

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

**JEFFREY R. CLEMENTS**  
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117 West Duval Street  
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**Bill Type and Number:** Ordinance 2018-647

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

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 27, 2018

**Type of Action:** Amendment to pier management agreement

**Bill Summary:** The bill authorizes execution of a 3<sup>rd</sup> amendment to the City's management agreement with Dania Pier Management Corporation for operation of the Jacksonville Beach Pier to eliminate the company's required monthly lease payment and to provide that the City will pay the company a stipend of \$500 per month until such time as the pier is restored to its original length and reopened for full operation.

**Background Information:** In 2015 the City contracted with Dania Pier Management to operate the Jacksonville Beach Pier and pay the City an annual lease payment of \$66,000 (\$5,500 per month). In 2016 the pier was severely damaged by Hurricane Matthew (including the complete destruction of the last 300 feet of the structure) and the lease agreement was amended to suspend the lease payments while the pier was non-functional. In early 2018 the City approved a second amendment to reduce the monthly lease payment to \$1,100 (\$13,200 per year) when the pier was partially repaired and re-opened for public use, in recognition of the fact that a substantial portion of the pier's revenue derives from fishing fees, which would be drastically reduced by the inability of fishermen to reach deep water because of the shortened pier. The original lease amount would resume when the pier is restored to its original length.

Since its reopening, pier usage has been less than anticipated for both fishing and sightseeing and the company is suffering financial losses due to the lack of revenue. The company has requested financial assistance from the City to keep the pier operating in lieu of requesting a complete suspension of the contract until such time as the pier is fully restored. The Parks, Recreation and Community Services Department will fund the stipend from its operational budget. The department will request that the company submit monthly reports on visitors, revenue, operating expenses, and any other significant events or costs to document the need for the stipend.

**Policy Impact Area:** Jax Beach Pier operations

**Fiscal Impact:** The bill provides for suspension of the already-reduced monthly lease payment of \$1,100 and for the City to pay the operator a monthly stipend of \$500 until the pier is fully restored.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2018-0648

**Introducer/Sponsor(s):** Introduced by the Council President at the Request of the Mayor

**Date of Introduction:** 9/25/18

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

**Date of Analysis:** 9/27/18

**Type of Action:** Slope Easement

**Bill Summary:** This bill approves the agreement between the Florida Department of Transportation and the City to create a slope easement around A.C. Skinner Parkway. This will allow FDOT to transfer FDOT water from its pond on the East Side of the right-of-way to the West Side of the right-of-way.

The subordinated easement area, located in Council District 11, is 20 feet by 16 feet.

**Background Information:** The A.C. Skinner Parkway right-of-way is higher than the land around it; therefore, the City was granted a slope easement to maintain a bank adjacent to the right-of-way to support it.

The developer, JTB-AC Skinner, LLC, will install and maintain the concrete pipe used to transfer the FDOT water through the easement area.

**Policy Impact Area:** Construction of slope easement

**Fiscal Impact:** No known fiscal impact

**Analyst:** Distel

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**Bill Type and Number:** Ordinance 2018-649

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

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 21, 2018

**Type of Action:** Agreement authorization

**Bill Summary:** This bill approves and authorizes the air pollution control specific operating agreement (SOA) between the State of Florida, the Department of Environmental Protection and Duval County. The agreement establishes the basis upon which FDEP and EQD will work together to protect the air quality of the City of Jacksonville in accordance with the provisions of Section 403.182, Florida Statutes. The Neighborhoods Department, Environmental Quality Division will provide oversight.

**Background Information:** The SOA is a continuation of an agreement entered into in 1994, Ordinance 1994-0766. The agreement has been renewed via Ordinance nos. 1997-0921; 2001-0971; 2006-1197; 2010-0601 and 2016-158-E. The SOA will expire August 31, 2021.

**Policy Impact Area:** Air quality control

**Fiscal Impact:** The City of Jacksonville receives annual contractual funding from the FDEP to pay for the costs of managing the state programs.

**Analyst:** Hampsey

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**Bill Type and Number:** Ordinance 2018-0650

**Introducer/Sponsor(s):** Introduced by the Council President at the Request of the Mayor

**Date of Introduction:** 9/25/18

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

**Date of Analysis:** 9/27/18

**Type of Action:** Appropriation

**Bill Summary:** This bill moves \$1,334,240.49 of funding from the countywide intersection improvements bridges project to the Lakeside Drive Bridge Replacement Project to replace the Lakeside Drive Bridge.

**Background Information:** The original bridge was constructed in 1960 and the FDOT's most recent evaluation indicates that the bridge is structurally deficient and in need of replacement.

