

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377



117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Ordinance 2009-1

Sponsor: Council President at the Request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; TEU

Date of Analysis: January 15, 2009

Type of Action: Appropriation

Bill Summary: This bill appropriates \$3,960 received and deposited in fiscal year 2007-2008 in a Concurrency Management System operating revenue account on behalf of the Duval County School Board. Funds are to be used to offset costs the Duval County School Board has incurred in reviewing applications for public school concurrency. Provision is made for the carryover of appropriated funds from year to year.

Background Information: Funds were collected pursuant to Section 655.116 (Schedule of Fees), Ordinance Code, and dropped to fund balance at the end of the fiscal year.

Policy Impact Area: Planning and Development; Concurrency; Public Schools

Fiscal Impact: Undetermined; \$3,960 is appropriated by this ordinance. Information on file indicates that there is no adverse financial impact, as the funds were collected on behalf of the Duval County School Board.

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-2

Sponsor: Council President at the Request of the Property Appraiser

Date of Introduction: January 13, 2009

Committee(s) of Reference: F

Date of Analysis: January 15, 2009

Type of Action: Appropriation

Bill Summary: This bill appropriates \$109,507.50 from a fund balance account to cover the costs of replacing personal computers currently used by the Duval County Property Appraiser. Provision is made for the carryover of appropriated funds into the 2009-10 fiscal year.

Background Information: The existing personal computers are being replaced with more adequate and higher-speed personal computers.

Policy Impact Area: Property Appraiser; Information Technologies; Office Equipment

Fiscal Impact: Undermined; \$109,507.50 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-3

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: January 16, 2009

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$10,000 awarded to the City of Jacksonville by the State of Florida, Division of Emergency Management, to purchase interoperable communications equipment for teams in the Citizens Corps & Community Emergency Response Team (CERT) programs, as initiated by B.T. 09-043. This is a continuation grant.

Background: The Citizens Corps programs are a key component in preparing citizens for catastrophic events. The funds appropriated by this legislation will assist in the purchasing of communication (radio) equipment for trained citizen corps teams who are called upon to help respond to a disaster.

Policy Impact: Jacksonville Fire & Rescue Department/Emergency Preparedness Division

Fiscal Impact: This bill appropriates \$10,000

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-4

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; TEU

Date of Analysis: January 16, 2009

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$50,000 from the Handicap Parking Fines Trust Fund in order to provide financial assistance to certain eligible businesses facing economic hardship resulting from their correction of code violations required for such businesses to be in compliance with ADA standards, as initiated by B.T. 09-048.

Background: The purpose of this bill is to account for funds expended on businesses facing economic hardship, in accordance with Ordinance 2002-869-E and 2007-975. The former is an Ordinance Code Amendment that requires private businesses to have and maintain both handicapped parking spaces and an available route from such spaces into a business. The intent is to afford citizens with disabilities reasonable access to facilities as covered by the ADA, facilities that were constructed prior to the act. Ordinance 2007-975-E appropriated \$50,000 from the Disabled Services Division's General Fund Operating Account to its Handicap Parking Fines Trust Fund to provide financial assistance to eligible businesses facing economic hardship from correcting code violations require to be in compliance with ADA standards.

Policy Impact: Recreation & Community Services Department/Handicap Parking Fines Trust

Fiscal Impact: This bill appropriates \$50,000

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-5

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: January 16, 2009

Type of Action: Appropriation; Position Authorization

Bill Summary: This ordinance appropriates \$4,420,169 (a \$3,683,474 grant from the U.S. Department of Homeland Security through the Florida Division of Emergency Management and a \$736,695 in-kind contribution from Duval County and 12 other Northeast Florida counties) for the Public Safety Interoperable Communications Grant Program to provide funding to purchase radio equipment for the enhancement of interoperable communications by way of voice, data and/or video signals throughout the Northeast Florida region, and to completely fund a full-time program coordinator/SPE position to provide grant management services and ensure compliance with reporting, monitoring and audit requirements of the grant, as initiated by B.T. 09-049; authorizing a position as initiated by R. C. 09-152. Funding is to carryover to Fiscal Year 2009-2019.

