

City of Jacksonville

*117 W. Duval Street
Jacksonville, FL 32202*



Meeting Minutes - Amended

Monday, May 1, 2023

2:00 PM

Council Chamber, 1st Floor, City Hall

Rules Committee

Michael Boylan, Chair

Nick Howland, Vice Chair

Danny Becton

Rory Diamond - Excused Absence

Al Ferraro

Sam Newby

Brenda Priestly Jackson - Excused Absence

Legislative Assistant: Steven Libby

Council Auditor's Office: Trista Carraher

Council Research: Colleen Hampsey

Office of General Counsel: Carla Lopera

Administration: Rachel Zimmer

Meeting Convened: 2:00 PM

Meeting Adjourned: 3:27 PM

Present: 5 - Chair Michael Boylan, Vice Chair Nick Howland, Council Member Danny Becton, Council Member Al Ferraro and Council Member Sam Newby

Excused: 2 - Council Member Rory Diamond and Council Member Brenda Priestly Jackson

Attendance:

CM Carlucci - 2023-241

Discussion on Council subscriptions to periodicals, newspapers, technical and professional journals, newsletters and similar publications (pursuant to Section 10.107, *Ordinance Code*)

Per Sec. 10.107, *Ordinance Code*, the Council Secretary is authorized to procure and pay for, out of the appropriations for the Council, subscriptions to periodicals, newspapers, technical and professional journals, newsletters and similar publications that are approved by the Committee on Rules for inclusion in the Council Library for the general use of the Council and its committees.

Yvonne Mitchell, Chief of Administrative Services, was in attendance to submit a list of council periodical subscriptions to the committee members for approval per Sec. 10.107, *Ordinance Code*. She said that council has paid subscriptions to the Florida Times-Union, Jacksonville Business Journal and Wall Street Journal; and in-kind subscriptions to the Jacksonville Daily Record, Free Press and Florida Star. The Rules Committee members unanimously approved the subscription list with a 5-0 voice vote (Boylan, Howland, Becton, Ferraro, Newby - Aye).

Item/File No. Title History

1. [2022-0797](#) ORD Auth the Mayor, or His Designee, to Execute: (1) An Amended & Restated Redev Agrmt btwn the COJ & Springfield Lofts, LLC; & (2) Loan Docs & Related Docs as Described in the Agrmt, to Support the Redev by Developer an 2.12± Acre Site at 1341 Pearl St, 235 W 3rd St & 205 W 3rd St, in the COJ; Auth a Redev Completion Grant in the Amt of \$1,500,000 to the Developer Upon Substantial Completion of the Proj, to be Approp by Subsequent Legislation; Auth a Dev Loan in the Amt of \$1,500,000 With a Term of 20 Yrs in Connection With the Proj, to be Approp by Subsequent Legislation; Desig the OED as Contract Monitor for the Agrmt & Related Agrmts; Providing for City Oversight of the Proj by Public Works & the OED; Auth the Execution of All Docs Relating to the Above Agmts & Transactions; & Auth Tech Changes to the Docs; Waiver of That Portion of the Public Investment Policy Adopted by Ord 2022-372-E, As Amended, to Auth a Redev Completion Grant & a Dev Loan That are Not Currently Auth by the Public Investment Policy (Sawyer) (Req of Mayor)
- 10/25/22 CO Introduced: R, F
10/31/22 R Read 2nd & Rerefer
11/1/22 F Read 2nd & Rerefer
11/9/22 CO PH Read 2nd & Rerefer
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 – 11/9/22

