

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2009-486

Sponsor: Council President at the Request of the Mayor and by Council Members Davis and Redman

Date of Introduction: June 23, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: June 25, 2009

Type of Action: Appropriation/CIP Amendment

Bill Summary: This bill appropriates \$224,842.02 (\$76,642.02 in capital improvement funds remaining from the Fire Station #32 project, which has been completed, and \$148,200 in Special Council Contingency funds from the sale of old Fire Station #21) to transfer funds to provide for completion of the new Fire Station #28 project. The Five-Year Capital Improvement Program is amended to increase the budget for the Fire Station #28 (Replacement) project and to reduce the budget for the Replace Fire Station #32 project.

Background Information: Per Ordinance 2009-66-E, funds from the sale of old Fire Station #21 were placed in a Special Council Contingency account for subsequent appropriation to a fire station construction project. The new Fire Station #28 is located at 9200 Hogan Road. These supplemental funds will be used to offset additional costs resulting from unforeseen environmental and other site conditions and from other costs of complying with the City's "Green Building" policy.

Policy Impact Area: Fire and Rescue; Capital Improvements

Fiscal Impact: Undetermined; \$224,842.02 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-487

Sponsor: Council President at the Request of the Mayor

Date of Introduction: June 23, 2009

Committee(s) of Reference: F

Date of Analysis: June 25, 2009

Type of Action: Appropriation

Bill Summary: This bill appropriates \$1,659,882 to reclassify Workers' Compensation IBNR Reserve Budget to Case Reserve Expense.

Background Information: Information on file indicates that this reclassification is for funds in the City's Self-Insurance Fund.

Policy Impact Area: Risk Management; Workers' Compensation

Fiscal Impact: Undetermined; \$1,659,882 is appropriated by this ordinance

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-488

Sponsor: Council President at the request of the Mayor:

Date of Introduction: June 23, 2009

Committee(s) of Reference: F; RCD

Date of Analysis: June 26, 2009

Type of Action: Appropriation

Bill Summary: This ordinance appropriates \$806,330.37 (\$543,730.37 in Home Program Income funds and \$262,500.00 in State Housing Initiative Partnership ("SHIP") Program Income funds) for Downpayment Assistance activities and the five percent (5%) administrative allowance pursuant to the SHIP program guidelines, as initiated by B.T. 09-135; provides a carryover of funds to Fiscal Year 2009-2010; authorizes the Mayor and Corporation Secretary to execute and deliver documents and take further action to implement the purpose of this ordinance.

Background: SHIP funds are monies remanded to local communities for affordable housing programs. The HOME Program is a U.S. Department of Housing and Urban Development affordable housing assistance program that offers financial assistance to income eligible families/individuals who are interested in purchasing a home but do not have the finances for downpayment, closing costs or other expenses. The programs are designed to enable the City to develop programs that expand the availability of decent and affordable housing for low and very low income individuals and families.

Policy Impact: Housing & Neighborhoods Department/Housing Services Division/HOME Program & SHIP Program

Fiscal Impact: This ordinance appropriates \$806,230.37

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-489

Sponsor: Council President at the request of the Mayor:

Date of Introduction: June 23, 2009

Committee(s) of Reference: F; RCD

Date of Analysis: June 26, 2009

Type of Action: Appropriation

Bill Summary: This ordinance appropriates from the United States Department of Housing & Urban Development \$2,779,039 in Homeless Prevention and Rapid Re-Housing Program (HPRP) funding, for the grant period September 1, 2009 to September 30, 2012, as authorized by Title XII of the American Recovery and Reinvestment Act of 2009 (ARRA), in order to provide homelessness prevention assistance to households which would otherwise become homeless and to provide assistance to rapidly re-house persons who are homeless, as defined by Section 103 of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 111302, as initiated by B.T. 09-136; provides for a carryover of funds through Fiscal Year 2011-2012; authorizes the Mayor and Corporation Secretary to take further actions to implement the purpose of this ordinance.

