

**CITY COUNCIL RESEARCH DIVISION**  
**LEGISLATIVE SUMMARY**

**JEFFREY R. CLEMENTS**  
Chief of Research  
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FAX (904) 630-3403

**Bill Type and Number:** Ordinance 2009-431

**Sponsor:** Council President at the request of the General Counsel

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of settlement agreement

**Bill Summary:** The bill approves a settlement of legal claims in the amount of \$96,000 with two companies (Military Construction Corp. - \$28,500 and Century Transport, Inc. - \$67,500) to remove the City from litigation resulting from the construction of Fire Station #24.

**Background Information:** The Ordinance Code requires the City Council to approve all legal settlements that exceed \$50,000. This settlement results from mediation among the City and the two companies over disputes arising from the construction of Fire Station #24 on Lem Turner Road. Buried asphalt was unexpectedly discovered on the building site which required additional work and expense to remove and remediate. The site preparation company charges that the site conditions should have been known by the City (the property owner) and that the extra costs should be borne by the City. The site prep contractor walked off the job and was sued by the general contractor, which also sued the City for recovery of expenses incurred in hiring a new site prep contractor and in suing the first contractor for non-performance. The Fire and Rescue Department and Office of General Counsel recommend payment of this settlement to relieve the City of potentially larger liability resulting from the on-going litigation between the two contractors.

**Policy Impact Area:** Legal settlement

**Fiscal Impact:** The bill approves a settlement in the amount of \$96,000 to avoid further liability and legal fees potentially exceeding several hundred thousand dollars.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-432

**Sponsor:** Council President at the request of the Supervisor of Elections

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Changes to voting precincts and boundaries

**Bill Summary:** The bill adjusts the City's voting precincts by combining and renumbering 12 pairs of adjoining precincts and eliminating 12 precincts as follows:

<u>Precincts being combined</u>	<u>New precinct #</u>	<u>Polling location</u>
01 and 01V	01	Resurrection Episcopal Church, 12355 Ft. Caroline Road
01M and 01P	01P	Ft. Caroline Presbyterian Church, 3754 University Club
02M and 02W	02M	East Pointe Baptist Church, 270 Kernan Blvd. N.
03H and 03J	03H	Hodges Blvd. Presbyterian Church, 4140 Hodges Blvd.
04R and 04T	04T	Windy Hills Comm. Center, 10540 Anders Blvd.
05F and 05H	05H	San Jose Church of Christ, 6233 San Jose Blvd.
05J and 05K	05J	Church of the Messiah, 7576 San Jose Blvd.
06G and 06V	06G	South Mandarin Reg'l Library, 12125 San Jose Blvd.
06H and 06N	06N	St. Justin Martyr Church, 12460 Old St. Augustine Rd.
06J and 06T	06J	Mandarin First Assembly of God, 3423 Loretto Road
07C and 07J	07J	Joseph Lee Community Center, 5120 Perry Street
11H and 11X	11H	Dunn's Creek Baptist Church, 1425 Starratt Road

**Background Information:** The precincts involved are adjoining precincts that already share a single polling place. Combining the two precincts into one would allow for the reduction of one precinct manager and one deputy manager for each combined pair. The number of other poll workers and the number of voting booths will remain unchanged.

**Policy Impact Area:** Voting precinct location

**Fiscal Impact:** Would save approximately \$16,000 per election through the elimination of duplicative precinct managers and deputy managers.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-451

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

**Date of Introduction:** May 9, 2009

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

**Date of Analysis:** May 12, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$385,975.36 from the Department of Finance's Insured Programs account to return excess loss provision contributions to the JEA in the amount of \$75,356.09, to the Jacksonville Port Authority in the amount of \$161,960.14, and to the Jacksonville Housing Authority in the amount of \$148,659.13, as initiated by B.T. 09-131.

**Background:** The funds appropriated by this legislation constitute a surplus of premiums that the independent agencies spent on Workers Compensation and general liability claims.

