

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

**JEFFREY R. CLEMENTS**  
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**Bill Type and Number:** Ordinance 2009-820

**Sponsor:** Council President Clark and Council Member Hyde

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill creates a new Part 2, Chapter 20, Ordinance Code, to establish the Office of the Inspector General within the Executive Office of the Mayor. The Inspector General will head this office and shall have a bachelor's degree or higher and at least 10 years of experience in government auditing, investigation, or criminal justice administration. Various professional certifications are recommended. The Inspector General is to be appointed by the Mayor and subject to confirmation by Council. The position shall report directly to the Mayor and is exempt from civil service protections. In the event of removal by the Mayor, the reasons for such removal must be reported by the Mayor to the Council. Inspector General final reports shall be public records to the extent they do not include information made confidential and exempt from release to the public by state and federal law.

**Background Information:** The stated purpose is to establish a full-time program of evaluation, investigation, and performance review to provide increased accountability, integrity, and oversight of the Executive Branch and to assist in improving agency operations and deterring and identifying fraud, abuse, and illegal acts.

**Policy Impact Area:** Executive Branch; Ethics and Accountability

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-821

**Sponsor:** Council President Clark

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Establishment of FY10-11 “priority populations” for public service grant purposes

**Bill Summary:** The bill adopts the priority populations for the Public Service Grant Committee to use in evaluating applications and recommending PSG funding awards for the 2010-11 budget.

NOTE: The bill as introduced does not list the priority populations – the specific priorities will be amended into the bill during the committee process.

**Background Information:** Ordinance Code Chapter 118 – Public Service Grant Criteria – provides that the Council shall, on or before February 15 of each year, establish one or more “priority populations” to be specifically targeted for assistance through the public service grant process. This information will be provided to the Public Service Grant Committee to guide its review of PSG applications and funding decisions, which will be presented to the City Council for approval during the annual budget process. The 5 priority populations for FY09-10 are: 1) homeless and low-income persons and families; 2) victims of abuse and neglect; 3) adults with physical, mental and behavioral disabilities; 4) residents of neighborhoods at high risk of crime; and 5) improvements to quality of life through cultural activities.

**Policy Impact Area:** Public service grant administration

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-822

**Sponsor:** Council Member Fussell

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapter 646 – Work Furlough and Victim Restitution Program – to modify the method by which the Sheriff garnishes the wages of a City correctional facility inmate who is employed for pay for the purposes of paying the inmate’s food expenses. The bill increases the weekly board fee from \$100 to \$105 (if paid in advance) or \$126 (if paid in arrears) and provides that the Sheriff shall only collect the amount of the inmate’s board from his or her salary.

**Background Information:** The amendment changes the methodology of garnishing an employed inmate’s wages from collecting the entirety of the wages from the inmate’s employer and paying certain of the inmate’s expenses (jail board, support of dependents, payment of legal debts, travel expenses, etc.) to collecting only enough of the wages to cover the boarding fee of \$15 per day, if paid in advance, or \$18 per day if paid in arrears. The Ordinance Code provides that the Sheriff may permit an inmate of the City’s correctional facilities to be granted the privilege of holding a job for which purpose they may be released from custody each working day.

**Policy Impact Area:** Cost recovery for inmate boarding

**Fiscal Impact:** Undetermined

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-823

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Appropriation

**Bill Summary:** The bill appropriates \$338,000 from the General Fund-Debt Service Account to the Recreation and Community Services Department to balance the department's Cecil Commerce Center recreational complex operations budget for FY08-09.

**Background Information:** The Cecil Commerce Center's recreational center (ballfields, gym, aquatic center) expenses were greater than budgeted and revenues were less than budgeted for FY08-09. The General Fund – Debt Service account had excess funds remaining at the end of the fiscal year due to the timing of bond issuance and more favorable interest rates than budgeted on some variable rate debt during the year, which caused debt service spending to be less than budgeted.

**Policy Impact Area:** Year-end budget balancing

**Fiscal Impact:** The bill appropriates \$338,000 from the General Fund-Debt Service account to the Recreation and Community Services Department recreational operations budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-824

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$476,682 from the U.S. Department of Justice, with no local match, to provide funding to purchase an electronic transmission system, as initiated by B.T. 10-007.

**Background:** The electronic transmission system that the funds appropriated by this ordinance would acquire include hardware, software and installation, as an alternative to hand-delivering original arrest files to the Courthouse on a daily basis.

**Policy Impact:** Jacksonville Sheriff's Office

**Fiscal Impact:** The ordinance appropriates \$476,682 in a federal grant that requires no local match,

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-825

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$142,000 from the United States Dept. of Justice to provide federal funding to purchase bar coding equipment to enable jail personnel to provide bar-coded wristbands to all inmates for instant identification and location in the jail facility.