Background: The Public Safety Interoperable Communications (PSIC) grant is a one-time formula-based, matching grant program intended to enhance interoperable communications with respect to voice, data and/or video signals throughout the Northeast Florida Region 3 as defined by the Florida Division of Emergency Management. The position created will be 100% grant funded.

Policy Impact: Jacksonville Fire & Rescue Department/Emergency Preparedness Division

Fiscal Impact: This ordinance appropriates \$4,420,169

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-6

Sponsor: TEU Committee

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 15, 2009

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Jacksonville Pecan Park, LLC for an industrial project known as Setzer Parcel-Industrial Project. The fair share assessment is \$697,791 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 178 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>
Main Street – Pecan Park Road to New Berlin Road	88
Duval Road – I-95 to Airport Center Drive	44
Duval Road – Airport Center Drive to Main Street	46

Background Information: The project consists of 810,000 square feet of warehouse space on 92.2 acres on North Main Street between Bird Road and Castleberry Road in Council District 11.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$697,791 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-7

Sponsor: TEU Committee

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 15, 2009

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Jax Land Holding Company, LLC for an industrial project known as Pecan Park Commerce Center. The fair share assessment is \$271,659 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 194 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>
Main Street – Pecan Park Road to New Berlin Road	33
Pecan Park Road – Dixie Clipper Drive to I-95	54
Pecan Park Road – I-95 to Main Street	107

Background Information: The project consists of 1,26,000 square feet of warehouse space on 118 acres on Pecan Park Road between I-95 and Sewell Road in Council District 11.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$271,659 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-8

Sponsor: TEU Committee

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 15, 2009

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Woodland Signature, LLC for a mixed use project known as Woodland Signature-Add Project. The fair share assessment is \$711,794 with a 10-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 153 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>
Main Street – Pecan Park Road to New Berlin Road	34
Duval Road – I-95 to Airport Center Drive	53
Duval Road – Airport Center Drive to Main Street	66

Background Information: The project consists of 24,000 square feet of general office space and an 854 square foot restaurant with drive-through on 3.06 acres on Duval Road between Woodland Drive and Owens Road in Council District 11.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$711,794 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-9

Sponsor: TEU Committee

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 15, 2009

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Beemer and Associates XXXVI, LLC for a retail project known as Huffman Plaza #2 Specialty Retail. The fair share assessment is \$137,192 with a 5-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 19 p.m. peak hour trips being generated on links in fair share fund sector 2.1 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Beach Boulevard – St. Johns Bluff Road to FCCJ/Central Parkway	9
Beach Boulevard – FCCJ/Central Parkway to Hodges Boulevard	10

Background Information: The project consists of 5,700 square feet of specialty retail space on 5.16 acres on Beach Boulevard between Huffman Boulevard and Meadowbrook Boulevard in Council District 3.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$137,192 to the Sector 2.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-10

Sponsor: TEU Committee

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 15, 2009

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 \$1,763,189 with a 10-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 876 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>
SR 9A – Main Street to Heckscher Drive	122
SR 9A/Broward Bridge – Heckscher Drive to Merrill Road	129
Heckscher Drive – Busch Drive to Drummond Point	124
Heckscher Drive – SR 9A to Blount Island	32
Heckscher Drive – Blount Island to SR A1A (ferry slip)	27
Heckscher Drive – Drummond Point to August Drive	80
Eastport Road – Faye Road to Heckscher Drive	14
Alta Drive – Rushing Branch to Faye Road	24
Heckscher Drive – August Drive to SR 9A	300
Alta Drive – Faye Road to SR 9A	24

Background Information: The project consists of 360,500 square feet of warehouse space and 64,000 square feet of retail commercial uses on 36 acres north of Zoo Parkway and west of State Road 9A in Council District 11.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$1,763,189 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-11

Sponsor: Council President at the request of the JEA

Date of Introduction: January 13, 2009

Committee(s) of Reference: F

Date of Analysis: January 15, 2009

Type of Action: Authorization for sale of JEA bonds

Bill Summary: The bill authorizes the JEA to sell up to \$200 million in St. Johns River Power Park System Revenue Bonds and/or St. Johns River Power Park System Subordinated Revenue Bonds for the purpose of expanding and/or renovating the power plant. The bill further authorizes the issuance of up to \$225 million in refunding bonds for the refinancing of these bonds at a future date.