**Policy Impact:** Administration & Finance/Risk Management

**Fiscal Impact:** This ordinance appropriates \$385,975.36.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-452

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 12, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$33,004.03 from the 103<sup>rd</sup> Street Go Kart Track Trust Fund to fund resurfacing of the track at the 103<sup>rd</sup> Street Go Kart Park, as initiated by B.T. 09-132; provides for City oversight by the Department of Recreation and Community Services.

**Background:** Ordinance 2003-111-E created Section 110.399.4, 103<sup>rd</sup> Street Go Kart Trust Fund, in Section 110 (Treasury/Special Accounts and Funds), *Ordinance Code*, to provide a mechanism for the City to receive funds for capital improvements for the 103rd Street Go Kart Track. The City had previously entered into a license agreement with the North Florida Kart Club to operate the City-owned track. The site is located in Council District 12.

**Policy Impact:** Recreation & Community Services Department

**Fiscal Impact:** The ordinance appropriates \$33,004.03.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-453

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 12, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$3,323,602 in a continuation grant from the Department of Health and Human Services Grant Funds, with no City match, to provide HIV-related health and support services to persons living with HIV (PLWHA) and residing in the Jacksonville Transitional Grant Area (TGA), as initiated by B.T. 09-133, to be expended during a grant year that begins March 1, 2009, and ends February 28, 2010; provides a carryover of funds to the City of Jacksonville Fiscal Year 2009-2010; approves position changes in the Department of Recreation and Community Services, as initiated by R. C. 09-379; provides for City oversight by the Department of Recreation and Community Services.

**Background:** The grant appropriated by this legislation, coupled with a partial grant in March, represents a 14% increase over last year's award. The increase in funding requires City Council action to appropriate the additional funding. In the past 14 years, Jacksonville has received DHHS funding in excess of \$49 million to provide HIV-related health and support services with people living with HIV-Aids. These services include outpatient medical care, medications, dental, mental health counseling, and substance abuse treatment and case management. Currently, there are an estimated 4,871 PLWHA living in the Jacksonville TGA (the Jacksonville Transitional Grant Area consists of Duval, Clay, St. Johns and Nassau Counties). The FY 2009 funds appropriated would continue treatment and care for HIV infected men, women infants and children. In addition, this ordinance would authorize the Mayor and Corporation Secretary to execute contracts with agencies for the delivery of care and services.

**Policy Impact:** Public Health/HIV Aids/Recreation and Community Services Department/Ryan White Part A Grant Program.

**Fiscal Impact:** This ordinance appropriates \$3,323,602 in a continuation federal grant, with no City match.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-454

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Declaration of Surplus

**Bill Summary:** This bill declares certain real property in the vicinity of DeKalb Avenue and Englewood Avenue to be surplus to City needs. Section 122.422(c), Ordinance Code, is 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:** The Real Estate Officer has conducted an investigation of need and has determined that no need exists for the subject property by the City or any independent agency. The appraised value is shown as being \$60,000. Various disposition methods are being authorized in an effort to maximize City revenue.

**Policy Impact Area:** Real Estate-Surplus Property

**Fiscal Impact:** Undetermined; the appraised value of the property is \$60,000

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-457

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Grant of Perpetual Easement

**Bill Summary:** This bill grants a perpetual easement to the Florida Dept. of Transportation (FDOT), authorizing the Mayor, or designee, and Corporation Secretary to execute the document.

**Background Information:** FDOT is acquiring right-of-way on behalf of the JTA for improvements along Soutel Drive. Said perpetual easement is granted to allow FDOT to install a traffic signal mast arm assembly on Soutel Drive at the entrance to Bob Hayes Park. This easement contains approximately 1,010 square feet.

**Policy Impact Area:** Real Estate-Easements

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-458

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Grant of Temporary Easement

**Bill Summary:** This bill grants a temporary easement to the Florida Dept. of Transportation (FDOT) over a parcel in connection with the 44<sup>th</sup> Street Extension Project. Authorization is given for the Mayor, or designee, and Corporation Secretary to execute the document.