**Background Information:** Items to be purchased include a processor with disk storage, bar code scanners, printers, accessory equipment, and software. There is no local match.

**Policy Impact Area:** Office of the Sheriff; Jails

**Fiscal Impact:** Undetermined; \$142,000 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-826

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Appropriation/Emergency Request

**Bill Summary:** This bill appropriates \$63,000 from a Court Innovations/Judicial Support account to provide funding for senior judges needed to preside over the mounting overload of cases resulting from unforeseen vacancies in the judiciary. Emergency passage is requested, with the nature of the emergency being that caseloads for judges are increasing at an unsustainable rate due to said unforeseen vacancies in the judiciary.

**Background Information:** Information from the Court Administrator indicates that costs will be offset by holding vacant positions. Contributing factors include the untimely death of a judge, retirement, and prospective appointments.

**Policy Impact Area:** Court Administration

**Fiscal Impact:** Undetermined; \$63,000 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-827

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$1,778,713 from the Jacksonville Children's Commission (JCC) Special Revenue Grant Fund – After School Food Program Account, to provide funds for the Period October 1, 2009, to September 30, 2010, to cover costs of the Jacksonville Children's Commission's after-school food program, as initiated by B.T. 10-013. Provision is made for a carryover of funds into Fiscal Year 2010-2011.

**Background:** The funds appropriated by this bill will fund costs associated with the addition of 15 new sites as a result of the opening of Team-Up programs as part of the Jacksonville Journey. The Team-Up programs are in elementary and middle schools; tutoring and assistance with homework is provided; meals are provided.

**Policy Impact:** Jacksonville Children's Commission/Jacksonville Journey

**Fiscal Impact:** This bill appropriates \$1,778,713

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-828

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$643,034 (\$578,190 from the Dept. of Education and \$64,844 from the Jacksonville Children's Commission) to provide funding for new 21<sup>st</sup> Century Community Learning Center Team Up programs at Northwestern Middle School and North Shore K-8 for the period August 1, 2009, through July 31, 2010. Provision is made for the carryover of appropriated funds into the 2010-2011 fiscal year.

**Background Information:** This is the first year of a five year grant, with the \$64,844 cash match required for the first two years of the grant.

**Policy Impact Area:** Children's Services

**Fiscal Impact:** Undetermined; \$643,034 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-835

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill amends various subsections of Section 656.725, Ordinance Code, concerning the amortization of adult entertainment facilities, to eliminate references to uses by exception.

**Background Information:** Information from the Office of General Counsel states that these changes are being made in accordance with the holdings in *Lady J. Lingerie, Inc., v. City of Jacksonville* and the recent Order and Judgment entered in *Jacksonville Property Rights Association, Inc., v. City of Jacksonville*.

**Policy Impact Area:** Zoning Code; Adult Entertainment

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-836

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Appropriation; authorization of intergovernmental agreement

**Bill Summary:** The bill appropriates a \$184,242 grant from the Florida Fish and Wildlife Conservation Commission (FWCC), with no City match, for the purchase of a 26-foot vessel, and authorizes the execution of an intergovernmental agreement with the FWCC for acceptance of the grant and purchase of the vessel.

**Background Information:** The vessel will be a Sheriff's Office police boat used for the City's Waterborne Response Team for domestic security and water-related emergency response and for waterways patrol. The boat will be stationed at the Fire and Rescue Department fireboat facility at Metropolitan Park..

**Policy Impact Area:** Public safety

**Fiscal Impact:** The bill appropriates a \$184,242 state grant with no local match.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-837

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Appropriation; authorization of fiscal year carryover; authorization to execute intergovernmental agreement with FDOT; CIP amendment

**Bill Summary:** The bill appropriates \$475,000 in contractual funding from the Florida Department of Transportation to the City Public Works Department to design traffic improvements on Heckscher Drive resulting from the Fort George Island Traffic Study.

**Background Information:** The FDOT is contracting with the City to be its designer for improvements to Heckscher Drive in the Fort George area. The Fort George Island Traffic Study was performed by the Public Works Department using state funding to determine traffic conditions and needs on Heckscher Drive between Sisters Creek and the Ft. George River. This second phase contract carries the initial conditions survey into the design phase for roadway improvements in the area, with the expectation that FDOT will eventually fund construction of the improvements to the state highway.

**Policy Impact Area:** Roadway improvement design

**Fiscal Impact:** The bill appropriates \$475,000 in contractual funds from the FDOT to the Public Works Department.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-838

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Appropriation; Agreement Authorization

**Bill Summary:** This ordinance appropriates \$860,265 from the Florida Department of Transportation ("FDOT") to provide for FDOT's participation in the design and construction of a turn lane at the intersection of Argyle Forest Boulevard and Cheswick Oaks, as initiated by B.T. 10-020; provides for a carryover of funds to Fiscal Year 2010-2011; approves and authorizes the Mayor and Corporation Secretary to execute a Local Agency Program between the City and FDOT.