Background Information: The \$200 million "new money" bonds are part of the JEA's on-going capital needs for renovations and improvements to the St. Johns River Power Park generating station. The JEA has requested to be granted authority at the time of the bonds' issuance to refund or refinance the bonds in the future as market conditions may dictate rather than making a separate request for refunding bond authorization later.

Policy Impact Area: JEA capital construction

Fiscal Impact: The bill authorizes the JEA to issue up to \$200 million in revenue bonds

Analyst: Clements

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Bill Type and Number: Ordinance 2009-12

Sponsor: Council President pursuant to Ordinance Code Section 92.22

Date of Introduction: January 13, 2009

Committee(s) of Reference: F, RCD, LUZ

Date of Analysis: January 15, 2009

Type of Action: Dissolution of community development district

Bill Summary: The bill dissolves the Thomas Creek Community Development District previously created in 2006 in Council District 8.

Background Information: The Thomas Creek Community Development District was created by Ordinance 2006-423-E and encompassed 999 acres south of the intersection of Braddock Road and Lem Turner Road. The district was created to allow the developer to finance the construction of infrastructure to serve over 2,500 residential units and 200,000 square feet of commercial space. The current economic climate is causing numerous development projects to be canceled, thereby negating the need for the community development districts that would have facilitated their infrastructure financing.

Policy Impact Area: Community Development District operations

Fiscal Impact: None to City

Analyst: Clements

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Bill Type and Number: Ordinance 2009-13

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: January 13, 2009

Type of Action: Memorandum of Understanding Authorization

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute a Memorandum of Understanding with Florida Department of Agriculture Division of Forestry, Florida Department of Environmental Protection Division of Recreation and Parks, St. Johns River Water Management District, United States National Parks Service and the Nature Conservancy for Northeast Florida Inter-Agency Prescribed Fire Team.

Background: The purpose of the Team is to help accomplish natural resource management objectives on lands administered by the participating parties through the use of prescribed fire. Prescribed burning operations conducted by the Team will enhance burning skills of participating team members, mitigate the threat of wildfires and help promote public understanding and acceptance of this natural resource management tool.

Policy Impact: Recreation and Community Services Department

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-14

Sponsor: Council President at the Request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: January 15, 2009

Type of Action: Memorandum of Agreement Approval

Bill Summary: This bill approves a Memorandum of Agreement with the State Dept. of Health, Duval County Health Dept., for enhancing the efficiency and productivity of planning and evaluation efforts in providing services to persons living with HIV/AIDS who reside in the geographic service area of the Jacksonville Transitional Grant Area. Authorization is given for the Mayor, or designee, and Corporation Secretary to execute said agreement. The Recreation and Community Services Dept. is designated to provide oversight.

Background Information: The Jacksonville Transitional Grant Area includes Duval, Clay, Nassau, and St. Johns counties, and the agreement period is from March 1, 2009, through February 29, 2012. This agreement provides for merger of the City's Metropolitan Jacksonville Area HIV Health Services Planning Council (Ryan White Part A) with the Health Department's First Coast CARES Ryan White Part B Consortium into one planning body to perform legislatively mandated planning and evaluation functions in compliance with the Ryan White HIV/AIDS Treatment Modernization Act of 2006. The new entity will be known as the Metropolitan Jacksonville Area HIV Health Services Planning Council.

Policy Impact Area: Public Health; Community Services

Fiscal Impact: Undetermined; while no funds are appropriated in this ordinance, a positive financial impact is anticipated from elimination of a duplication of efforts.

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-15

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 13, 2009

Type of Action: Granting Easement

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver a Conservation Easement granting a conservation easement to the St. Johns River Water Management District over a .07 acre portion of Pond Site 1 of the Broward Road Improvements Project, in Council District 8, required as a condition of Permit # 40-031-116765-1, to be issued by SJRWMD for the construction of the Clark Road Access Improvements (1) as mitigation for the Jacksonville Transportation Authority's Clark Road Access Improvements Project's wetland impacts, (2) to off-set adverse impacts to natural resources, fish and wildlife and wetland functions, (3) to create and maintain in perpetuity a saltwater marsh habitat, and (4) to prevent any use of the property that will impair or interfere with the environmental value of the property; authorizing the Mayor to execute an owner's affidavit.