Background: This funding is provided to provide temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless *but for* the assistance funded by this appropriation.

Policy Impact: Housing & Neighborhoods Department /Homeless Prevention and Rapid Re-Housing Program (HPRP).

Fiscal Impact: This ordinance appropriates \$2,779,039.00

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-490

Sponsor: Council President at the request of the Sheriff:

Date of Introduction: June 23, 2009

Committee(s) of Reference: F; PHS

Date of Analysis: June 26, 2009

Type of Action: Appropriation

Bill Summary: This ordinance appropriates, in accordance with Section 932.7055, Florida Statutes, \$330,549 from the Special Law Enforcement Trust Fund to provide funding for (1) Equipment for the SWAT Team and Bomb Squad (\$264,662), (2) Malivai Washington Foundation (\$15,000), (3) Hubbard House (\$65,000), (4) Builders Care (\$20,000), (5) Character Counts (\$7,500), (6) Metro Kids Konnection (\$6,694) and (7) Justice Coalition (\$6,693), as initiated by B.T. 09-138; provides for City oversight by the Jacksonville Sheriff's Office.

Background: This yearly funding from the Special Law Enforcement Trust Fund mandates that 15% of the funding be distributed to non-profits in the community.

Policy Impact: Office of the Sheriff

Fiscal Impact: This ordinance appropriates \$330,549

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-491

Sponsor: Council President at the Request of the Mayor

Date of Introduction: June 23, 2009

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

Date of Analysis: June 25, 2009

Type of Action: Declaration of Surplus/Ordinance Code Waivers

Bill Summary: This bill declares certain real property on Edison Avenue to be surplus to City needs, repealing previous legislation (Ordinance 2003-1028-E) which declared the parcel surplus and authorized disposition. Section 122.422(c), Ordinance Code, is waived to allow for the marketing and disposition of the property by auction, direct sale, or listing with a licensed real estate broker in an effort to maximize City revenue from the sale. Additionally, Section 122.429 is waived to allow the net proceeds from such sale to be deposited into the Community Development Block Grant Account for future appropriation.

Background Information: The subject property is located at 2584 Edison Avenue, between Broward and Nixon streets. The bill states that the Community Development Block Grant account is the account from which federal funds were taken to make the original purchase of the subject parcel, and any proceeds from the subsequent sale of the parcel must be returned to the source account. No municipal agencies have expressed a need for the property, and the assessed value is shown as \$119,572 in records of the Property Appraiser.

Policy Impact Area: Real Estate-Surplus Property

Fiscal Impact: Undetermined; the assessed value is \$119,572

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-492

Sponsor: Council President at the Request of the Mayor

Date of Introduction: June 23, 2009

Committee(s) of Reference: R; TEU

Date of Analysis: June 25, 2009

Type of Action: Easement Closure/Emergency Request

Bill Summary: This bill closes, abandons, and/or disclaims a portion of a 20-foot unobstructed drainage easement in the Brentwood Park Community. Closure action has been requested by Habitat for Humanity to eliminate an encroachment situation created by the construction of a house over the easement area. The legislation states that a \$1,000 application fee has been paid, and that any objections from governmental agencies have been resolved. Emergency passage is requested to prevent Habitat for Humanity from having to forfeit grant dollars associated with this property.

Background Information: The easement is located in the vicinity of Oak Arbor Road and Wood Creek Lane, and portions of certain other existing easements are excepted from this closure.

Policy Impact Area: Real Estate-Easement Closures

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-493

Sponsor: Council President at the request of the Mayor:

Date of Introduction: June 23, 2009

Committee(s) of Reference: TEU

Date of Analysis: June 26, 2009

Type of Action: Road Closure

Bill Summary: This ordinance closes, abandons and/or disclaims, upon completion of the construction of the proposed Pritchard Road and Chaffee Road Intersection, an opened and improved portion of Pritchard Road Right-of-Way near its intersection with Chaffee Road, in Council District 8, established and recorded in ORV 4831-954 of the current public records of Duval County, Florida, at the request of Westlake Land Management, Inc. to allow for the development of the Westlake Project.