DEFER

2. [2023-0020](#) ORD-MC Relating to the City of Jacksonville's Procurement Code; Repealing & Replacing Pt 1 (General Regulations), Pt 2 (Supplies, Contractual Services & Capital Improvements), Pt 3 (Professional Services Contracts), Pt 5 (Extraordinary Critical Purchasing Procedures), Pt 7 (Design-Build Contracts), & Pt 9 (Art in Public Places), Ch 126 (Procurement Code), Ord Code, & Pt 6 (Cultural Service Grant Program), Ch 118 (City Grants), Ord Code, in Their Entirety; Creating a New Pt 1 (General Regulations; Ethics & Transparency in Public Contracting), Pt 2 (Jacksonville Procurement Awards Committee), Pt 3 (Procurement Thresholds, Modes, Methods, & Procedures), Pt 5 (Ex-Offender Program), Pt 7 (Buy American Program), & Pt 9 (Bid Protests, Suspension, & Debarments), Ch 126 (Procurement Code), Ord Code, to Modernize & Provide Greater Efficiencies in the COJ Procurement Code; Amend Pt 4 (Nondiscrimination Policy), Ch 126 (Procurement Code), Ord Code, to Amend the Definition of Nondiscrimination Consistent with Employee Svcs Nondiscrimination Policy; Amend Pt 6 (Jacksonville Small & Emerging Business Program), Ch 126 (Procurement Code), Ord Code, to Make the Part Consistent with the Changes in this Ord; Creating a New Pt 6 (Cultural Service Grants & Art in Public Places), Subpt A (Cultural service Grant Program) & Subpt B (Art in Public Places Program), Ch 118 (City Grants), Ord Code, to Relocate the Art in Public Places Program Previously Under Pt 9, Ch 126, Ord Code, to Pt 6, Ch 118, Ord Code; Amend Sec 24.603 (Duties of Chief of Procurement), Pt 6 (Procurement Division), Ch 24 (Finance & Administration Department), Ord Code, to Add Add'l Duties Regarding Contract Admin & Oversight; Creating a New Pt 4 (Contract Administration & Oversight), Ch 21 (Executive Branch, Generally), Ord Code, to Require Contract Admin & Oversight in City Contracts: Estab a Prospective Date of 2/1/24, for Code Repeals, Amdts, & New Provisions Contained in This Ord to Become Effective; Directing the Chief of Procurement to Update the Procurement Operating Manual Consistent With This Ord Prior to 1/1/24; Prov for Oversight by the Procurement Div, Finance & Administration Dept; Prov for Codification Instructions (Hodges) (Introduced by CM Cumber)
- 1/10/23 CO Introduced: NCSPHS, R, F, TEU
 1/17/23 NCSPHS Read 2nd & Rerefer
 1/17/23 R Read 2nd & Rerefer
 1/18/23 F Read 2nd & Rerefer
 1/18/23 TEU Read 2nd & Rerefer
 1/24/23 CO PH Read 2nd & Rerefer
 Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 1/24/23

DEFER

3. [2023-0090](#) ORD re Redistricting of the Jax City Council Districts & Group At-Large Residence Areas; Amend Ord 2022-800-E to Strike Sec 7 & Such Other Language Therein Necessary to Confirm the Council's Intent to Permanently Adopt the Maroon III E Fix Map for Use in Duval County Until the Next Decennial Census in 2030; Req 1 Cycle Emergency Passage (Roberson) (Req of OGC)
2/14/23 CO Introduced: R
2/21/23 R Read 2nd & Rerefer
2/28/23 CO PH Read 2nd & Rerefer
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 2/28/23

DEFER

4. [2023-0207](#) ORD re Ch 745 (Addressing & Street Naming Regulations), Ord Code; Estab an Honorary St Desig & Assoc Roadway Markers for Walter W. Flowers, a Fallen Fire & Rescue Officer Who Died while in the Line of Duty; Estab an Honorary St Desig on Atlantic Blvd at the Corner of San Marco Place & Atlantic Blvd & Extending East to the City-owned Roadway Before the Railroad Crossing in Council Dist 5 for Walter W. Flowers; Prov for the Roadside Markers for Walter W. Flowers to be Depicted as Contemplated in Sec 745.105 (j) (9) (b), Ord Code; Prov for the Installation of 2 Honorary Roadway Markers to be Located in Appropriate Locations on the Desig Roadway; Waiver of Sec 745.102 (i) (3), Ord Code, which Requires the Honoree to Live within 5 Miles of the Desig Roadway for 10 yrs; Directing Legislative Svcs Div to Forward Ord to the Planning & Dev Dept for Processing, Implementation, & Coordination with the Public Works Dept, Traffic Engineering & Other Affected Agencies & Orgs (Pollock) (Introduced by CMs Ferraro, Cumber & Boylan) (Co-Sponsors CMs Salem, Becton, Clark-Murray, White & Bowman)
3/28/23 CO Introduced: NCSPHS, R, TEU
4/3/23 NCSPHS Read 2nd & Rerefer
4/3/23 R Read 2nd & Rerefer
4/4/23 TEU Read 2nd & Rerefer
4/11/23 CO PH Read 2nd & Rerefer
5/1/23 NCSPHS Amend/Approve 6-0
5/1/23 R Amend/Approve 5-0
5/2/23 TEU PH Amend/Approve 6-0
TEU PH Pursuant to Sec 745.105, Ord Code, & 166.041 F.S. - 4/18/23, 5/2/23
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/11/23

AMEND/APPROVE

- Aye:** 5 - Boylan, Howland, Becton, Ferraro and Newby
Excused: 2 - Diamond and Priestly Jackson

AMENDMENT

1. Reflect that the designated area is on Atlantic Blvd., from San Marco Pl. to Belote Pl.
2. Correct scrivener's errors

• Waives Code Sec. 745.105(i)(3) which requires that the honoree live in the community within 5 miles of the designated road for at least 10 years

Trista Carraher, Auditor's Office, explained the amendment.