Background: This project is a component of the Better Jacksonville Plan, Phase II. The placement of this conservation easement has been coordinated with the Project Manager for the Broward Road Improvement Project, BJPII.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-16

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 16, 2009

Type of Action: Easement Authorization

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver a Perpetual Easement granting to the State of Florida Department of Transportation a perpetual easement in, over and under a parcel of real property between Normandy Boulevard and Branan Field/Chaffee Road (RE# 0022221-2000), for the purpose of constructing and maintaining a storm water drainage ditch, underground storm water drainage pipes, and associated storm water facilities in connection with the construction of State Road 23.

Background: The FDOT requires the Perpetual Easement to proceed with the construction of State Road 23 (Branan Field/Chaffee Road) at Normandy Boulevard. The construction site is located in Council District 12.

Policy Impact: Public Works/Real Estate Division

Fiscal Impact: A fee of \$1.00 is paid by the grantee (FDOT) to the grantor (City of Jacksonville).

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-17

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 16, 2009

Type of Action: Easement Authorization

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver a Temporary Construction Easement granting a temporary construction easement in, over and under a City of Jacksonville parcel of real property at the intersection of Lorain Street and North Shore Drive to the State of Florida Department of Transportation for the purposes of facilitating a fill slope behind the proposed sidewalk construction, assuring adequate erosion control, and tying in and harmonizing said parcel and driveways and walkways with the construction to be undertaken by FDOT for State Road 111 (Tallulah Avenue).

Background: The FDOT requires the Temporary Construction Easement to proceed with the construction work for improvements for State Road 111 (Tallulah Avenue). The construction site is located in Council District 8.

Policy Impact: Public Works/Real Estate

Fiscal Impact: The grantee (FDOT) is required to pay the grantor (City of Jacksonville) \$1.00.

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-18

Sponsor: Council President at the Request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: R; TEU

Date of Analysis: January 15, 2009

Type of Action: Declaration of Surplus; Ordinance Code Waiver

Bill Summary: This bill declares a certain parcel of real property located south of East 27th Street between Liberty Street and Westlake Avenue to be surplus to City needs. The provisions of Section 122.422(c), Ordinance Code, are waived to allow for the marketing and disposition of the subject parcel by auction, direct sale, or listing with a licensed real estate broker.

Background Information: According to the legislation, the Real Estate Division has found that the sealed bid process is the least effective method of selling real estate. No municipal agencies have expressed a need for retaining the property, and the Real Estate Officer advises that the assessed value is \$44,028.

Policy Impact Area: Real Estate-Surplus Property; Ordinance Code Waivers

Fiscal Impact: Undetermined; the assessed value of the property is \$44,028

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-19

Sponsor: Council President at the Request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; RCD

Date of Analysis: January 15, 2009

Type of Action: Amendment to Redevelopment Agreement

Bill Summary: This bill authorizes the Mayor and Corporation Secretary to execute a First Amendment to Redevelopment Agreement between the City and Pearl Plaza Partners, LLC. Authorization is given for technical changes for the purpose of implementing the recommendations of the Northwest Jacksonville Economic Development Fund Board, and no modification may increase the financial obligations or liability of the City.

Background Information: The developers have developed the project (located at Pearl and West 44th streets) as envisioned by ordinance, and now desire to make additional improvements to enhance the project. The current agreement has a limitation on future advances for any first mortgage in the amount of \$812,500 and the City desires to allow the company to further invest in the project so long as certain loan-to-value requirements are met. The proposed amendment (1) will allow Pearl Plaza Partners, LLC, the ability to refinance the property in order to access additional borrowed capital, provided that the loan interest in the property does not exceed 80% of the most recent appraised value of the property less the outstanding Small Business Development Initiative loan; and (2) will allow the developer to transfer the property for estate planning purposes. The current appraised value of the project is \$3,250,000.