Background: This closure request has been sent to the various municipal agencies, which might have an interest in this matter, and all objections have been resolved. A closure application fee in the amount of \$1,500.00 has been paid by the applicant. The Westlake Project consists of an expansion of the industrial park that the applicant owns and operates.

Policy Impact: Public Works/Real Estate

Fiscal Impact: A \$1,500 Closure Application Fee has been paid by the applicant.

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-496

Sponsor: Council President at the request of the Mayor:

Date of Introduction: June 23, 2009

Committee(s) of Reference: F; TEU

Date of Analysis: June 26, 2009

Type of Action: Easement Authorization and Approval

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver that certain Sovereignty Submerged Lands Easement (BOT. No. 160232682) between the City of Jacksonville and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, retroactive to October 9, 2007, for construction of a drainage channel and dredging in Moncrief Creek (Project 2009-117).

Background: A Sovereignty Submerged Lands Easement is required because the bottoms of water bodies in the State of Florida are owned by the State. The Board of Trustees of the Internal Improvement Trust Fund is, in actuality, the Florida Cabinet, Florida's Constitutional Officers. The fee for the easement is waived.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-497

Sponsor: Council President at the Request of the Mayor

Date of Introduction: June 23, 2009

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

Date of Analysis: June 25, 2009

Type of Action: Lease Approval

Bill Summary: This bill approves a lease agreement with the City of Jacksonville Beach for the property and improvements at 332 First Avenue South in Jacksonville Beach. Authorization is given for the Mayor, or designee, to execute said agreement.

NOTE: The lease agreement, in Section XV (Renewal), provides that the lease is renewable for additional one-year terms; however, the legislation and Fact Sheet reference an option to renew for one additional one-year term.

Background Information: Under this agreement, the City of Jacksonville Beach leases the property to the City of Jacksonville for \$10 per year for the expressed purpose of providing the space necessary to perform the fire and rescue services the City of Jacksonville renders to the public. The term of this lease is from October 1, 2009, through September 30, 2019.

Policy Impact Area: Real Estate-Lease Agreements; Fire and Rescue

Fiscal Impact: Undetermined; the rental fee is \$10 per year

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-498

Sponsor: Council President at the request of the Mayor and Council Member Shad

Date of Introduction: June 23, 2009

Committee(s) of Reference: F, TEU

Date of Analysis: June 25, 2009

Type of Action: Authorization of license agreement

Bill Summary: The bill approves a license agreement between the City and Greenscape of Jacksonville, Inc. for Greenscape to occupy the second floor of the former South Jacksonville City Hall building at 1468 Hendricks Avenue at no cost.

Background Information: The license agreement provides for an initial term of 5 years with three 5-year renewal options. Greenscape would be responsible for its utility and maintenance costs. The South Jacksonville City Hall was, as its name states, the city hall for the independent city of South Jacksonville from its incorporation in 1907 to its annexation into Jacksonville in 1932. The building was built in 1915 and recently renovated by the City.

Policy Impact Area: Public building utilization

Fiscal Impact: The license (lease) agreement is at no cost to Greenscape, which will be responsible for its own utilities and maintenance.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-499

Sponsor: Council President at the request of the Mayor

Date of Introduction: June 23, 2009

Committee(s) of Reference: F, TEU

Date of Analysis: June 25, 2009

Type of Action: Authorization of BJP refunding bonds

Bill Summary: The bill authorizes the issuance of up to \$360 million in Better Jacksonville Plan refunding bonds to facilitate the refinancing of any Special Revenue bonds issued as an alternative revenue pledge to fund Better Jacksonville Plan projects. The bill additionally raises the required coverage ratio of available pledged revenues to debt service from 135% to 150% for new bond issues.