5. [2023-0222](#) RESO Appt Robert C. Mixson as a Member of the Building Codes Adjustment Board, Pursuant to Ch 56, Ord Code, Replacing Hillary L. Almond, for a Partial Term Exp 9/30/24 (Hampsey) (Introduced by CP Freeman)
3/28/23 CO Introduced: R
4/3/23 R Read 2nd & Rerefer
4/11/23 CO Read 2nd & Rerefer
5/1/23 R Approve 5-0

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

APPOINTMENT

6. [2023-0238](#) ORD re the Public Service Grant Council; Amend Secs 118.806 (Application Requirements) & 118.807 (Review, Evaluation & Scoring of Applications by PSG Council), Pt 8 (Public Service Grants), Ch 118 (City Grants), Ord Code, to Amend the Aspirational Funding Amt, Application Contents for Requesting Agencies, & the Evaluation & Scoring Criteria of Applications; Prov for Codification Instructions (Brown) (Introduced by CM Gaffney, Jr.)
4/11/23 CO Introduced: NCSPHS, R, F
4/17/23 NCSPHS Read 2nd & Rerefer
4/17/23 R Read 2nd & Rerefer
4/18/23 F Read 2nd & Rerefer
4/25/23 CO PH Read 2nd & Rerefer
5/1/23 NCSPHS Amend/Approve 6-0
5/1/23 R Amend/Approve 5-0
5/2/23 F Amend/Approve 6-0
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/25/23

AMEND/APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

AMENDMENT

- 1. Add back application requirement to disclose non-compliance instances**
- 2. Add back application requirement to describe how the program will be sustained in future years**
- 3. Correct scrivener's errors**

• **Proposes the following changes to Ordinance Code Ch. 118, Part 8 as recommended by the PSG Council:**

- **Revises the PSG application contents and points assigned to each section of the application**
- **Reduces the minimum number of PSG Council members required to score an application from 5 members to 3 members**
- **Strikes the requirement that in the event the PSG Council has fewer than 8 members, all members of the PSG Council shall be required to score each grant application**

Trista Carraher, Auditor's Office, explained the amendment.

Dr. Grass, Chief of Grants & Contract Compliance, explained that this bill will make the PSGC grant scoring process more efficient.

7. [2023-0239](#) ORD Auth the Mayor, or His Designee, to Execute an Economic Dev Agrmt btwn the City & Avion MF Partners, LLC, to Support the Dev by Developer of an ±320-Unit Apartment Community Generally on Duval Rd, N of I-295 & W of Biscayne Blvd, in the City; Auth a 75%, 15-Yr REV Grant in the Max Amt Not to Exceed \$7,500,000 in Connection with the Proj; Designating the OED as Contract Monitor for the Agrmt; Prov for City Oversight of the Proj by the OED; Auth the Execution of All Docs Relating to the Above Agrmts & Transactions, & Auth Technical Changes to the Docs; Prov a Deadline for the Developer to Execute the Agrmt After it is Delivered to the Developer; Waiver of those Portions of the Public Investment Policy Adopted by Ord 2022-372-E, as Amended, Which Would Require that in Order for a Proj to Receive a REV Grant the Developer Must be in a Targeted Industry & Create 10 New FT Jobs at Greater than or Equal to 100% of the State of FL Average Wage (Sawyer) (Req of Mayor)
- 4/11/23 CO Introduced: R, F
4/17/23 R Read 2nd & Rerefer
4/18/23 F Read 2nd & Rerefer
4/25/23 CO PH Read 2nd & Rerefer
5/1/23 R Amend/Approve 5-0
5/2/23 F Amend/Approve 7-0
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/25/23

AMEND/APPROVE

- Aye:** 5 - Boylan, Howland, Becton, Ferraro and Newby
- Excused:** 2 - Diamond and Priestly Jackson

AMENDMENT

Place revised economic development agreement on file to 1) clarify Workforce Housing Units definition, 2) clarify within the default provisions and Exhibit B (Improvements) that a minimum of 30% of the total units (but no less than 90) must be used for workforce housing to qualify for the REV Grant, and 3) correct scrivener's error

- **Waives the Public Investment Policy to authorize a REV grant for a project that does not create any new jobs and is not in a targeted industry**

Trista Carraher, Auditor's Office, explained the amendment.