Policy Impact Area: Community Redevelopment

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-20

Sponsor: TEU Committee

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 15, 2009

Type of Action: Approval of fair share agreement

Bill Summary: The bill approves a fair share agreement between the City and Alta Lakeside LLC for a warehouse project known as Alta Lakes II. The fair share assessment is \$1,833,151 with a 10-year term and an inflation rate of 3.3% per year. Concurrency Review estimated a total of 619 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>
SR 9A – Main Street to Heckscher Drive	91
New Berlin Road – Cedar Point Road to Yellow Bluff Road	24
New Berlin Road – Cedar Point Road to Heckscher Drive	213
Faye Road – Alta Drive to New Berlin Road	92
Cedar Point Road – New Berlin road to Horseshoe Creek	34
Yellow Bluff Road – New Berlin Road to Rushing Branch	31
Alta Drive – Faye Road to SR 9A	92
Alta Drive – SR 9A to New Berlin Road	42

Background Information: The project consists of 2.5 million square feet of warehouse space on 278.81 acres between New Berlin Road, Port Jacksonville Parkway, Alta Drive and Faye Road in Council District 11.

Policy Impact Area: Economic development; concurrency management

Fiscal Impact: The fair share assessment is \$1,833,151 to the Sector 6.1 account.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-30

Sponsor: Council President at the request of the Mayor:

Date of Introduction: January 13, 2009

Committee(s) of Reference: TEU

Date of Analysis: January 16, 2009

Type of Action: Surplus Parcel Disposition

Bill Summary: This ordinance declares part of R.E. # 044552-0000, a closed portion of 19th Street abutting the CSX railroad tracks to be surplus to the needs of the City; recognizes disposition of the subject parcel by direct sale to Swisher International, Inc. for the appraised value of \$9,000 pursuant to Section 122.423 (Appraisal at or Below \$25,000) of Chapter 122 (Public Property), *Ordinance Code*.

Background: The parcel is located in Council District 7. The Real Estate Division has circulated the parcel among the various municipal agencies and there was no present need to retain the parcel.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Disposition of surplus property for appraised value of \$9,000.

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-31

Sponsor: Council Members Yarborough and Johnson:

Date of Introduction: January 13, 2009

Committee(s) of Reference: R; F

Date of Analysis: January 16, 2009

Type of Action: Disposition of City Property; Ordinance Code Waiver

Bill Summary: This ordinance authorizes the appropriate City officials to transfer title of a previously surplussed rescue vehicle to the country of Ghana at no cost. The ordinance waives conflicting provisions of Chapter 122 (Public Property), Sections 122.811 (Sales of Tangible Personal Property); Prohibition of Sales to Certain Persons), 122.812 (Surplus, Obsolete and Waste Supplies and other Tangible Personal Property), and 122.82 (Disposal of Surplus Vehicles and Fleet Equipment), *Ordinance Code*; so as to effect the transfer without public bidding and at no cost.

Background: The vehicle is a 2000 Freightliner Diesel, Rescue Vehicle 3737-20, presently worth approximately \$5,000. The vehicle had been previously surplussed as obsolete, worn out, or scrapped, according to City procedures. The Republic of Ghana is a former British colony in West Africa. It was the first sub-Sahara former colony to achieve its independence from Great Britain in 1957.

Policy Impact: Fleet Management

Fiscal Impact: This ordinance conveys, at no charge, a surplussed vehicle that has a current value of \$5,000

Analyst: Jackson

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LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2009-32

Sponsor: Council Member Jones

Date of Introduction: January 13, 2009

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

Date of Analysis: January 15, 2009

Type of Action: Appropriation; Ordinance Code Waiver

Bill Summary: This bill appropriates \$385,000 from a Public Works Public Buildings Capital Projects account to provide \$370,000 for construction of the North Riverside Community Center and \$15,000 for tree and stump removal, garage demolition, and disability access construction. Certain portions of Chapter 118, Ordinance Code, are waived so as to complete a project begun in 2007, since the provisions of Chapter 118 changed in the interim to add a Public Service Grant Council and procedures. Authorization is given for the Mayor, his designee, and Corporation Secretary to execute necessary documents. It is requested that the Mayor appoint the Dept. of Public Works to insure compliance with the agreement and other appropriate laws.

Background Information: The property is owned by North Riverside Community Development Corporation and is located at the corner of Crystal Street and Edison Avenue.