**Background:** This is a reimbursement grant. The City expended its own funds for the construction of this project and the State Department of Transportation is reimbursing the City for the work.

**Policy Impact:** Public Works/Streets & Drainage

**Fiscal Impact:** This ordinance appropriates \$860,265

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-839

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$152,594 (\$99,237 from the Department of Justice and \$53,357 in federal match grants funds) in order to provide funding for the Eastside, Springfield and Urban Core Weed and Seed Initiative, a project which will enhance victim safety and offender accountability in cases of domestic violence, dating violence, sexual assault and stalking; authorizes the Mayor and Corporation Secretary to take further action to implement the objectives of this ordinance.

NOTE: a portion of the text in the bill's title is inaccurate, containing text accidentally copied from another bill.

**Background:** The appropriation of \$152,594 from the Department of Justice and a City match funds the Eastside, Springfield and Urban Wed and Seed Initiative in response to the high rate of criminal activity in the area. The Mayor's Office, JSO and Fresh Ministries determined that the formation of the Weed and Seed Steering Committee and strategies designed specifically for the proposed area were key to addressing the crime issues. The strategies designed include: a Law Enforcement Strategy; a Community Policing Strategy; Prevention, Intervention and Treatment Strategy; and a Neighborhood Restoration Strategy.

**Policy Impact:** Housing & Neighborhoods

**Fiscal Impact:** This ordinance appropriates \$152,594

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-840

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Authorization to execute license agreement

**Bill Summary:** The bill authorizes the execution of a license agreement between the City and Family Farms of Northeast Florida, Inc. for the organization's use of a portion of the grounds of the Montgomery Correctional Center on Lannie Road to conduct its "Camp Consequences" and "Empowered Parents" programs. The license agreement is for one year with 5 one-year renewals at a token lease rate of \$1 per year.

**Background Information:** Empowered Parents is a parenting skills training program and Camp Consequences is an intensive behavior modification program for youth beginning to exhibit troubling behavior. The programs are conducted on weekends in a wilderness camping atmosphere under the supervision of trained program leaders and are intended to teach young people discipline and understanding of the consequences of their actions and to teach parents how to effectively guide and discipline their children with proven behavior modification techniques. The camps have been held for the past 8 years in a state forest in Nassau County. Sheriff Rutherford has offered to allow the use of the Montgomery Correctional Center grounds to make it easier for Family Farms of Northeast Florida to recruit volunteer staff to work the weekend programs while having more convenient access to housing options.

**Policy Impact Area:** Public safety through youth crime prevention

**Fiscal Impact:** The license fee for use of the property is \$1 per year.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-841

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Purchase Authorization

**Bill Summary:** This bill approves the purchase of 1.15 acres from Jacqueline L. Paris for \$250,000, stating that such purchase is a partial taking. Authorization is given for the Mayor, or designee, and Corporation Secretary to execute documents and take necessary action to effectuate said purchase. No further Council action is required.

**Background Information:** The stated purpose of this purchase is to secure real property for the construction of a retention pond to accommodate storm water drainage for the Lincoln Villas Storm Water Improvements Phase II Project. Information from the Real Estate Division states that the parcel has an appraised value of \$150,000.

**Policy Impact Area:** Real Estate; Storm Water Drainage

**Fiscal Impact:** Undetermined; the option to purchase is for \$250,000

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-842

**Sponsor:** Council President pursuant to Chapter 380:

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** CON Renewal

**Bill Summary:** This ordinance grants International Waste Control, Inc.'s application for renewal and modification of its Certificate of Public Convenience and Necessity (CON) to operate a regulated garbage sterilizer facility; and provides for conditions of the CON certificate.

**Background:** Pursuant to Chapter 380, *Ordinance Code*, International Waste Control, Inc has applied for renewal and modification of its CON certificate to operate a regulated garbage sterilizer facility at 10418 New Berlin Road, Units 218, 219 and 220 in Council District 11. Based upon the determination of the need for this facility, the Solid Waste Division supports approval of the application.

**Policy Impact:** Public Works Department/Solid Waste Vision

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-843

**Sponsor:** Council President pursuant to Chapter 380:

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** CON Renewal

**Bill Summary:** This ordinance grants Old Kings Road Solid Waste, LLC's application for renewal and modification of its Certificate of Public Convenience and Necessity (CON) to operate a construction and demolition debris landfill and recycling facility; provides for conditions of said certificate.

**Background:** Pursuant to Chapter 380, *Ordinance Code*, Old Kings Road Solid Waste, LLC has applied for renewal and modification of its Certificate of Public Convenience and Necessity to operate a construction and demolition debris landfill recycling facility at 8540 Old Kings Road in Council District 8. The Solid Waste Division of the Public Works Department has determined that there is a need for the facility and supports the approval of its CON renewal.