**Background Information:** The 44<sup>th</sup> Street Extension will be adjacent to and will replace an unnamed access road, running parallel with I-95 until it connects with the Gateway Mall Access Road. The temporary easement is required to allow for removal of the impervious surface of the existing access road, storm water drainage improvements, and the tying-in and harmonizing of driveways and walkways. The construction is to be undertaken by FDOT, and the temporary easement will be for a period of 48 months from the date FDOT becomes owner of said easement. This temporary easement contains approximately 73 square feet.

**Policy Impact Area:** Real Estate-Easements; Streets and Drainage

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-459

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

**Date of Introduction:** June 9, 2009

**Committee(s) of Reference:** F; RCD; JWW

**Date of Analysis:** June 12, 2009

**Type of Action:** Lease Renewal Authorization

**Bill Summary:** This ordinance approves and authorizes the Mayor and Corporation Secretary to execute and deliver a Sovereignty Submerged Land Lease Renewal ( BOT. NO. 160336892) between the City of Jacksonville and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the operation of docking and boat ramp facilities at Palms Fish Camp for a five (5) year term commencing August 30, 2009.

**Background:** The State of Florida has sovereignty over all of the state's bodies of water. The State owns the lands that constitute the water bodies' bottoms. This land lease is a renewal for Palms Fish Camp and stipulates that fees are waived. The fish camp is located in Council District 11. (The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida is, in actuality, the Florida Cabinet).

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

**Fiscal Impact:** Minimal

**Analyst:** Jackson

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**Bill Type and Number:** Resolution 2009-460

**Sponsor:** Council President Fussell

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 3, 2009

**Type of Action:** Reappointment

**Bill Summary:** This bill reappoints Henry B. Fonde, Jr. to the Tourist Development Council, as a representative of the Tourist Accommodation Industry, for a third four-year term ending June 30, 2013.

**Background Information:** Chapter 70, *Ordinance Code*, provides that three of the members of the Duval County Tourist Development Council shall be owners or operators of tourist accommodation facilities. Mr. Fonde received a master's degree in business administration from Jacksonville University and is Senior Vice President and Director of Development for *Landcom Hospitality Management, Inc.* He resides in Council District #3.

**Policy Impact Area:** Tourist Development Council operations

**Fiscal Impact:** Anticipated to be minimal.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2009-461

**Sponsor:** Council President Fussell

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 3, 2009

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the appointment of Ryan H. Jones to the Taxation, Revenue and Utilization of Expenditures (TRUE) Commission, replacing John Palombi for a first three-year term ending June 30, 2012.

**Background Information:** Section 57.102, *Ordinance Code*, provides that the members of the TRUE Commission shall be residents of the City and six of the members shall be appointed by the Council President and confirmed by the City Council. Mr. Jones received a bachelor's degree from the University of Florida and is the Vice President – Investments for *Wachovia Securities, LLC*. He resides in the Venetia area within Council District #14.

**Policy Impact Area:** TRUE Commission operations

**Fiscal Impact:** Anticipated to be minimal.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2009-462

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 3, 2009

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of William B. Killingsworth as Director of the Planning and Development Department.

**Background Information:** Per Sec. 30.101, *Ordinance Code*, the requirements for this position are a master's degree in public administration, urban planning or a related field or ten years' professional and administrative experience in a managerial capacity, at least five of which shall be in an urban planning agency or organization.

Mr. Killingsworth received a bachelor's degree in business administration, with a major in real estate and urban analysis, from the University of Florida. He has been employed with the City of Jacksonville, within the Planning and Development Department, since November 1990, working his way up from Assistant Planner to Principal Planner, a position he held until his appointment as Chief of Community Planning in 2008. Mr. Killingsworth is a Duval County resident.