Policy Impact Area: Community Development; Community Centers

Fiscal Impact: Undetermined; \$385,000 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-33

Sponsor: Council President at the request of the General Counsel

Date of Introduction: January 13, 2009

Committee(s) of Reference: F

Date of Analysis: January 15, 2009

Type of Action: Amendment of prior ordinance to increase compensation rates for outside legal counsel

Bill Summary: The bill amends previous Ordinance 2001-460-E to increase the maximum compensation rates for attorney and paralegal services for outside counsel involved in Better Jacksonville Plan Road Program land condemnation proceedings. The maximum rates are increased as follows:

- Partners – from \$195 to \$285 per hour
- Associates – from \$165 to \$230 per hour
- Paralegals – from \$75 to \$125 per hour

Background Information: With the inception of the Better Jacksonville Plan in 2001 the City Council authorized the General Counsel to obtain the services of outside legal counsel to assist the City with the large volume of property condemnations associated with the extensive BJP road project list. Eight years have elapsed and the prevailing rate for legal services has increased since the original maximum rates were authorized. This bill increases the rates to current prevailing levels.

Policy Impact Area: Better Jacksonville Plan outside legal counsel

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2009-34

Sponsor: Council President at the Request of the Office of General Counsel

Date of Introduction: January 13, 2009

Committee(s) of Reference: F

Date of Analysis: January 15, 2009

Type of Action: Settlement Authorization

Bill Summary: This bill authorizes the Office of General Counsel to settle all outstanding claims related to Parcel 100-2 in the total amount of \$79,900 and to execute necessary documents to effect such settlement.

Background Information: The City initiated eminent domain procedures to obtain certain property of Coastal Baptist Church for constructing and maintaining improvements as part of the Girvin Road Reconstruction Project. Matters related to compensability for the property have been resolved, and this will settle issues related to the owner's attorneys' fees and costs. Pursuant to a court order, settlement is in the amount of \$79,900. This is \$17,560.41 less than the church's full claim and avoids the costs and risks associated with continued litigation in the matter.

Policy Impact Area: Office of General Counsel; Settlements

Fiscal Impact: Undetermined; the settlement amount is \$79,900

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-35

Sponsor: Council President at the Request of the Office of General Counsel

Date of Introduction: January 13, 2009

Committee(s) of Reference: F

Date of Analysis: January 15, 2009

Type of Action: Settlement Authorization

Bill Summary: This bill authorizes the Office of General Counsel to settle all outstanding claims related to the von Hofen condemnation litigation in the amount of \$500,000 plus statutory attorneys' fees and costs. Further authorization is given to execute necessary documents to effect such settlement.

Background Information: For the purpose of Greenland Road improvements, the City acquired a fee parcel from, and a temporary construction easement over, an industrial site owned by William and Jamie von Hofen and leased to their company, Jacksonville Steel Products, Inc. The owners' claim for damages included the value of the land taken and the resulting present and future business damages to the steel company. Court ordered mediation resulted in the proposed settlement, which is supported by the City's Real Estate Division and Office of General Counsel.

Policy Impact Area: Office of General Counsel; Settlements

Fiscal Impact: Undetermined; the settlement amount is \$500,000 plus statutory attorneys' fees and costs

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-36

Sponsor: Council President at the Request of the Office of General Counsel

Date of Introduction: January 13, 2009

Committee(s) of Reference: F

Date of Analysis: January 15, 2009

Type of Action: Settlement Authorization; Appropriation

Bill Summary: This bill authorizes the Office of General Counsel and its special counsel to settle all outstanding claims related to the case of Continental Casualty Company and Transportation Insurance Company v. City of Jacksonville, et al, in the gross amount of \$350,000. A Final Settlement Agreement is approved, and authorization is given to execute said agreement and other necessary documents to effect the settlement. An appropriation of \$350,000 from a Retained Earnings account is made to provide funding for the settlement.

Background Information: The City has been involved in extensive litigation in Continental Casualty Company and Transportation Insurance Company v. City of Jacksonville, et al, which first involved citizen and City rights to insurance proceeds in ash pollution matters, and thereafter involved the entitlement of the insurance carriers to attorneys' fees. The parties have mediated the claim and arrived at a proposed settlement of \$350,000 together with execution of a Final Settlement Agreement.

Policy Impact Area: Office of General Counsel; Settlements

Fiscal Impact: Undetermined; \$350,000 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-37

Sponsor: Council President pursuant to Ordinance Code Section 92.22

Date of Introduction: January 13, 2009

Committee(s) of Reference: F, RCD, LUZ

Date of Analysis: January 15, 2009

Type of Action: Dissolution of community development district

Bill Summary: The bill dissolves the Timucuan South Community Development District created in 2007 in Council District 11.