Kirk Wendland, OED, spoke on behalf of the bill which authorizes an economic development agreement and REV grant to develop a 320-unit apartment community on Duval Road within which 96 units (30%) will be reserved for affordable workforce housing.

CM Ferraro asked if there is a standard definition of workforce housing. Mr. Wendland said that it varies, but it is most commonly intended for households with incomes between 80 and 120% of AMI.

CM Howland spoke about REV grants, and how they are incentives that discount future property taxes.

CM Boylan extended kudos to Mr. Wendland, and for the involvement of the private sector in developing much needed affordable housing units.

8. [2023-0241](#) ORD Approp \$15,000 from the Jax Happenings Activity Within the Special Events Fund to the General Fund Office of Sports & Entertainment - Special Events Activity to Prov Funding for Greenscape of Jacksonville, Inc. to Host Various Events & to Procure Supplies & Materials to Prov Add'l Care & Maintenance for Trees Recently Planted in Certain City Parks; Apv, & Auth the Mayor, or His Designee, & the Corp Sec to Execute an Agrmt with Greenscape; Invoking the Exemption in Sec 126.107 (G) (Exemptions), Pt 1 (General Regulations), Ch 126 (Procurement Code), Ord Code, to Allow a Direct Contract with Greenscape of Jacksonville, Inc; Waiving Sec 118.107 (Nonprofits to Receive Funding Through a Competitive Evaluated Award Process), Pt 1 (General Provisions), Ch 118 (City Grants), Ord Code, to Allow a Direct Contract with Greenscape; Prov For Oversight by the Parks, Recreation & Community Svcs Dept (Staffopoulos) (Introduced by CM Carlucci) (Co-Sponsor CM Clark-Murray)
- 4/11/2023 CO Introduced: NCSPHS, R, F
 4/17/23 NCSPHS Read 2nd & Rerefer
 4/17/23 R Read 2nd & Rerefer
 4/18/23 F Read 2nd & Rerefer
 4/25/23 CO PH Read 2nd & Rerefer
 5/1/23 NCSPHS Amend/Approve 6-0
 5/1/23 R Amend/Approve 5-0
 5/2/23 F Amend/Approve 7-0
 Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/25/23

AMEND/APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

AMENDMENT

- 1. Include waiver of Code Sec. 110.112 (Advance of City funds; prohibition against) to authorize advance payment of \$15,000 to Greenscape upon execution of the agreement**
- 2. Correct scrivener's errors**

- Waives Code Sec. 118.107 (Nonprofits to receive funding through a competitive evaluated award process) to allow for a direct contract with Greenscape of Jacksonville, Inc.**

Trista Carraher, Auditor's Office, explained the amendment.

9. [2023-0246](#) ORD Approp \$135,000 From the Special Law Enforcement Trust Fund to Provide \$125,000 for Contractual Svcs by I.M. Sulzbacher Center for the Homeless, Inc (Sulzbacher) for the Continued Operation of a Jail Diversion Prog for the MHOP, & to Donate \$10,000 to Florida FBI National Academy Associates, Inc for its Annual Re-Trainer Prog; Apv, & Auth the Mayor, or His Designee, & the Corp Sec to Execute & Deliver a 4th Amend to the Svcs Contract btwn the City & Sulzbacher for the Continued Provision of Svcs for the MHOP; Waiving Sec 118.107 (Nonprofits to Receive Funding Through a Competitive Evaluated Award Process), Pt 1 (General Provisions), Ch 118 (City Grants), Ord Code, to Allow a Direct Contract with Sulzbacher; Prov for Contract Oversight by the Grants & Contract Compliance Div (Staffopoulos) (Req of Sheriff) (Co-Sponsor CM Clark-Murray)
4/11/2023 CO Introduced: NCSPHS, R, F
4/17/23 NCSPHS Read 2nd & Rerefer
4/17/23 R Read 2nd & Rerefer
4/18/23 F Read 2nd & Rerefer
4/25/23 CO PH Read 2nd & Rerefer
5/1/23 NCSPHS Approve 6-0
5/1/23 R Approve 5-0
5/2/23 F Approve 7-0
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/25/23

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

- Waives Code Sec. 118.107 (Nonprofits to receive funding through a competitive evaluated award process) to allow for an amendment to the services contract with I.M. Sulzbacher Center for the Homeless, Inc. for the Mental Health Offender Program**