**Policy Impact Area:** Planning and Development Department operations

**Fiscal Impact:** According to Human Resources, the salary range for this position is \$103,828 to \$166,125 annually.

**Analyst:** Welsh

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**Bill Type and Number:** Ordinance 2009-464

**Sponsor:** Council Member Brown

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Authorization of Honorary Road Marker/Appropriation

**Bill Summary:** This bill provides for an honorary street designation and appropriate honorary marker, as contemplated by Section 745.105(h), Ordinance Code, on Raines Viking Way in honor of Coach James Day. An appropriation of \$200 is made from a Special Council Contingency account to fund said marker, and any unused funds are required to be returned to the source of origin. Section 745.105(e)(2), Ordinance Code, requiring the naming of honorary designations after persons who have been deceased for five years, is waived to allow for this honorary street designation and marker, as Coach Day is still living. The Chief of Legislative Services is requested to send a copy of the enacted legislation to the Planning and Development Dept., Addressing Unit, for processing, implementation, and coordination with affected agencies and organizations.

**Background Information:** Coach Day served in the Duval County Public School System for 40 years as a teacher, coach, and athletic director, until retiring as Athletic Director and Head Track Coach at Raines High School in 1997. Throughout his career, he gained numerous honors and made significant achievements, as detailed in the legislation's recitals.

**Policy Impact Area:** Honorary Street Designations and Markers

**Fiscal Impact:** Undetermined; \$200 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-465

**Sponsor:** Council Member Davis:

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 12, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$9,578 from the Special Council Contingency – Undesignated account to pay SMG the costs of facility rental and facility expenses for the 2009 Southeastern Mounted Police Competition, September 24<sup>th</sup> through September 27<sup>th</sup>, 2009.

**Background:** Jacksonville is the host for this event at the Equestrian Center on the Westside (Council District 12). These events promote the Equestrian Center in the Southeast and are an economic benefit as a tourist undertaking, as well.

**Policy Impact:** Tourism/Equestrian Center

**Fiscal Impact:** This bill appropriates \$9,578

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-466

**Sponsor:** Council Member Brown:

**Date of Introduction:** June 9, 2009

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

**Date of Analysis: Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$8,756 from the Council District 10 ETR Funds to purchase football equipment for William M. Raines High School located at 3663 Raines Avenue, Jacksonville, FL 32209, in Council District 10. The bill waives the requirements of the Autumn Bond, Ordinance 2004-998-E, as amended by 2005-1044-E and Section 106.315, *Ordinance Code*, that bond funds be used on municipal property; provides for direct procurement of contractual services pursuant to Section 126.107(G), *Ordinance Code*.

**Background:** This appropriation funds the acquisition of football equipment (a 6-man leverage sled and a 12 Arm powerblast) from the Rogers Athletic Co of Farwell, Michigan.

**Policy Impact:** Schools/District Bond Account

**Fiscal Impact:** The bill appropriates \$8,756

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-467

**Sponsor:** Council Member Clark

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Appropriation/Invocation of Exception/Waiver/Request for Emergency Action

**Bill Summary:** This bill appropriates \$168,078 from a Council District 3 Capital Projects (ETR, 2004) account to provide for the installation of a 6,200-square-foot batting cage and picnic pavilion at Wingate Park. Any funds not expended for the project are to revert to the funding source of origin. Provision is made for the carryover of appropriated funds into the 2009-2010 fiscal year. Authorization is given to directly procure the services of Jaguar Builders of Jax, Inc., without the necessity of competitive bidding, stating that such procurement is exempted from competitive solicitation pursuant to Section 126.107(g), Ordinance Code. It is requested that the Procurement Division, as the awarding agency, waive the construction bond requirement, citing Florida Statute 255.05(1)(a) as allowing the waiver of a construction bond for any capital project under \$200,000. Approval is given for a contract for services, and the Mayor, or designee, and Corporation Secretary are authorized to execute said contract and other documents necessary to effectuate the purpose of this ordinance. Emergency action is requested as the contractor is currently mobilized on neighboring property.