Background Information: The Timucuan South Community Development District was created by Ordinance 2007-166E and encompassed 500 acres north of Jacksonville International Airport, east of Lem Turner Road and south of Lannie Road. The district was created to allow the developer to finance the construction of infrastructure to serve over 1,260 residential units. The current economic climate is causing numerous development projects to be canceled, thereby negating the need for the community development districts that would have facilitated their infrastructure financing.

Policy Impact Area: Community development district operations

Fiscal Impact: None to City

Analyst: Clements

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Bill Type and Number: Resolution 2009-38

Sponsor: Council Members Yarborough and Webb:

Date of Introduction: January 13, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: January 16, 2009

Type of Action: Recommendation Regarding JAA

Bill Summary: This resolution recommends that the City of Jacksonville, the Sheriff, the Jacksonville Aviation Authority and the respective certified bargaining agents for police employees at the City and the JAA, forthwith Commence discussions and analyses focused on the possibility of merging the JAA police employees into the Jacksonville Sheriff's Office; provides for a progress report no later than April 6, 2009; provides for the Chief of Legislative Services to calendar a report on the Rules Committee April 6, 2009 agenda.

Background: The resolution contends that equity and governance issues have arisen related to JAA and its police employees and that when similar issues faced the fire employees at JAA, the matter was resolved with JAA amending its charter that enabled the JAA fire employees to merge into the City's fire protection services.

Policy Impact: Jacksonville Aviation Authority; Jacksonville Sheriff's Office

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Resolution 2009-39

Sponsor: Council Member Graham

Date of Introduction: January 13, 2009

Committee(s) of Reference: R; F

Date of Analysis: January 15, 2009

Type of Action: Encouraging Adoption of Policy

Bill Summary: This bill encourages the City's independent agencies, which have their own procurement policies separate from the City of Jacksonville Procurement Code and policy, to adopt a local preference similar to Ordinance 2008-1055. The Council Secretary is authorized and directed to send copies of this resolution to the Chief Executive Officer, or equivalent position, for each of the City's independent agencies.

Background Information: Ordinance 2008-1055 (pending) creates criteria and standards for the evaluation of proximity to projects in public proposals, establishing a weighted value. The proposed local preference policy for professional services is intended to encourage local companies to do business with the City and speed the growth of jobs for Jacksonville residents, with consideration of professional services from businesses headquartered or located in Duval County to be viewed more favorably.

Policy Impact Area: Procurement; Independent Agencies

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Resolution 2009-40

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 13, 2008

Committee(s) of Reference: R

Date of Analysis: January 15, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Lacre C. Carswell as Chief of the Community Development Division within the Housing and Neighborhoods Department.

Background Information: Section 55.302, *Ordinance Code*, provides that the Chief of the Community Development Division shall have a bachelor's degree or higher from an accredited college or university, at least five years experience in community planning or community redevelopment and proven administrative experience. Ms. Carswell received a bachelor's degree from the University of Florida in food and resource economics. She has been employed with the City of Jacksonville for 20-years, working her way up from Planning Technician to Human Services Planner Senior, a position she has held since 1998.

Policy Impact Area: Housing and Neighborhoods Department / Community Development Division operations

Fiscal Impact: The salary range for the position is \$70,664 to \$113,062 annually.

Analyst: Welsh

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Bill Type and Number: Resolution 2009-41

Sponsor: Council President Fussell

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 14, 2009

Type of Action: Appointment

Bill Summary: This bill appoints Philip Mobley to the Jacksonville Housing and Community Development Commission, as a "not-for-profit provider of affordable housing", for a term ending November 30, 2011.

Background Information: Section 55.203, *Ordinance Code*, provides that five of the members of the Jacksonville Housing and Community Development Commission shall be appointed by the Council. Mr. Mobley received a master's degree in business administration from Jacksonville University and is the Cultural Competency and Diversity Director for *Blue Cross and Blue Shield of Florida*. He serves on several not-for-profit organizations which include affordable housing initiatives within the Jacksonville Community, including *Family Support Services*, the *Jacksonville Urban League*, and *Northside Community Involvement, Inc.* Mr. Mobley resides in the Forrest Trails area within Council District #8.