10. [2023-0247](#) ORD Amend Sec 685.104 (Prohibited Activities for Sexual Offenders & Sexual Predators; Exceptions), Ch 685 (Sexual Offender & Sexual Predator Regulation), Ord Code, to Prohibit Display of Halloween Decorations or Other Displays or Decorations as Described in this Ord on the Exterior of Any Sexual Offender or Sexual Predator Residence, Vehicle or Vessel, or on Any Propy Leased, Rented, Owned, or Occupied by a Sexual Offender or Sexual Predator; Prov Codification Instructions (Staffopoulos) (Introduced by CM Cumber) (Co-Sponsors CMs Ferraro, Salem & Boylan)
 4/11/2023 CO Introduced: NCSPHS, R
 4/17/23 NCSPHS Read 2nd & Rerefer
 4/17/23 R Read 2nd & Rerefer
 4/25/23 CO PH Read 2nd & Rerefer
 5/1/23 NCSPHS Approve 6-0
 5/1/23 R Approve 5-0
 Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/25/23

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

Scrivener's

Pg. 3, line 2: strike "an" and insert "on"

11. [2023-0249](#) ORD Apv & Auth the Mayor, or His Designee, & the Corp Sec to Execute a 5th Amendment to Amended & Restated Agrmt for Residential Waste & Recycling Collection & Transportation Svcs (Service Area III) btwn the City & Waste Pro of Florida, Inc, to Extend the Agrmt Term thru 9/30/29, Adjust the Annual Consumer Price Index (CPI) Increase from a Not-to-Exceed Cap of 3% to 5%, & Prov that the Base Rate is Not Lowered as a Result of the Rate Review Process; Waiving Sec 382.308 (L)(2) (Procedures for Extension of Contracts), Ord Code; Prov for City Oversight by the Solid Waste Div of the Dept of Public Works (Hodges) (Introduced by CM Boylan)
 4/11/2023 CO Introduced: R, F, TEU
 4/17/23 R Read 2nd & Rerefer
 4/18/23 F Read 2nd & Rerefer
 4/18/23 TEU Read 2nd & Rerefer
 4/25/23 CO PH Read 2nd & Rerefer
 5/1/23 R Amend/Approve 5-0
 5/2/23 F Amend/Approve 7-0
 5/2/23 TEU Amend/Approve 6-0
 Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/25/23

AMEND/APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

AMENDMENT

- 1. Correct scrivener's error**
- 2. Attach Revised Exhibit 1 (Contract Amendment) to correct year in which Rate Review will be performed**

CONCERN:

Through the language in this extension, Waste Pro will have more advantageous results from the Rate Review process than the contracts for the other two hauler service areas creating inequities among haulers and possible additional costs to the City

AUDITOR RECOMMENDED AMENDMENT:

Revise Rate Review language to be consistent with other hauler agreements in establishing the per premise rate in a Rate Review year as the result of the Rate Review

- **Authorizes the fifth amendment to the Amended and Restated Agreement with Waste Pro to:**
 - **Extend the term of the agreement for six years, from September 30, 2023 to September 30, 2029**
 - **Increase the CPI adjustment in years without a rate review from a maximum of 3% to 5%**
 - **Allow Rate per Premise to never decrease as a result of Rate Review**
- **Waives Code Sec. 382.308(1)(2) (Procedures for extension of contracts) to allow for this contract extension**

Phillip Peterson, Auditor's Office, explained the amendment, Auditor's concern, and the Auditor recommended amendment.

Mr. Peterson said that this extended agreement provides a rate review element that differs from any others in City contracts. He said that in the years when the full rate review is performed the base rate will not be decreased from the previous year's rate even if the agreed upon expenses with mark-up base rate is less than the base rate of the previous year. Mr. Peterson said that historically the rate reviews result in a rate lower than the one in use. The agreement in this bill guarantees that the rate will not decrease regardless of what the review reflects. Mr. Peterson mentioned that the other two waste haulers will likely ask for the same terms for their contracts.

Steve Diebenow, representing Waste Pro, said that Waste Pro can rely on the guaranteed rate for planning purposes and capital investments (trucks etc.).

Eric Fuller and Will Williams, Public Works, spoke on behalf of the bill which extends the hauler contract for 6 more years.

Mr. Ferraro asked about the added costs when the other haulers renew their contracts, and about the overall cost for solid waste services. Mr. Peterson outlined the increasing solid waste deficit (\$18 million currently), in that the portion charged to households does not cover the cost of services (roughly a \$16 gap premise/month). When asked by CM Ferraro, Mr. Fuller said there are about 30 years left at the Trail Ridge landfill before it reaches capacity.

CM Boylan asked when the customer base rate was last changed. Mr. Peterson said it has been the same since 2011.

CM Howland asked about the rate review process, and what can decrease rates since fuel costs are excluded. Mr. Peterson said rates may be revised downwards because of CPI impact. He noted that the fuel surcharge is not included, any depreciation of assets is included, and that the rate also includes 10-15 percent profit rate.