**Background Information:** Wingate Park is located on South Penman Road in Jacksonville Beach.

**Policy Impact Area:** Recreation and Parks; Capital Projects

**Fiscal Impact:** Undetermined; \$168,078 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-468

**Sponsor:** Council Member Corrigan

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Appropriation/Invocation of Exception

**Bill Summary:** This bill appropriates \$780,316 from a Tree Protection and Related Expenses Trust Fund account for landscape improvements on the Roosevelt Boulevard right-of-way between McDuff Avenue and Park Street. The Capital Improvement Program is amended to authorize the Roosevelt Boulevard Planting Phase I – McDuff Avenue to Park Street project. Authorization is given to procure the services of Greenscape of Jacksonville, Inc., to provide the specified project manager tree planting, stating that such procurement is exempted from competitive solicitation pursuant to Section 126.107(g), Ordinance Code. Authorization is given for the Mayor and Corporation Secretary to execute the contract between the City and Greenscape, Inc., and to execute any other necessary documents.

**NOTE:** Page 2, line 19, may need a correction concerning the fiscal year and page 3, line 1, may need a correction to include missing verbiage.

**Background Information:** The Project Information Sheet states that the proposed project is based upon the Roosevelt Boulevard Landscape Master Plan.

**Policy Impact Area:** Landscaping and Tree Protection; Capital Improvements

**Fiscal Impact:** Undetermined; \$780,316 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-469

**Sponsor:** Council Member Shad

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of Settlement Agreement

**Bill Summary:** This bill approves a proposed Stipulated Settlement Agreement between Colonial Manor Community Association, Inc., Christopher Shakib, Matthew Posgay, Collette Campay, Trustee, Collette Zukley Campay Trust, Steve Harden, and the City of Jacksonville. Authorization is given for the Mayor and Corporation Secretary to execute said agreement. The City of Jacksonville/Duval County agrees to consider for adoption, by formal action, all remedial actions described in the agreement.

**Background Information:** The City adopted Ordinance 2009-114-E on March 10, 2009, as part of a Comprehensive Plan amendment to change the Land Use Category from Low Density Residential to Residential-Professional-Institutional for certain property located at 3634 Hendricks Avenue (west side of Hendricks Avenue between Lakewood and Pinetree roads). Area residents initiated a formal administrative proceeding challenging the Plan amendment, and the various parties have agreed that it is in their respective mutual best interests to avoid lengthy litigation. Under the proposed Stipulated Settlement Agreement, the City agrees to undertake the following remedial actions: (1) adopt a Remedial Amendment changing the Land Use Category back to Low Density Residential; (2) refund the Future Land Use Map Amendment Adoption Application Fee to Steve Harden; and, (3) reimburse petitioners for the cost of hiring expert witnesses. The agreement further provides that each party shall bear its own costs, including attorney fees, incurred in connection with this case and the agreement. Pending Ordinance 2009-470 would adopt the anticipated Remedial Amendment.

**Policy Impact Area:** Land Use and Zoning; Settlements

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-470

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Adoption of Remedial Amendment

**Bill Summary:** This bill adopts a Remedial Amendment to the Future Land Use Map series of the 2010 Comprehensive Plan, pursuant to a Stipulated Settlement Agreement. The subject property, located at 3634 Hendricks Avenue, is owned by Steve Harden, and this Remedial Amendment changes the Future Land Use designation back to Low Density Residential. Said Remedial Amendment shall not become effective unless and until the Stipulated Settlement Agreement has been executed by the parties and a final order has been issued by the Dept. of Community Affairs or Administration Commission finding the Remedial Amendment in compliance with Florida Statutes.

**Background Information:** The City adopted Ordinance 2009-114-E on March 10, 2009, as part of a Comprehensive Plan amendment to change the Land Use Category from Low Density Residential to Residential-Professional-Institutional for the subject property (located on the west side of Hendricks Avenue between Lakewood and Pinetree roads). Area residents initiated a formal administrative proceeding challenging the Plan amendment, and the various parties have agreed that it is in their respective mutual best interests to avoid lengthy litigation. The proposed Stipulated Settlement Agreement is the subject of pending Ordinance 2009-469.