**Policy Impact:** Public Works/Solid Waste Division

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-844

**Sponsor:** Council President pursuant to Chapter 380:

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** CON Renewal

**Bill Summary:** This ordinance grants Realco Recycling Company, Inc.'s application for renewal of its Certificate of Public Convenience and Necessity (CON) to operate a construction and demolition materials recovery facility; provides for conditions of said certificate.

**Background:** Pursuant to Chapter 380, *Ordinance Code*, Realco Recycling Company, Inc. has applied for renewal of its Certificate of Public Convenience and Necessity for the operation of a construction and demolition materials recovery facility at 8707 Somers Road, in Council District 7, straddling Council District 11. The Solid Waste Division of the Public Works Department supports the approval of the CON renewal.

**Policy Impact:** Public Works/Solid Waste Division

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-845

**Sponsor:** Council President pursuant to Chapter 380:

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** CON Renewal

**Bill Summary:** This ordinance grants Coastal Recycling Services, LLC a Certificate of Public Convenience and Necessity (CON) to operate a construction and demolition materials recovery facility; provides for conditions of said certificate.

**Background:** Pursuant to Chapter 380, *Ordinance Code*, Coastal Recycling Services, LLC has applied for a Certificate of Public Convenience and Necessity on Blasius Road, located in Council District 11. The Solid Waste Division of the Public Works Department supports approval of the CON.

**Policy Impact:** Public Works/Solid Waste Division

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Resolution 2009-846

**Sponsor:** LUZ Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Resolution of appealed ruling of Historic Preservation Commission

**Bill Summary:** The bill adopts the LUZ Committee's recommendation with regard to an appeal of a ruling by the Historic Preservation Commission partially approving (with conditions) and partially denying an application for a Certificate of Appropriateness (COA) for changes to the exterior of a residence in the Riverside-Avondale Historic District.

**Background Information:** The property owner applied to the City for a COA to construct a side addition onto a house, to re-open the closed single bay garage, and to replace a gabled stoop with a front porch on the home at 1723 Pine Grove Avenue in the Riverside-Avondale Historic District. The Historic Preservation Commission recommends approval the side addition subject to conditions regarding the preservation of original windows and the installation of compatible windows in the addition, and recommends approval of the re-opening of the garage subject to the installation of a garage door acceptable to the commission. The commission recommends denial of the replacement of the stoop with a much larger front porch as being incompatible with historic character of the district.

**Policy Impact Area:** Historic district regulation

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2009-847

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 28, 2009

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Jeffrey W. Beck, P.E. as Deputy Director of the Department of Public Works.

**Background Information:** Per Sec. 32.104, *Ordinance Code*, the Deputy Directors of Public Works shall each be registered by the State of Florida as a Professional Engineer and have at least five (5) years of management or executive experience. Mr. Beck received a bachelor's degree in civil engineering from West Virginia University and is a Florida registered Professional Engineer. He has been employed with the City of Jacksonville since 1986, serving as City Highway Engineer, his current position, since his appointment in September 2002. Mr. Beck resides in Duval County.

**Policy Impact Area:** Public Works Department

**Fiscal Impact:** According to Human Resources, the salary range for this position is \$82,0422 to \$131,875 annually.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2009-848

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 28, 2009

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Lawrence W. Theriault, P.E. as Chief of the Right of Way & Grounds Maintenance Division (City Highway Engineer) within the Department of Public Works.

**Background Information:** Per Sec. 32.302, *Ordinance Code*, the City Highway Engineer shall be registered by the State of Florida as a Professional Engineer and have at least five years' experience in highway and street construction, planning and maintenance. Mr. Theriault received a master's degree engineering from the University of Florida and is a Florida registered Professional Engineer. He has been employed with the City of Jacksonville, within the Public Works Department since 1995, working his way up from Professional Engineer to Engineer Manager, the position he has held since 2000. Mr. Theriault resides in Duval County.

**Policy Impact Area:** Public Works Department / Right of Way & Grounds Maintenance Division operations

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

**Analyst:** Welsh

**CITY COUNCIL RESEARCH DIVISION**  
LEGISLATIVE SUMMARY



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**Bill Type and Number:** Ordinance 2009-849

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 28, 2009

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Frederick F. Forbes, Jr., CPA as Chief of Solid Waste within the Department of Public Works.

**Background Information:** Per Sec. 33.602, *Ordinance Code*, the Chief shall have a bachelor's degree or higher in an accredited college or university and at least five (5) years management experience in the solid waste industry. Mr. Forbes received a bachelor's degree in accounting from Florida State University and is a Florida registered Certified Public Accountant. He has been employed with the City of Jacksonville since 1985, working his way up from Budget Analyst to Financial and Administrative Manager, a position he has held since 2007. He served as a Solid Waste Manager from 1992 to 1999 and as an Assistant Management Improvement Officer within the Solid Waste Division from 2000 to 2004. Mr. Forbes resides in Duval County.