CM Becton, asked about the hauler's rate review requirement, noting that very few cities have that policy. CM Becton said that the review forces the industry to a limited profit margin, and he suggested eliminating the review in the future.

Will Williams said that some pre-bidders are put off by the review requirements and don't bid on contracts.

Steve Diebenow said that his client does not support the Auditor recommended amendment.

Motion/2nd move the Auditor recommended amendment Howland/Newby - by hand vote -failed 0-5.

12. [2023-0251](#) RESO Expressing the City's Support for the Application by Changing Homelessness, Inc to Participate in the FL Community Contribution Tax Credit Prog for Purposes of Alleviating Homelessness; Prov for Compliance with the Comprehensive Plan (Clements) (Introduced by CM Boylan) (Co-Sponsors CMs Clark-Murray & Salem)
 04/11/23 CO Introduced: NCSPHS, R, F
 4/17/23 NCSPHS Read 2nd & Rerefer
 4/17/23 R Read 2nd & Rerefer
 4/18/23 F Read 2nd & Rerefer
 4/25/23 CO Read 2nd & Rerefer
 5/1/23 NCSPHS Approve 6-0
 5/1/23 R Approve 5-0
 5/2/23 F Approve 7-0

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

13. [2023-0253](#) RESO Appt Albert D. Chester, as a Member of the Safety & Crime Reduction Commission, Filling a Seat Formerly Held by Brandon Griggs, Pursuant to Ch 78, Ord Code, for a 1st Full Term Ending 6/30/24 (Hampsey) (Introduced by CP Freeman) (Co-Sponsors CMs Clark-Murray & Newby)
 4/11/23 CO Introduced: R
 4/17/23 R Read 2nd & Rerefer
 4/25/23 CO Read 2nd & Rerefer
 5/1/23 R Approve 5-0

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

APPOINTMENT

CM Newby asked to be added as a co-sponsor.

14. [2023-0254](#) RESO Conf the Appt of Mai Dinh Keisling, as a Member of the Public Service Grant Council, Pursuant to Sec 80.102, Ord Code, Replacing Tameiko Allen Grant, for a 1st Full Term Exp 12/31/25 (Hampsey) (Introduced by CP Freeman)
 4/11/23 CO Introduced: R
 4/17/23 R Read 2nd & Rerefer
 4/25/23 CO Read 2nd & Rerefer
 5/1/23 R Approve 5-0

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

APPOINTMENT

- 15. [2023-0277](#) ORD-MC re Recycling Requirements for Construction & Demolition Debris Recycling Facilities; Amend Sec 380.108 (Operation of Solid Waste Disposal or Management Facility), Pt 1 (Certificate of Public Convenience & Necessity), Ch 380 (Solid Waste Management), Ord Code, to Amend the Min Recycling Percentage Requirements for Construction & Demolition Debris Recycling Facilities; Providing for Codification Instructions (Hodges) (Introduced by CM Diamond)
 4/25/23 CO Introduced: R, TEU
 5/1/23 R Read 2nd & Rerefer
 5/2/23 TEU Read 2nd & Rerefer
 Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 5/9/23

READ 2ND & REREFER

- 16. [2023-0279](#) Ord Auth Naming of the Sports Performance Center at TIAA Bank Field as “Miller Electric Center” (Staffopoulos) (Introduced by CM White)
 4/25/23 CO Introduced: R
 5/1/23 R Emergency/Amend/Approve 5-0
 Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 5/9/23

EMERGENCY/AMEND/APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

AMENDMENT

Include one cycle emergency language

Phillip Peterson, Auditor's Office, explained the amendment and the emergency.