Policy Impact Area: Jacksonville Housing & Community Development Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2009-42

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 14, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Scott V. Witt to the Jacksonville Housing and Community Development Commission, as a "for-profit provider of affordable housing", for a term ending November 30, 2012.

Background Information: Section 55.203, *Ordinance Code*, provides that six of the members of the Jacksonville Housing and Community Development Commission shall be appointed by the Mayor and confirmed by Council. Mr. Witt received a master's degree in business administration from Florida State University and is the Sr. Vice President/CFO for *Stellar*. He resides in the Hollyford area within Council District #8.

Policy Impact Area: Jacksonville Housing & Community Development Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2009-43

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 14, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Ajani N. Dunn to the Jacksonville Housing and Community Development Commission, as a "representative of essential services personnel", for a term ending November 30, 2011.

Background Information: Section 55.203, *Ordinance Code*, provides that six of the members of the Jacksonville Housing and Community Development Commission shall be appointed by the Mayor and confirmed by Council. Mr. Dunn received a master's degree in health administration from the University of Florida and is an Operations Administrator with *Mayor Clinic Jacksonville*. He also serves on the Better Jacksonville Plan Financial Administration Committee. Mr. Dunn resides within Council District #6.

Policy Impact Area: Jacksonville Housing & Community Development Commission operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh

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Bill Type and Number: Resolution 2009-44

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 14, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Robert W. Helms as a member of the Jacksonville Economic Development Commission (JEDC), replacing Herschel Vinyard, Jr., for an unexpired term ending June 30, 2009, followed by a first full two-year term ending June 30, 2011.

Background Information: §24.03, *Jacksonville Charter, Part A*, provides that the nine of members of the JEDC shall be residents appointed by the Mayor and confirmed by Council. Mr. Helms received a bachelor's degree in business and psychology from Western Carolina University and is retired from *Wachovia Bank of Florida*. He resides in the Ortega area within Council District #14.

Policy Impact Area: Jacksonville Economic Development Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Welsh

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Bill Type and Number: Resolution 2009-45

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 14, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Jack L. Meeks as a member of the Jacksonville Economic Development Commission (JEDC), replacing Clarence Gooden, for a first full two-year term ending June 30, 2010.

Background Information: §24.03, *Jacksonville Charter, Part A*, provides that the nine of members of the JEDC shall be residents appointed by the Mayor and confirmed by Council. Mr. Meeks received a bachelor's degree in accounting from the University of Florida and is a certified public accountant. He is President of *Meeks, Ross, Selander & Associations, CPAs, LLC*. Mr. Meeks currently serves on the Enterprise Zone Development Agency Board and has previously served on the Jacksonville Ethics Commission. He resides in the Springfield area within Council District #7.

Policy Impact Area: Jacksonville Economic Development Commission operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Welsh

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Bill Type and Number: Resolution 2009-46

Sponsor: Council President Fussell

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 14, 2009

Type of Action: Appointment

Bill Summary: This bill appoints Neal J. Milligan, P.E. to the Building Codes Adjustment Board (BCAB), replacing Michael Byrd, for a first full three-year term ending September 30, 2011.

Background Information: Section 56.101, *Ordinance Code*, provides that the nine members of BCAB are appointed by the Council. Mr. Milligan received a master's degree in civil engineering from the University of Florida. He is a licensed professional engineer and employed with *England Thims & Miller, Inc.* Mr. Milligan resides in the South Riverside area within Council District #5.

Policy Impact Area: Building Codes Adjustment Board operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Welsh

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Bill Type and Number: Resolution 2009-47

Sponsor: Council President at the request of the Mayor

Date of Introduction: January 13, 2009

Committee(s) of Reference: R

Date of Analysis: January 15, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Matt Karle as a member of the Construction Trades Qualifying Board, filling the apartment industry slot formerly held by John Joseph, for a term ending September 30, 2010.

Background Information: Section 62.101, *Ordinance Code*, provides that each member of the Construction Trades Qualifying Board shall reside in Duval County and three of the members shall be individuals associated with the apartment industry. Mr. Karle is a Project Manager with *Leonard's Painting & Maintenance*. He resides in the Hillcrest area within Council District #9.

Policy Impact Area: Construction Trades Qualifying Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh