action: Ordinance Amendment

Bill Summary: This ordinance amends Chapter 366 (Groundwater Resource Management), *Ordinance Code*, creating a new Part 5 to Chapter 366, *Ordinance Code*, to effectuate the purposes of this ordinance; provides for local implementation of the water conservation rule for landscape irrigation of the St. Johns River Water Management District; provides definitions; provides the landscape irrigation schedule; provides exceptions to the landscape irrigation schedule; provides for variances from the specific day of the week limitations; provides for applicability of the ordinance; provides for enforcement of the ordinance; provides for penalties for violation of the ordinance; provides a severance clause; directs transmittal to the Municipal Code Corporation for codification.

The proposed ordinance applies only within the First Urban Service District, excluding the Beaches and Baldwin.

Background Information: The proposed ordinance enacts landscape irrigation conservation measures or requirements that are modeled after the St. Johns River Water Management District's model ordinance. The landscape irrigation requirements provide for odd/even addresses to irrigate on scheduled days but at no time between the hours of 10:00 a.m. and 4:00 p.m. Exceptions under certain circumstances are allowed. The irrigation conservation requirements may be enforced by the Environmental and Compliance Department, JSO, and any State law enforcement officer.

Policy Impact: Environmental and Compliance Department/Water Conservation

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Resolution 2008-31

Sponsor: Council President at the request of the General Counsel

Date of Introduction: January 8, 2008

Committee(s) of Reference: R

Date of Analysis: January 10, 2008

Type of Action: Authorization to appeal court ruling

Bill Summary: The bill authorizes the General Counsel's Office to pursue an appeal to the Florida Supreme Court of an adverse ruling by the First District Court of Appeal in the case of *Mary Anne Saadeh and Anwar Saadeh v. City Of Jacksonville and Stanton Rowing Foundation, Inc.*

Background Information: This particular ruling concerns an appeal by the Saadehs of the City's adoption of a PUD zoning for the Stanton Rowing property at the end of River Bank Court on the Arlington River near the intersection of Atlantic Boulevard and University Boulevard. This resolution was introduced with a request for action as an emergency pursuant to Sec. 112.305(e) of the Ordinance Code which requires decisions on appeals of adverse court rulings to be introduced for Council consideration as an emergency at the next Council meeting following receipt of the adverse ruling. Sec. 112.311 of the Ordinance Code also provides, however, that the General Counsel's Office has the authority and duty to file papers and otherwise take whatever actions are necessary to preserve the City's legal options. Therefore the OGC has already filed a notice of appeal with the Supreme Court and will be pursuing extensions of time for filing jurisdictional briefs so as to defer to the will of the Council to the extent practicable. The General Counsel's Office believes that the appeals court's decision is inconsistent with Florida case law and is an inappropriate judicial interference in the City's zoning process. This decision would allow a challenge to a rezoning on the basis of an inconsistency with the Comprehensive Plan through both a writ of certiorari and also a consistency challenge through the process set forth in Sec. 163.3215 of the Florida Statutes, thus permitting a plaintiff "two bites at the apple."

Policy Impact Area: Legal settlement

Fiscal Impact: Undetermined

Analyst: Clements