**Policy Impact Area:** Land Use and Zoning; Settlements

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Resolution 2009-471

**Sponsor:** Council Member Davis:

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** *June 12, 2009*

**Type of Action:** Plat Vacation/Replat Authorization

**Bill Summary:** This resolution concerns the vacation of a portion of the Plat of Jacksonville Heights, recorded in Plat Book 5, Page 93, pursuant to Section 177.101(3), Florida Statutes; authorizes the replat of said lands into the Magnolia Glynn Subdivision; makes findings; abandons certain unopened roads within the boundaries of the Plat of Jacksonville Heights which have not been opened and have not become roads suitable and necessary for the traveling public and ensuring legal access to abutting properties; **emergency passage requested.**

**Background:** Florida Statutes authorizes governing bodies of counties and municipalities to adopt resolutions vacating plats of subdivisions if the vacation applicant is shown to be the owner of the land. K & C Development of Duval County, LLC, has applied to vacate that portion of the Jacksonville Heights Plat; the applicant has provided evidence of ownership of the lands to be vacated; K & C Development owns fee simple title to the lands to be vacated.

**Policy Impact:** Property Appraiser

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

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**Bill Type and Number:** Resolution 2009-472

**Sponsor:** Council Member Lee

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Expression of support for community contribution tax credit project

**Bill Summary:** The bill expresses the City's endorsement of the application by the Northwest Jacksonville Community Development Corporation to participate in the State of Florida's community contribution tax credit program and finds the agency's plan to develop affordable housing to be in compliance with the goals of the City's 2010 Comprehensive Plan.

**Background Information:** The Northwest Jacksonville Community Development Corporation is a not-for-profit entity that works to provide a stock of affordable housing in Jacksonville through the rehabilitation of existing housing units and the construction of new units for sale at prices affordable to low- and moderate-income persons. The community contribution tax credit program is a mechanism offered by the State of Florida by which corporations may make contributions of money or tangible goods to not-for-profit organizations and receive a credit against state taxes due. Participation in the program requires that the not-for-profit agency obtain certification from its local government that the project for which the community contribution credit donations are being sought is in compliance with the local government's comprehensive plan. The Planning Department has certified that Northwest Jacksonville CDC's housing projects are in compliance with the affordable housing goals of Jacksonville's comprehensive plan.

**Policy Impact Area:** Affordable housing provision

**Fiscal Impact:** None to city; if approved by the Florida Department of Revenue, would make tax credits available to contributing corporations.

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2009-473

**Sponsor:** Council Member Brown

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 4, 2009

**Type of Action:** Appointment

**Bill Summary:** This bill appoints Joe Bailey to the Jacksonville-Duval County Council on Elder Affairs, as the representative for Council District 10, replacing Annie Mae Barlow, for first full two-year term ending June 30, 2011.

**Background Information:** Section 82.101, *Ordinance Code*, provides that fourteen of the members of the Council on Elder Affairs shall be appointed by the City Council, with one nominee from each of the District Council Members. Mr. Bailey is retired from the United States Postal Services and previously served on the Council on Elder Affairs from 2001 to 2005. He resides in the Magnolia Gardens area within Council District #10.

**Policy Impact Area:** Jacksonville-Duval County Council on Elder Affairs operations

**Fiscal Impact:** Anticipated to be minimal.

**Analyst:** Welsh

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**Bill Type and Number:** Ordinance 2009-476

**Sponsor:** Council Member Graham:

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 12, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$15,202 from the Tree Protection and Related Expenses Trust Fund account for landscaping of the Baymeadows Road Gateway Concept; provides for the Department of Public Works to oversee the project; recognizes the authorized use under the Procurement Code of the continuing contract with R-A-M Professional Group, Inc.

**Background:** Ordinance 2007-982-E appropriated \$44,300 for planning and designing for landscaping of the Baymeadows Road Gateway Concept; the City and Florida Department of Transportation would like to expand the scope; the R.A.M Professional Group, Inc. has the City contract for landscape, design and planning and are currently engaged on the project.

**Policy Impact:** Public Works/FDOT

**Fiscal Impact:** The bill appropriates \$15,202

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-477

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a re-opened collective bargaining agreement between the City and AFSCME Bargaining Unit 79 for the remainder of a 3-year period starting October 1, 2007 and ending September 30, 2010. The bill requests emergency action on the bill on second reading.