**Policy Impact Area:** Public Works Department / Solid Waste Division operations

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

**Analyst:** Welsh

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LEGISLATIVE SUMMARY



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**Bill Type and Number:** Resolution 2009-850

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 28, 2009

**Type of Action:** Appointment Confirmation with Retroactive Effective Date

**Bill Summary:** This bill confirms the Sheriff's appointment of Max O. Solano, M.D. as Chief of Health Services, within the Sheriff's Office, retroactively effective to October 1, 2009.

**Background Information:** Ordinance 2009-617-E, enacted September 10, 2009, established this position. Section 37.102(a), *Ordinance Code*, provides that the division chiefs within the Sheriff's Office shall have a college degree or at least five years experience and commensurate training.

Dr. Solano received his medical degree from the University of Costa Rica and was the Medical Director of the Division of Institutional Medicine with the Duval County Health Department from 2006 until those services were assumed by the Sheriff's Office. Dr. Solano resides in Duval County.

**Policy Impact Area:** Jacksonville Sheriff's Office operations

**Fiscal Impact:** According to Human Resources, the salary range for this position is \$130,794 to \$209,270 annually.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2009-851

**Sponsor:** Council President Clark

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 28, 2009

**Type of Action:** Reappointment

**Bill Summary:** This bill reappoints Stephen R. Nichols to the Jacksonville Waterways Commission for a second three-year term ending October 31, 2012.

**Background Information:** Section 95.103(c), *Ordinance Code*, provides that nine of the members of the Jacksonville Waterways Commission shall be members of the General Public appointed by the Council. Mr. Nichols received a master's degree in management from Rockhurst College and is a USGC licensed Master and Captain. He is the Harbormaster for *Epping Forest Yacht Club* and was previously employed with the City of Jacksonville as a Marina and Waterways Coordinator. Mr. Nichols resides in the Isle of Palms area within Council District #3.

**Attendance:** Mr. Nichols has attended 19 of 21 Jacksonville Waterways Commission meetings since his initial appointment in 2006.

**Policy Impact Area:** Jacksonville Waterways Commission operations

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

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2009-852

**Sponsor:** Council Member Corrigan

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 28, 2009

**Type of Action:** Appointment

**Bill Summary:** This bill appoints Donald G. Ingram to the Jacksonville-Duval County Council on Elder Affairs, replacing Charles Mann as the representative for Council District 14, for a 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. Ingram received a master's degree in city planning. He previously served on the Jacksonville Landscape Commission (1998-2000) and currently serves on the Southwest CPAC. Mr. Ingram resides in the Lakeshore area within Council District #14.

**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 2009-856

**Sponsor:** Land Use and Zoning Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Ordinance Correction

**Bill Summary:** This bill adopts a correction to Ordinance 2009-536-E, revising a condition to limit each sign to 200 square feet in area and 30 feet in height. This ordinance is made retroactive so that the correction shall be effective as if contained in the original ordinance. It is found that this correction does not adversely affect any procedural or substantive due process rights of any affected persons. Additionally, the Legislative Services Division is directed to place an enacted copy of this ordinance in the file for Ordinance 2009-536-E.

**Background Information:** The bill states that the condition was properly read into the record at the Planning Commission public hearing on August 13, 2009, but was inadvertently transcribed as "20 feet in height" in the Planning and Development Dept. memorandum to City Council. It was then read into the record at the Land Use and Zoning Committee public hearing on September 1, 2009, as "20 feet in height." Ordinance 2009-536-E rezoned 157.41 acres in the vicinity of Pecan Park Road and North Main Street from AGR and IL to PUD.

**Policy Impact Area:** Planning and Zoning

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-857

**Sponsor:** Land Use and Zoning Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Development Agreement Amendment

**Bill Summary:** This bill approves the Second Amendment to Development Agreement between the City and Matheny Imports, Inc. Authorization is given for the Mayor and Corporation Secretary to execute the document.

**Background Information:** The requested amendment extends the duration of the development agreement by an additional 5 years to allow the owner to continue ongoing good faith efforts to develop the remaining unused development rights. The agreement is being extended to June 4, 2014, for the development known as Matheny Jaguar-Land Rover, consisting of approximately 6.23 acres at 11211 Atlantic Boulevard. The development agreement provides for 27,500 enclosed square feet of auto dealership uses, of which 21,100 enclosed square feet are developed and 6,400 enclosed square feet remain.