**Policy Impact Area:** Bridge replacement

**Fiscal Impact:** Appropriation of \$1,334,240.49

**Analyst:** Distel

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**Bill Type and Number:** Ordinance 2018-651

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

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 28, 2018

**Type of Action:** License Agreement Authorization & Approval

**Bill Summary:** The ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver the Dredging and Dredge Material Disposal License Agreement for Bartram Island and/or Buck Island or Future Upland Spoil Site between the Jacksonville Port Authority and the City of Jacksonville (the "Agreement"); it provides oversight by the Engineering and Construction Management Division of the Department of Public Works

**Background Information:** In its conduct of water oriented operations in the Jacksonville Harbor area, the City wants to use Bartram Island and/or Buck Island for a future upland spoil site for which the Jacksonville Port Authority has a monetary interest. Periodically, the City performs dredging projects (such as the FIND Arlington River project). This agreement allows the City to excavate dirt, silt, sands or rock and depositing such in containment areas. The Agreement is required to enable the City to utilize the Port-owned spoil sites. The City has to verify space availability with the Port prior to depositing any spoil material.

**Policy Impact:** Public Works/Engineering & Construction Management

**Fiscal Impact:** Minimal. The ordinance merely authorizes a license agreement.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2018-652

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

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 28, 2018

**Type of Action:** Right-of-Way

**Bill Summary:** The ordinance closes, abandons and/or disclaims a portion of the right-of-way of Ives Street, an open and improved right-of-way in Council District 9, established in Plat Book 1, page 132, Johnson's Subdivision – Hull Tract, of the Official Records of Duval County, at the request of Dennis Jacksonville, LLC, the owner of the property on both sides of the right-of-way (the "Applicant"), subject to reservation unto the City of Jacksonville and JEA of an easement over the right-of-way for ingress and egress and for all utilities and facilities.

**Background Information:** The closure and abandonment of this right-of-way is requested by the applicant to enable the applicant to consolidate its adjacent properties. The right-of-way is opened and improved and is approximately 50 feet by 250 feet. There were no objections from city, state or utility agencies to closure of the right-of-way.

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

**Fiscal Impact:** The applicant has paid a \$2,091.00 closure application fee.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2018-653

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

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 20, 2018

**Type of Action:** Appropriation of council operating contingency funds

**Bill Summary:** This bill appropriates \$64,550.00 from the City Council operating contingency account to provide the Kids Hope Alliance additional funding for the “Stop the Violence” small grant program; provides for a carryover of funds into the 2018-2019 fiscal year; amends the third revised Schedule M to Ordinance 2017-504-E; provides for a waiver of Section 77.109 (KHA Powers; Annual Report), Chapter 77 (Kids Hope Alliance), *Ordinance Code*, to allow for an advance of up to 50 percent to providers for the “Stop the Violence” grant funding.

**Background Information:** Council Member Gaffney held a noticed meeting on August 29, 2018, to discuss sustainable strategies to fight crime and address public safety in the wake of recent violent activity in Jacksonville. In the meeting, several of the Council members agreed that addressing crime reduction involves creating and enhancing partnerships with faith-based and not-for-profit organizations, business leaders, and other community stakeholders. The attendees were informed of pending legislation to allocate funds for programs working with youth.

The Kids Hope Alliance will administer the small grants program to address the Stop the Violence initiative. The amendment to the 3<sup>rd</sup> revision of Schedule M will allow a grant award up to \$10,000. The waiver will allow for providers to receive up to 50 percent of the contract award for start-up funds associated with the Stop the Violence grant only.

**Policy Impact Area:** Kids Hope Alliance; Stop the Violence grant program

**Fiscal Impact:** The appropriation of \$64,550.00 from the City Council operating contingency account.

**Analyst:** Mitchell

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**Bill Type and Number:** Resolution 2018-654

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

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 24, 2018

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Maximilian Globler as a member of the Jacksonville Historic Preservation Commission, replacing Cora J. Hackley as a history representative, for a partial term ending March 4, 2020.

**Background Information:** The Jacksonville Historic Preservation Commission is established pursuant to Chapter 76, *Ordinance Code*, and charged to conduct an ongoing survey and inventory of historic buildings, areas, and archaeological sites in the City of Jacksonville and to plan for their preservation; identify potential landmarks and potential landmark sites and to make recommendations to the City Council as to whether such should be officially designated; recommend that the City Council designate specified areas as historic districts and to identify which structures should be considered to be contributing structures; develop specific guidelines for the alteration, construction, relocation or removal of designated property; promulgate standards for architectural review which are consistent with standards for rehabilitation established by the United States Secretary of the Interior; approve or deny applications for certificate of appropriateness for alteration, construction, demolition, relocation or removal of landmarks, landmark sites, and property in historic districts; initiate plans for the preservation and rehabilitation of individual historic buildings; undertake public information programs including the preparation of publications and the placing of historic markers; conduct public hearings to consider historic preservation issues, the designation of landmarks, landmark sites, and historic districts, applications for certificate of appropriateness and nominations to the National Register of Historic Places; and administer Chapter 307, *Ordinance Code*.