**Background Information:** The re-opened agreement provides for a general wage increase of 1.75% and performance-based increases of 0.25% effective October 1, 2008. The starting rate of pay grades will increase by 1% effective October 1, 2008 and the pay grade maximum rates shall increase by 2%. The agreement deletes provisions pertaining to a City contribution to the Deferred Compensation 401(a) plan.

**Policy Impact Area:** Collective bargaining.

**Fiscal Impact:** Not specified; the Fact Sheet states that the financial impact is within the parameters of the FY08-09 budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-478

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and Communications Workers of America Bargaining Unit 120 for a 3-year period starting October 1, 2008 and ending September 30, 2011. The bill requests emergency action on the bill on second reading.

**Background Information:** The agreement provides for a general wage increase of 1.75% and performance-based increase pool providing for increases of 0.25% effective October 1, 2008. The performance-based pool will be distributed among covered employees based on job performance rating, with varying increases granted to employees attaining "full performance", "exemplary" and "distinguished" ratings. The starting rate of pay grades will increase by 1% effective October 1, 2008 and the pay grade maximum rates shall increase by 3%. The agreement provides for incentive pay of \$100 per month for licensed helicopter and fixed wing aircraft pilots and increases the safety shoe allowance from \$100 to \$115 annually. The agreement makes changes in the leave time sellback provisions to comply with IRS regulations.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Fact Sheet states that the financial impact is within the parameters of the FY08-09 budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-479

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and the Jacksonville Consolidated Lodge No. 5-30, Fraternal Order of Police (Police Officers through Sergeants – Bargaining Unit 40, Judicial Officers and Part-Time Sworn Bailiffs – Bargaining Units 42 and 104), for a 1-year period starting October 1, 2008 and ending September 30, 2009. The bill requests emergency action on the bill on second reading.

**Background Information:** The agreement provides for a wage increase of 2% effective October 1, 2008 for police officers through sergeants, certified part-time bailiffs, and judicial officers covered by the bargaining unit. It provides that union pool time shall be charged based on actual time used, not on 1-hour increments. It clarifies that an employee may not file an appeal under the collective bargaining agreement on a matter that has been previously appealed through the Civil Service system and Personnel Rules and Regulations. The agreement codifies the existing secondary employment fee structure, and clarifies that judicial officers shall serve a 12-month probationary period.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Fact Sheet states that the financial impact is within the parameters of the FY08-09 budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-480

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and Jacksonville Consolidated Lodge No. 5-30 of the Fraternal Order of Police (Rank and File Corrections Officers Unit) (FOP Corrections) Employees Bargaining Unit 045 for 1 year from October 1, 2008 through September 30, 2009.

**Background Information:** The agreement provides for a wage increase of 2% effective October 1, 2008 and deletes language relating to an employer contribution to employee deferred compensation accounts for employees in Leave Plan P. It provides that the minimum amount of leave charged shall be actual time used rather than a one hour minimum, and revises language related to rollback/sellback of accrued leave to comply with IRS regulations. It also provides that time charged for union pool time shall be actual time used rather than in one hour increments.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Legislative Fact Sheet states that the financial impact of the proposed agreement is within the parameters of the Fiscal Year 2008-09 Budget

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-481

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and Jacksonville Consolidated Lodge No. 5-30 of the Fraternal Order of Police (Corrections Officers Supervisory Unit) (FOP Corrections) Employees Bargaining Unit 046 for 1 year from October 1, 2008 through September 30, 2009.

**Background Information:** The agreement provides for a wage increase of 2% effective October 1, 2008 and deletes language relating to an employer contribution to employee deferred compensation accounts for employees in Leave Plan P. It provides that the minimum amount of leave charged shall be actual time used rather than a one hour minimum, and revises language related to rollback/sellback of accrued leave to comply with IRS regulations. It also provides that time charged for union pool time shall be actual time used rather than in one hour increments.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Legislative Fact Sheet states that the financial impact of the proposed agreement is within the parameters of the Fiscal Year 2008-09 Budget

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-482

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and Jacksonville Consolidated Lodge No. 5-30 of the Fraternal Order of Police (Lieutenants and Captains) Employees Bargaining Unit 041 for 1 year from October 1, 2008 through September 30, 2009.