**NOTE:** Page 2, line 1 may need a correction to reflect extension to June 4, 2014, rather than June 14, 2014.

**Policy Impact Area:** Planning and Development

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-858

**Sponsor:** Land Use and Zoning Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Development Agreement Amendment

**Bill Summary:** This bill approves the Fourth Amendment to Development Agreement between the City and St. Luke's-St. Vincent's Healthcare, Inc. Authorization is given for the Mayor and Corporation Secretary to execute the document.

**Background Information:** The requested amendment extends the termination date of the development agreement to March 6, 2011. The development is known as St. Luke's Hospital, consisting of approximately 48.84 acres at 4201 Belfort Road, and 19,000 enclosed square feet of hospital use development remains.

**Policy Impact Area:** Planning and Development

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2009-859

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Park Renaming

**Bill Summary:** This bill renames the LaSalle Pocket Park located at 801 LaSalle Street to "Greenscape Celebration Park." Provision is made for oversight by the Dept. of Recreation and Community Services.

**Background Information:** The park is being renamed in appreciation for, and in celebration of, Greenscape's continuing commitment and contributions to the City's environment and landscape.

**Policy Impact Area:** Recreation and Parks

**Fiscal Impact:** Undetermined; anticipated to be minimal

**Analyst:** Campbell

## CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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**Bill Type and Number:** Ordinance 2009-860

**Sponsor:** Council President at the request of the Jacksonville Economic Development Commission

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Authorization of amendment to development agreement

**Bill Summary:** The bill authorizes a second amendment to the redevelopment agreement between the City and Kimmik Corporation to extend the term and modify some conditions and performance schedule and grant payment schedule of the original agreement. The amendment would extend the completion date for the project from December 15, 2007 to December 31, 2012 and would condition the City's payment of the \$400,000 historic preservation grant on the developer's complete satisfaction of all pending liens, judgments or other encumbrances and payment of all back taxes. The amendment would also provide that the grant would be payable in 4 separate draws as specific phases of the work are completed and verified. The amendment also provides that the historic preservation grant shall be repaid to the City in various amounts if the developer sells the building within the first 5 years after completion of construction.

**Background Information:** The original redevelopment agreement was approved in 2004 and subsequently amended in 2007. It provided for a City grant of \$400,000 from the Downtown Historic Preservation Trust Fund to the developer to assist in the renovation of the commercial structure at 20 West Adams Street (formerly the Lerner Shops) into a mixed use commercial/loft apartment building. The project was originally required to be completed by June 30, 2006, which was extended in the First Amendment to December 15, 2007. The historic preservation grant is to be awarded only upon successful completion of the project and certification by the Planning Department that the exterior renovations comply with applicable historic guidelines.

**Policy Impact Area:** Downtown historic preservation/restoration

**Fiscal Impact:** The bill extends the time frame for disbursement of a previously approved \$400,000 City historic preservation grant.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-861

**Sponsor:** TEU Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Approval of fair share agreement

**Bill Summary:** The bill approves a fair share agreement between the City and Baron Land Investments, LLC for an industrial project known as Baron Lands Industrial Project. The fair share assessment is \$5,300,133 with a 10-year term and a variable inflation rate declining from 5% in year one to 3.3% per year in years six and beyond. Concurrency Review estimated a total of 1,168 p.m. peak hour trips being generated on links in fair share fund sector 6.2 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Pecan Park Road – Dixie Clipper Drive to I-95	651
Pecan Park Road – I-95 to Main Street	162
I-95 – Airport Road to Pecan Park Road	355

**Background Information:** The project consists of up to 4 million square feet of warehouse space on 1,012 acres on Arnold Road west of Pecan Park Road in Council District 11.

**Policy Impact Area:** Economic development; concurrency management

**Fiscal Impact:** The fair share assessment is \$5,300,133 to the Sector 6.2 account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-862

**Sponsor:** TEU Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Approval of fair share agreement

**Bill Summary:** The bill approves a fair share agreement between the City and Timucuan South LLC for a mixed use project known as Northpark Industrial Parcel A. The fair share assessment is \$5,834,847 with a 10-year term and a variable inflation rate declining from 5% in year one to 3.3% per year in years six and beyond. Concurrency Review estimated a total of 1,185 p.m. peak hour trips being generated on links in fair share fund sector 6.2 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Pecan Park Road – Dixie Clipper Drive to I-95	660
Pecan Park Road – I-95 to Main Street	165
I-95 – Airport Road to Pecan Park Road	360

**Background Information:** The project consists of up to 50,000 square feet of office space, 100,000 square feet of shopping center space and 3,180,000 square feet of warehouse space on 501.5 acres on Parete Road west of Lannie Road in Council District 11.