Background Information: The bill does not authorize any additional BJP projects or debt. The administration's intention is to utilize the BJP sales tax pledge to the maximum extent, to utilize the Special Revenue pledge only as necessary to keep BJP bonds rated the equivalent of AA, and to repay any general funds applied to BJP debt service as future BJP revenues become available.

Policy Impact Area: BJP bond financing

Fiscal Impact: Undetermined – does not increase the maximum project list cost, but does enable issuance of bonds with more favorable interest rates by expanding the universe of pledged revenues.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-500

Sponsor: Land Use and Zoning Committee

Date of Introduction: June 23, 2009

Committee(s) of Reference: LUZ

Date of Analysis: June 25, 2009

Type of Action: Development Agreement Approval

Bill Summary: This bill approves a development agreement with APR Development II, LLC. Authorization is given for the Mayor and Corporation Secretary to execute said agreement.

Background Information: The proposed development, known as APR Energy, consists of approximately 14.48 acres located on the west side of Alta Drive, south of Masters Road. Plans are for 350,000 enclosed square feet of heavy industrial uses, subject to a performance schedule and payment of an annual renewal fee for the purpose of reserving traffic circulation capacity.

Policy Impact Area: Planning and Development

Fiscal Impact: Undetermined

Analyst: Campbell

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Bill Type and Number: Ordinance 2009-501

Sponsor: Council Member Holt

Date of Introduction: June 23, 2009

Committee(s) of Reference: F, TEU

Date of Analysis: June 25, 2009

Type of Action: Appropriation; CIP amendment

Bill Summary: The bill appropriates \$3,616,317 from Fair Share Sector Area Fund 6.1 for the expansion of Alta Drive from SR 9A to New Berlin Road. The bill amends the 2008-13 Capital Improvement Program to include the new project.

Background Information: The project will widen Alta Drive from a 2-lane to a 4-lane road to accommodate the additional traffic in the area primarily related to port facility expansion. The Fair Share Sector Area Fund 6.1 is funded by the fair share contributions made by developers needing to pay for additional transportation concurrency capacity in the North Jacksonville area.

Policy Impact Area: Roadway expansion

Fiscal Impact: The bill appropriates \$3,616,317 in fair share sector funds to the project.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-502

Sponsor: Council President at the request of the Mayor:

Date of Introduction: June 23, 2009

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

Date of Analysis: June 26, 2009

Type of Action: Appropriation; CIP Amendment

Bill Summary: This ordinance transfers from the Zoo Landscaping – Asian Exhibit Account to the Tree Protection and Related Expenditures Trust Fund account \$217,353 of the \$2,041,761 originally appropriated by Ordinance 2006-130-E from the Tree Protection and Related Expenditures Trust Fund account for the Asian Gardens Exhibit at the Jacksonville Zoo and Gardens (“Zoo”); appropriating \$217,353 from the Tree Protection and Related Expenditures Trust Fund account to the Zoo Landscaping – Parking Lot Account, in order to provide funding for landscaping both the existing parking lot and the newly completed overflow parking lot at the Zoo, as initiated by B.T. 09-___; providing a carryover of funds to Fiscal Year 2009-2010; invoking the exception of 126.107(G), *Ordinance Code*, to award the contract to the zoo; amends the 2008-2013 Five-Year Capital Improvement Program, approved by Ordinance 2008-555-E, to increase the budget for the project entitled “Zoo Landscaping – Parking Lot” and to reduce the budget for the project entitled “Zoo Landscaping – Asian Exhibits”; authorizes the Mayor and Corporation Secretary to execute and deliver documents and take further action to implement the purpose of this ordinance; provides for City oversight by the Right-of-Way & Grounds Maintenance Division of the Public Works Department.

Background: This ordinance appropriates \$217,353 from Tree Protection and Related Expenses for the landscaping of the existing parking lot and the newly completed overflow parking lot at the Jacksonville Zoo and Gardens. The zoo is requesting to use \$217,353 of the \$2,041,761 originally appropriated for the Asian Gardens Exhibit for the parking lot. The funding from the previous appropriation (2006-130) for the Asian Gardens exhibit will be reduced by \$217,353.