**Background Information:** The agreement provides for a wage increase of 2% effective October 1, 2008. It revises language related to rollback/sellback of accrued leave to comply with IRS regulations and also provides that time charged for union pool time shall be actual time used rather than in one hour increments. The agreement clarifies that an employee may not file an appeal under the collective bargaining agreement on a matter that has already been previously appealed through the Civil Service and Personnel Rules and Regulations and codifies the existing fee structure for secondary employment.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Legislative Fact Sheet states that the financial impact of the proposed agreement is within the parameters of the Fiscal Year 2008-09 Budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-483

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and the International Association of Firefighters (Fire Fighters, Fire Engineers, Fire Lieutenants and Fire Captains) Employees Bargaining Unit 030 for 1 year from October 1, 2008 through September 30, 2009.

**Background Information:** The agreement provides for a wage increase of 2% effective October 1, 2008. It provides that employees assigned and working out of classification for one hour or more receive pay of the higher classification rate for the time worked in the higher classification. It revises language related to rollback/sellback of accrued leave to comply with IRS regulations and adds language to address demotion or reversion in rank caused by a reduction in workforce or a shortage of funds. It provides that holiday leave shall be credited on October 1 of each fiscal year rather than January 1, and revises rules on the sale of holiday leave credits to conform with IRS regulations.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Legislative Fact Sheet states that the financial impact of the proposed agreement is within the parameters of the Fiscal Year 2008-09 Budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-484

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

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Approval of collective bargaining agreement; emergency action request

**Bill Summary:** The bill approves a collective bargaining agreement between the City and the International Association of Firefighters(Fire District Chiefs) Employees Bargaining Unit 141 for 1 year from October 1, 2008 through September 30, 2009.

**Background Information:** The agreement provides for a wage increase of 2% effective October 1, 2008. It provides that employees assigned and working out of classification for one hour or more receive pay of the higher classification rate for the time worked in the higher classification. It revises language related to rollback/sellback of accrued leave to comply with IRS regulations and adds language to address demotion or reversion in rank caused by a reduction in workforce or a shortage of funds. It provides that holiday leave shall be credited on October 1 of each fiscal year rather than January 1, and revises rules on the sale of holiday leave credits to conform with IRS regulations.

**Policy Impact Area:** Collective bargaining

**Fiscal Impact:** Not specified; the Legislative Fact Sheet states that the financial impact of the proposed agreement is within the parameters of the Fiscal Year 2008-09 Budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-485

**Sponsor:** Council President at the request of the Mayor and Council Members Davis and Fussell

**Date of Introduction:** June 9, 2009

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

**Date of Analysis:** June 11, 2009

**Type of Action:** Appropriation; request for emergency action

**Bill Summary:** The bill appropriates \$806,179 in State Housing Incentive Program (SHIP) grant funds for the Florida Homebuyer Opportunity Program - \$765,870.05 to the Housing Partnership of Northeast Florida, Inc. to operate the program and \$40,308.95 for the City's administrative and oversight costs. The bill authorizes carry-over of the funds to the 2009-10 fiscal year, and requests emergency passage on second reading.

**Background Information:** The Florida Homebuyer Opportunity Program will provide downpayment assistance to enable first-time home buyers to take best advantage of the federal government's \$8,000 new home buyer tax credit. These funds will provide assistance with downpayments up to 10% of the cost of the new home or \$8,000, whichever is less.

**Policy Impact Area:** Economic stimulus through home buying incentives

**Fiscal Impact:** The bill appropriates \$806,179 in state grant funds, of which \$40,308.95 is allocated for City administrative, oversight and reporting costs.

**Analyst:** Clements