17. [2023-0281](#) ORD-MC re Settlement of Pending Litigation Styled Jacksonville Branch of the NAACP, et al., v. City of Jacksonville, et al., Case # 3:22-CV-493-MMH-LLL, U.S. Dist Court for the Middle District of FL, re the City Council's Redistricting of City Council & School Board District Boundaries; Approp \$100,000.00 from General Fund Council Operating Contingency to the GCAD Judgments, Claims, & Losses - Other General Govt Svcs Activity to Prov Funding for Settlement of Pending Litigation; Apv & Ratifying a Settlement Agrmt Outlining the Terms of Settlement of Plaintiffs' Claims, Including Claims for Attorneys' Fees & Costs, in the Pending Litigation & Appellate Actions; Auth the General Counsel, or His Designee, to Take Further Action to Effectuate the Settlement Agrmt & Conclude the Litigation, Including Dismissal of the Pending Appellate Action, & to Take Actions Necessary to Carry Out the Intent of this Ord; Upon the Settlement Agrmt Effective Date, Apv a Redistricting Plan re City Council Districts, City Council Group At-Large Districts, & School Board Districts Based on the 2020 Census Data & the Settlement Agrmt Via Amendment to the Charter of the City; Amend the Charter to Attach District Boundary Descriptions for 14 City Council District Boundaries & 5 City Council Group At-Large Resident Area Boundaries Pursuant to the Settlement Agrmt Effective Date; Amend the City Charter to Designate the 7 School Board Districts Pursuant to the Settlement Agrmt Upon the Settlement Agrmt Effective Date; Prov an Index of Exhibits; Directing OGC to Forward to the Council Director & the Duval County School Board Chairman Written Notification of the Settlement Agrmt Effective Date; Directing the Chief of Legislative Svcs to Send a Copy of this Legislation to Municode Upon Receipt of Written Notification from OGC of the Settlement Agrmt Effective Date; Req 1-Cycle Emergency Passage; Prov a Prospective Effective Date for the Settlement Agrmt (Roberson) (Req of OGC) 4/25/23 CO Introduced: R, F
5/1/23 R Emergency/Approve 5-0
5/2/23 Emergency/Approve 7-0
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 5/9/23

EMERGENCY/APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

Scrivener's

1. Pg. 3, line 1: strike "Section 18" and insert "Chapter 18"
2. Pg. 7, lines 13-14, 18, 23, and 27: strike "legal described by" and insert "the"
3. Pg. 9, line 13: strike "and" after "Date"
4. Pg. 9, line 18: strike "Pos-Enactment" and insert "Post-Enactment"
5. Pg. 9, line 24: insert "Date" after "Effective"

• **The nature of the emergency is that the redistricting litigation created confusion and uncertainty regarding the legal boundaries of City Council and School Board Districts in the March 2023 election and the settlement would eliminate that confusion for the upcoming May election and beyond while also bringing this ongoing and expensive litigation to a close.**

Trista Carraher, Auditor's Office, explained the nature of the emergency.

Jason Teal, General Counsel, reviewed the redistricting and litigation history, and the settlement negotiations. The settlement agreement adopts the P3 map until the next redistricting and resolves the attorney fees issue (as a civil rights lawsuit the plaintiff is entitled to ask for attorney's fees). Mr. Teal said the initial plaintiff attorney fee offer was \$1 million, which was reduced to \$100,000 in settlement discussions with the plaintiffs. This settlement is not final until adopted by the courts, and it will show that the map was adopted by way of litigation so the City does not have to repeat the redistricting process. Mr. Teal also said that the plaintiff reserves the right to, and may ask for, two school board district (4,6) elections be held off cycle in special elections in 2024, which the City vehemently opposes. CM Boylan asked if there was notation in the lawsuit settlement that indicates the City acted in bad faith, and Mr. Teal said no, that the settlement reflects that the maps were based on mistakes made when drawing maps decades ago.

CM Howland is begrudgingly supportive of the settlement to save on future costs, and because the new incoming council members will be based on the P3 map districts.

CM Boylan recommended that OGC make a list of lessons learned in this process for next time.

CM Becton commented about the previous map, the imperfection of the redistricting process, and how in his opinion the old map was not unconstitutional.

CM Newby concurred with CM Becton and Howland, and commented on the diversity of council members.

18. [2023-0282](#) RESO Conf the Reappt of Robert B. Maldonado as a Member of the Duval County Election Advisory Panel, Pursuant to Ch 59, Ord Code, for a 2nd Full Term Expiring 4/16/26 (Hampsey) (Introduced by CP Freeman)
 4/25/23 CO Introduced: R
 5/1/23 R Read 2nd & Rerefer

READ 2ND & REREFER

19. [2023-0283](#) RESO Conf the Mayor's Appt of Morgan Roberts, a Resident of the City, to the Planning Commission as an At-Large Rep, Replacing Joshua Garrison, Pursuant to Sec 30.201 (Establishment; Membership), Pt 2 (Planning Commission), Ch 30 (Planning & Development Dept), Ord Code, for a Partial Term to Expire on 10/1/2025; Req 1 Cycle Emergency Passage (Hodges) (Req of Mayor) (Co-Sponsor CM Salem)
4/25/23 CO Introduced: R
5/1/23 R Emergency/Approve 5-0

EMERGENCY/APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

APPOINTMENT

- **The nature of the emergency is that this seat is currently vacant and is causing quorum issues and precluding the Planning Commission from undertaking its work in a timely fashion.**