Policy Impact: Public Works/Right-of Way & Grounds Maintenance Division/Jacksonville Zoo & Gardens

Fiscal Impact: This bill appropriates \$217,353.00

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-503

Sponsor: Council President at the request of the Mayor

Date of Introduction: June 23, 2009

Committee(s) of Reference: R, F

Date of Analysis: June 25, 2009

Type of Action: Approval of settlement agreement

Bill Summary: The bill approves a mediated settlement agreement between the City and Mat Roland Seafood Company, Inc. to end litigation over the City's shut-off of electrical service to the business due to building code and property safety code violations. The settlement is in the amount of \$49,990 plus approximately \$15,000 in attorney fees and court costs.

Background Information: Mat Roland Seafood alleges that the City did not give proper notice of its intent to turn off the electricity and as a result the company suffered equipment damage and lost inventory. The City disputes the allegation and a trial is scheduled for November. Because there does appear to be some room for misinterpretation or lack of clarity, the Office of General Counsel recommends that the City accept the settlement agreement and pay approximately \$65,000 to settle the case and make changes in the Ordinance Code to remove any ambiguity in future cases. City Council approval is needed for any settlement exceeding \$50,000.

Policy Impact Area: Legal settlement

Fiscal Impact: Approximately \$65,000 depending on the final determination of attorney's fees and court costs.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-504

Sponsor: Council President at the request of the Mayor:

Date of Introduction: June 23, 2009

Committee(s) of Reference: F; RCD

Date of Analysis: June 26, 2009

Type of Action: Use Agreement Authorization

Bill Summary: This ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver, a Use Agreement between the City of Jacksonville and Atlantic Marine Florida, LLC for the use of parking spaces at Sisters Creek Marina; provides for deposit of all parking fees collected under the Use Agreement into the Sisters Creek Park Maintenance and Improvement Fund; provides for City oversight by the Recreation and Community Services Department.

Background: This legislation authorizes a Use Agreement between the City and Atlantic Marine Florida, LLC, that grants Atlantic Marine immediate use of parking spaces at Sisters Creek Marina; the parking spaces are needed for a U.S. Navy related project. Sisters Creek Marina is located in Council District 11.

Policy Impact: Recreation & Community Services Department

Fiscal Impact: Undetermined

Analyst: Jackson

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Bill Type and Number: Ordinance 2009-505

Sponsor: Council Member Joost

Date of Introduction: June 23, 2009

Committee(s) of Reference: R, F

Date of Analysis: June 25, 2009

Type of Action: Provision for corrective remedial action for City grant recipient; request for emergency approval

Bill Summary: The bill directs the Council Auditor to remove the Jacksonville Historical Society from the Public Service Grant (PSG) non-compliance list and finds that the Society, while technically in violation of the PSG grant regulations, did not misspend any City funds and is taking action to correct its violations. The bill requests emergency approval due to the impending extended legislative break due to the Council "fifth week" and subsequent two-week summer recess.

Background Information: The Jacksonville Historical Society was the recipient of two Public Service Grants from the City in the current fiscal year, one to produce a publication and one for educational programming. The Society established separate single-purpose bank accounts for the two grants, but improperly charged expenses for parts of one project to the account for the other. The Council Auditor identified this discrepancy and placed the Society on the PSG non-compliance list for comingling the funds. The Society hired a CPA to perform an audit which demonstrated that the correct amounts were expended on each project, albeit with portions charged to the wrong account. The Council Auditor is satisfied that there was no improper use of the funds and the Society is changing its accounting procedures to ensure that the errors won't happen again.

Policy Impact Area: Public Service Grant non-compliance remediation

Fiscal Impact: The restoration of good standing qualifies the Historical Society to become re-eligible to participate in City grant funding programs.