**Policy Impact Area:** Economic development; concurrency management

**Fiscal Impact:** The fair share assessment is \$5,300,133 to the Sector 6.2 account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-863

**Sponsor:** TEU Committee

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Approval of fair share agreement

**Bill Summary:** The bill approves a fair share agreement between the City and Montgomery Parcel C, LLC for an industrial project known as Northpark Industrial Parcel C. The fair share assessment is \$2, 295,910 with a 10-year term and a variable inflation rate declining from 5% in year one to 3.3% per year in years six and beyond. Concurrency Review estimated a total of 506 p.m. peak hour trips being generated on links in fair share fund sector 6.2 as follows:

<u>Road segment</u>	<u>Peak p.m. hour trips</u>
Pecan Park Road – Dixie Clipper Drive to I-95	282
Pecan Park Road – I-95 to Main Street	70
I-95 – Airport Road to Pecan Park Road	154

**Background Information:** The project consists of up to 1,320,000 square feet of warehouse space on 134.99 acres on Arnold Road west of Pecan Park Road in Council District 11.

**Policy Impact Area:** Economic development; concurrency management

**Fiscal Impact:** The fair share assessment is \$2,295,910 to the Sector 6.2 account.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-864

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill amends various sections of Chapter 656, Part 12 (Landscape and Tree Protection Regulations), Ordinance Code, to require Florida-Friendly landscape practices and irrigation design standards, and to promote water conservation and water wise practices. Definitions are revised and new definitions are included. Landscaping requirements are made applicable to all new landscapes for public agency projects and private development projects. Owners of single-family residences are encouraged to follow the Best Management Practices for Florida-Friendly landscape, Water Wise irrigation, and Water Wise principles. Standards for efficient irrigation design are detailed, and landscape and irrigation plan requirements are revised and clarified.

**Background Information:** Information on file indicates that the proposed changes to Chapter 656, Part 12 (Landscape and Tree Protection Regulations), are intended to align the Ordinance Code provisions with Florida Statutes, St. Johns River Water Management District Standards, and Duval County's Irrigation Ordinance.

**Policy Impact Area:** Landscaping and Tree Protection

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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LEGISLATIVE SUMMARY



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**Bill Type and Number:** Ordinance 2009-865

**Sponsor:** Council President at the request of the Mayor, and Council Members Joost, Crescimbeni and Webb

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Announcement of intention to levy non-ad valorem assessments

**Bill Summary:** The bill declares the City's intention to bill its stormwater and solid waste fees as non-ad valorem assessments on the annual property tax bill, except within the Beaches cities and Baldwin, beginning in 2010.

**Background Information:** State law provides a mechanism for billing non-ad valorem assessments as additional lines on the annual property tax bill, and requires that a local government intending to utilize the non-ad valorem assessment declare its intention to do so by means of a resolution adopted prior to January 1<sup>st</sup> of the year in which the assessment is to take place. A public hearing is required at the meeting at which the adoption of the resolution takes place. If the resolution is approved, the City must subsequently adopt a non-ad valorem assessment roll of all properties to be billed at a public hearing held between January 1 and September 15, 2010 for placement of the assessments on the November 2010 property tax bill.

The non-ad valorem assessment mechanism will replace the existing stand-alone billing system, and use of the tax bill method will allow a lien to be placed against properties that do not pay the assessments in a timely manner.

**Policy Impact Area:** Utility billing method

**Fiscal Impact:** The Central Operations Department estimates that the discrete cost of the stand-alone billing mechanism (costs that would not be incurred by use of the non-ad valorem assessment mechanism) is approximately \$737,000 per year.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-866

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Appropriation; CIP Amendment

**Bill Summary:** This ordinance appropriates \$187,468.21 from the Tree Protection and Related Expenses Trust Fund Investment Pool Earnings to provide additional funding for the Venetia Street Towncenter Project, as initiated by B.T. 10-017; provides for a carryover of funds to Fiscal Year 2010-2011; amends the 2009-2014 Five Year Capital Improvement Program, approved by Ordinance 2009-513-E, for the "Venetia Towncenter – Landscaping" project.

**Background:** The Venetia Towncenter project is located in Council District 14. The total estimated project cost of the project is \$566,907.94 (base bid).

**Policy Impact:** Public Works/Tree Protection and Related Expenses Trust Fund

**Fiscal Impact:** This bill appropriates \$187,468.21

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-867

**Sponsor:** Council President Clark and Council Member Brown:

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Appropriation

**Bill Summary:** This ordinance appropriates \$25,000 (\$12,500 from the Executive Operating Contingency account and \$12,500 from the Council Operating Contingency account), for a manatees study. The manatee study entails a study of manatee habitat and usage and human usage of the St. Johns River for a contract renewal approved by 2008-900-E; provides for the carryover of funds to Fiscal Year 2010-2011; provides for Departmental oversight by the Planning Department.