20. [2023-0284](#) RESO Appt Irvin B. Cohen as a Member of the Health Planning Council of Northeast Florida, Inc., Replacing Cheryl Bergman as a "Purchaser", Pursuant to Sec 408.033, F.S., For a 1st Full Term Expiring 9/30/24 (Hampsey) (Introduced by CP Freeman)
4/25/23 CO Introduced: R
5/1/23 R Read 2nd & Rerefer

READ 2ND & REREFER

21. [2023-0285](#) RESO Conf the SOE's Reappt of Raymond S. Pringle, Jr., a Duval County Resident, to the Duval County Election Advisory Panel, Pursuant to Ch 59, Ord Code, for a 1st Full Term Ending 4/16/26 (Hampsey) (Req of SOE)
4/25/23 CO Introduced: R
5/1/23 R Read 2nd & Rerefer

READ 2ND & REREFER

22. [2023-0286](#) RESO Conf the SOE's Appt of Catherine L. Phillmon, a Duval County Resident, as a Member of the Duval County Election Advisory Panel, Replacing Charles L. McWhite, Pursuant to Ch 59, Ord Code, for a 1st Full Term Ending 4/16/25 (Hampsey) (Req of SOE)
4/25/23 CO Introduced: R
5/1/23 R Read 2nd & Rerefer

READ 2ND & REREFER

23. [2023-0288](#) RESO Honoring & Commemorating the Life & Accomplishments of Trinity Christian Academy Assistant Football Coach Willie James Green, Jr. (Clements) (Introduced by CM Priestly Jackson) (Co-Sponsors CMs Freeman, Morgan, Becton, Newby & White)
4/25/23 CO Introduced: R
5/1/23 R Approve 5-0

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

CM Newby asked to be added as a co-sponsor.

24. [2023-0289](#) RESO Honoring & Commending the Service & Leadership of Cullen Chalker, JFRD's Oldest Living Firefighter & District Chief (Hampsey) (Introduced by CMs Carlucci, White, Clark-Murray & Ferraro) (Co-Sponsors CMs Howland, Becton, Newby & Boylan)
4/25/23 CO Introduced: R
5/1/23 R Approve 5-0

APPROVE

Aye: 5 - Boylan, Howland, Becton, Ferraro and Newby

Excused: 2 - Diamond and Priestly Jackson

Chief Powers, JFRD, was in attendance to speak on behalf of the honoree in this resolution.
CMs Newby and Boylan asked to be added as co-sponsors.

Public Comment: Carnell Oliver talked about an independent redistricting committee, city board diversity and representation, and separating the Planning Commission into smaller bodies to better understand neighborhoods.

NOTE: The next regular meeting will be held Monday, May 15, 2023.

Council Auditor's Office – Bill 2023-239: Avion MF Partners, LLC

Developer Name – Avion MF Partners, LLC (Corner Lot Development team)

Project Location – Duval Road, north of I-295 and west of Biscayne Boulevard

Incentives Provided –

- **\$7,500,000 15-year 75% REV Grant**

Workforce Housing –

- **30% of the total units (but in no event less than 90 units) will be set aside as workforce housing units**
- **The rental limits for the workforce housing units will be based on the 100% AMI level for 2022**
- **The rental limits will be locked in for the first four years and the annual increase will be limited to 2% thereafter**

Performance Schedule –

- **Commencement of construction by 12/31/2023**
- **Completion of construction by 12/31/2025**

Number of Jobs to be Created – N/A

Number of Jobs to be Retained – N/A

Capital Investment – \$65,000,000

Records Retention/Audit Clause – Yes

Clawback Language –

- **In the event reporting requirements are not met in the time period specified in the agreement, the City will be entitled to withhold disbursement of the REV Grant**
- **If by 12/31/25, the Developer fails to invest the amounts listed below, the City funding will be reduced by the corresponding amount:**
 - **Fails to invest at least \$65,000,000 – REV grant reduced proportionately**
 - **Fails to invest at least \$58,500,000 – REV grant is terminated and any amounts paid to the Developer will be repaid to the City**
- **If the Developer fails the maintain a minimum of 90 Workforce Housing Units during any year of the REV Grant term, the City will be entitled to withhold disbursement of the REV Grant**

OED has calculated an ROI of 1.30 over a 15-year period

Waives the Public Investment Policy to authorize a REV grant for a project that does not create any new jobs and is not in a targeted industry

*******Note: Items may be added at the discretion of the Chair.*******

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days notification to process; last minute requests will be accepted; but may not be possible to fulfill. Please contact Disabled Services Division at: V 904-255-5466, TTY-904-255-5476, or email your request to KaraT@coj.net.

Minutes: Colleen Hampsey, Council Research

CHampsey@coj.net 904.255.5151

Posted: 5.3.23 5:00 pm