Section 76.102, *Ordinance Code*, provides that the members of the Jacksonville Historic Preservation Commission shall be residents of the City of Jacksonville for their entire term and shall be appointed by the Mayor, subject to confirmation by the City Council. To the extent possible, three of the seven members, shall be persons who are educated or practice in one of the disciplines of architecture, history, architectural history, planning, archaeology or related disciplines.

Mr. Globler received a law degree from the University of South Carolina and is a Leadership Development Associate with *Petro Services, Inc.* He resides within Council District #14.

**Policy Impact Area:** Jacksonville Historical Preservation Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Shoup



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**Bill Type and Number:** Resolution 2018-655

**Sponsor:** Council President at the request of the Duval County School Board

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 24, 2018

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the School Board's appointment of Kimberly Scott as a member of the Civil Service Board, replacing B.J. Laster, for a first full three-year term ending June 30, 2021.

**Background Information:** The Civil Service Board is established pursuant to Article 17, *Jacksonville Charter*, and charged to periodically review the operation and effect of the personnel provisions of the charter, the classification plan, and the pay plan, and report their findings to the council and the mayor; hear and determine appeals initiated by employees who are charged with personnel violations; hear and determine complaints by employees and prospective employees concerning alleged violations of civil service rules or regulations with respect to hiring and promotion; hear and determine the grievance of persons covered by the civil service rules or the grievance of persons who may be entitled to be covered concerning any action taken which pertains to employment rights.

Section 17.02(b), *Jacksonville Charter*, provides that one of the members of the Civil Service Board shall be appointed by the Duval County School Board, subject to confirmation by the City Council.

Ms. Scott received a master's degree in public administration from the University of North Florida. She served 32 years within Code Enforcement for the City of Jacksonville where she retired as the Operations Director of the Neighborhoods Department. She resides within Council District #7.

**Policy Impact Area:** Civil Service Board operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Shoup

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**Bill Type and Number:** Ordinance 2018-658

**Introducer/Sponsor(s):** Introduced by the Council President at the request of the DIA

**Date of Introduction:** September 25, 2018

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

**Date of Analysis:** September 26, 2018

**Type of Action:** Agreement authorization and designation of oversight agency

**Bill Summary:** This bill approves and authorizes an amendment to the redevelopment agreement (RDA) between the City of Jacksonville and Southbank Apartment Ventures LLC. The Downtown Investment Authority will provide oversight and administration of the RDA as amended for the remaining portion of the term. The RDA is amended to reflect:

- the reduction in the size of the apartment complex from 300 units to approximately 185 units
- the reduction in the minimum required capital investment in the Project from \$44,000,000 to \$37,000,000
- an extension to the Performance Schedule deadline for obtaining fee simple title to the Project Parcel by approximately 20 months, from October 17, 2017 to June 1, 2019, with the remaining Performance Benchmarks revised accordingly
- start date and term of the REV Grant from 15 years to 20 years, expiring no later than 2041
- the reduction in the maximum REV Grant amount from \$7,880,000 to \$7,810,000

**Background Information:** DIA Resolution 2017-01-02 approved a Market Rate Multifamily REV Grant for 75% for a period of 15 years, with a maximum indebtedness of \$7,880,000. Under Ord. 2014-560-E the DIA may make REV Grants for 75% or less, for period of 15 years or fewer without seeking City Council approval. During the Downtown Development Review Board Design Review process, neighboring property owners appealed the MBRC approval to the DIA Board, and also appealed the subsequent DIA Board affirmation to City Council. When City Council remanded the design approval back to DDRB with instructions, DDRB again approved the site design, at which time the Protestants filed a lawsuit blocking the DDRB approval.

A settlement agreement has been reached and executed by the parties to the aforementioned lawsuit. The results of the settlement agreement among other actions to be taken by the Developer, requires a reduction in the number of units from 300 to 185. This reduction in the number of units and the resulting reduction in the expected capital expenditure by the Developer have caused a reduction on the REV Grant Amount, which requires City Council approval.

**Policy Impact Area:** Redevelopment agreement in the Southbank CRA

**Fiscal Impact:** All funds will come from ad valorem revenues generated by the project itself in the Southside CRA Trust Fund (SF182).

**Analyst:** Hampsey