**NOTE:** The first line in the actual text of the bill should be deleted, as it is redundant.

**Background:** Ordinance 2008-900-E appropriated funds from the Community Planning Division Professional Services account to provide for a manatee study and authorized the Mayor and Corporation Secretary to execute a contract with Jacksonville University to oversee the study. The City has contracted with Jacksonville University since 1998 to monitor and study manatees in the County's waterways. The monitoring has largely been the work of Dr. Quinton White and Dr. Gerard Pinto. JU conducts regular aerial flights to track manatees, presents a month report to the Jacksonville Waterways Commission and prepares the State of Florida mandated Duval County Manatee Protection Plan annually.

**Policy Impact:** Planning and Development Department/Waterways/Manatee Protection Plan

**Fiscal Impact:** This ordinance appropriates \$25,000.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2009-868

**Sponsor:** Council Member Hyde

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 29, 2009

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill repeals existing Ordinance Code Chapter 118 –Public Service Grant Appropriation – and enacts a new Chapter 118 to be entitled City Grants. The new chapter adds definitions for “city grant”, “non-cash expense”, “grant monitor” and “requesting agency”. It provides that grant recipients (except Cultural Services Grant recipients) are not required to maintain a separate bank account for City funding if the recipient receives the money on a reimbursement or draw basis. It adds Jacksonville Children’s Commission and state and federal pass-through grants to the chapter. New language specifically prohibits use of City funding for procurement of the City-required financial audit. The amendment removes the prohibition against agencies receiving Public Service Grants for more than 3 consecutive years and prohibits applications for or use of PSGs for cultural, children’s or economic development purposes, as those functions have other City funding sources.

**Background Information:** The Chapter 118 rewrite is intended to broaden the application of the procedures and regulations of the chapter from strictly public service and cultural service grants to a much broader class of City grants of all types to non-City entities.

**Policy Impact Area:** City grant and contract funding to external agencies/entities

**Fiscal Impact:** Undetermined

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2009-869

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 30, 2009

**Type of Action:** Agreement Amendment; Ordinance Amendment; Appropriation

**Bill Summary:** This ordinance authorizes an amendment to an Agreement for Tributary Water Quality Restoration, Lower St. Johns River Basin, with the St. Johns River Water Management District to provide for the completion of environmental information documents and a septic tank phase out facilities plan; authorizes amendment to subcontracts with the Water and Sewer Expansion Authority (WSEA) and the Duval County Health Department (DCHD) for performing certain of the obligations of the SJRWMD Agreement; amends Ordinance 2008-130-E to provide \$325,000 of funding for the Duval County Septic Tank Enforcement Program for Fiscal Year 2009-2010, to provide \$70,000 of funding to develop a facilities plan that will be used to secure funding for additional septic tank phase-out areas, and to provide \$20,000 of funding for an EPA-required environmental information document for Lincoln Villas, all initiated by B.T. 10-030; provides a carryover of funds to subsequent fiscal years; approves and authorizes the Mayor and Corporation Secretary to execute the Amendment to Agreement for Tributary Water Quality Restoration, Lower St. Johns River Basin between the City and SJRWMD; approves and authorizes the Mayor and Corporation Secretary to execute amendments to subcontracts with WSEA and the DCHD for performing certain of the obligations of the SJRWMD.

**Background:** This legislation reallocates a portion of the existing funding for the cost reimbursement contract between the City of Jacksonville and the St. Johns River Water Management District to fund projects for tributary water quality restoration in the Lower St. Johns River Basin. Funding for the Oakwood Villas Estates Phase 2 Project is being reduced by \$415,000; engineering, design, planning and construction of sewer infrastructure will be achieved for less cost than originally anticipated. Funding to the Duval County Health Department is being increased by \$325,000. Funding for the Environmental Quality Division Microbial Source Tracing is being eliminated. The Chief of the Environmental Quality Division will continue to be the contract manager for the projects.

**Policy Impact:** Environmental and Compliance Department/Environmental Quality Division

**Fiscal Impact:** This ordinance reallocates portions of a previously appropriated reimbursement contract between the City and SJRWMD (2008-130-E). The total amount of the contract will be \$14,575,000 after the reallocation and reductions.

**Analyst:** Jackson

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**Bill Type and Number:** Resolution 2009-870

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

**Date of Introduction:** October 27, 2009

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

**Date of Analysis:** October 27, 2009

**Type of Action:** Expression of Support

**Bill Summary:** This resolution expresses the City of Jacksonville's support for transforming the American Heritage Rivers Initiatives into a federal program, thus allowing the St. Johns River and the 13 other American Heritage Rivers to be eligible for federal funding.

**Background:** The American Heritage Rivers Initiative was created by Executive Order in 1997 to offer special recognition for American rivers. The initiative has undertaken various endeavors and programs to preserve the heritage of river systems, to revitalize waterfront economies and protect the natural environment of rivers.

**Policy Impact:** St. Johns River

**Fiscal Impact:** Undetermined

**Analyst:** Jackson