Analyst: Clements

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Bill Type and Number: Ordinance 2009-506

Sponsor: Council President at the request of the Mayor

Date of Introduction: June 23, 2009

Committee(s) of Reference: F

Date of Analysis: June 25, 2009

Type of Action: Approval of agreement with deferred compensation program manager

Bill Summary: The bill approves an agreement with Great West Life and Annuity Insurance Company to provide recordkeeping, communications and administrative services for the City's 457(b) deferred compensation program and 401(a) defined contribution retirement savings plan.

Background Information: The City's contracts with its two current service providers – Great West and VALIC – are expiring September 30, 2009. The City issued an RFP for companies interested in performing the service and Great West was determined to have submitted the only acceptable proposal. The contract will be for a period of 5 years with two additional 1-year renewal options. Great West's fee shall be a sliding percentage of the total participant account balances: 0.26% of amounts up to \$149,999,999, 0.25% of amounts between \$150,000,000 and \$199,999,999, and 0.24% of amounts exceeding \$200,000,000.

Policy Impact Area: Deferred compensation and retirement defined contribution plan administrator

Fiscal Impact: No charge to the City; program fees are paid by participating employees.

Analyst: Clements

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Bill Type and Number: Resolution 2009-507

Sponsor: Council President at the request of the Sheriff

Date of Introduction: June 23, 2009

Committee(s) of Reference: R

Date of Analysis: June 19, 2009

Type of Action: Appointment Confirmation with Retroactive Effective Date

Bill Summary: This bill confirms the Sheriff's appointment of Adam J. Brown as Chief of Continuous Improvement, within the Sheriff's Office, retroactively effective to June 27, 2009.

Background Information: Section 37.104.1(b), *Ordinance Code*, provides that the Chief of Continuous Improvement shall have a college degree or at least five years experience and commensurate training.

Asst. Chief Brown has been employed with the Sheriff's Office since 1990, working his way up from Police Recruit to Police Lieutenant in 2004, a position he held until his appointment as Assistant Chief in 2007. He received a bachelor's degree in workforce education from Southern Illinois University at Carbondale and has completed various law enforcement training courses.

Policy Impact Area: Jacksonville Sheriff's Office operations

Fiscal Impact: According to Human Resources, the salary range for this position is \$82,422 - \$131,875 annually.

Analyst: Welsh

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Bill Type and Number: Resolution 2009-508

Sponsor: Council President at the Request of the Mayor

Date of Introduction: April 14, 2000

Committee(s) of Reference: R

Date of Analysis: April 9, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Erin B. Vance as a member of the Library Board of Trustees, replacing Estelle McKissick, for a term ending June 30, 2012.

Background Information: Chapter 90, *Ordinance Code*, provides that the eleven members of the Library Board of Trustees shall be citizens of the City of Jacksonville and shall be appointed by the Mayor, subject to confirmation by the City Council. Ms. Vance received a master's degree in business administration from the University of North Florida and is the VP for Sales and Marketing with *Paramount Performance Marketing*. She also serves on the Cultural Service Grant Committee. Ms. Vance resides in the San Jose Forrest area within Council District #5.

Policy Impact Area: Library Board of Trustees operations

Fiscal Impact: Anticipated to be minimal.

Analyst: Welsh

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Bill Type and Number: Resolution 2009-509

Sponsor: Council President at the request of the Mayor

Date of Introduction: June 23, 2009

Committee(s) of Reference: R

Date of Analysis: June 19, 2009

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of John C. Scott, III as a member of the Construction Trades Qualifying Board, replacing William "Clay" Andrews as a pool and spa contractor, for an unexpired term ending September 30, 2011.

Background Information: Section 62.101, *Ordinance Code*, provides that each of the 18 members of the Construction Trades Qualifying Board shall reside in Duval County and one of the members shall be a swimming pool contractor. Mr. Scott is a certified Pool/Spa Contractor and is President of *SurfSide Pools*. He resides in the Isle of Palms area within Council District #3.

Policy Impact Area: Construction Trades Qualifying Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Welsh