City of Jacksonville

1st Floor - Council Chamber
117 W. Duval Street

Agenda

Wednesday, December 14, 2022

9:00 AM - 11:00 AM

Council Chambers 1st Floor, City Hall

Jacksonville Waterways Commission

CM Nick Howland, Chair
CM Randy DeFoor, Vice Chair
CM LeAnna Cumber
CM Tyrona Clark-Murray, Alternate
Jon Michael Barker
Robert Birtalan
Lane Burnett - Excused Absence
Senator Audrey Gibson
Mark Devereaux
Andrew Fraden
Marc Hardesty
Richard Hartley
Jill D. Haskell
Richard J. Redick
Marshall Adkison, Ex-Officio
Adam Hoyles, Ex-Officio

Barbara Ireland Hobson, Legislative Assistant
Sharon Wyskiel, Asst. General Counsel
Dr. Gerard Pinto, Jacksonville University
Richard Distel, Research Assistant
Jim Suber, Waterways Coordinator

Call To Order

Roll Call

1. New Business

2022-0820

Contact:
Ed Lukacovic

ORD Adopting a Small-Scale Amendmnt to the FLUM 2030 Comp Plan at 6131 Cedar Point Rd, btwn Nungezer Rd & Pumpkin Hill Rd - (R.E. # 159855-0500) (48.82± Acres) – AGR-III & AGR-IV to RR – Jeffrey Andring & Catherine Andring (Appl # L-5752-22C) (Dist. 2-Ferraro) (Hinton) (LUZ) (Rezoning 2022-821)
11/9/22 CO Introduced: LUZ, JWC
11/15/22 LUZ Read 2nd & Rerefer
11/22/22 CO Read 2nd & Rerefer
LUZ PH – 1/4/23
Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code – 12/13/22 & 1/10/23

2022-0874

Contact:
John Sawyer

ORD Auth the Borrowing & Approp From the City's Commercial Paper Facility in the Up To Max Amt of $17,500,000, To Prov: (1) A $12,500,000, 10-Yr Term, 3.5% Interest Loan; & (2) A $5,000,000 Revolving Line of Credit; Prov for Funds Carryover to FY 25-26; Auth a $10,000,000 Grant, Subj to Future Appropriation, in Each Case to the JAXPORT to Support the Raising of the Fulton Cut Crossing Electric Transmission Lines, to Increase the Number & Capacity of Vessels Able to call on JAXPORT Ports; Amend 2022-504-E, the FY 22-23 Budget Ord, to Replace the 2nd Revised Schedule B4 in Order to Auth the Borrowing &/or the Issuance of Debt For the "Raising of Powerlines" & "JPA Obligation – Fulton Cut Powerlines" Projs; Auth the City to Enter Into an Agrmt With the JAXPORT to Prov the Loan & Grant as Further Detailed Therein; Invoking Exception of 126.107 (G) (Exemptions), Ch 126 (Procurement Code), Ord Code, to Direct Contract With JAXPORT; Requesting That the Finance & Admin Dept Administer the Agrmt Authorized Herein (B.T. 23-027) (Sawyer) (Introduced by CP Freeman at Req of Mayor) (Co-Introduced by CVP Salem)
11/22/22 CO Introduced: NCSPHS, R, F, TEU, JWC
12/5/22 NCSPHS Read 2nd & Rerefer
12/5/22 R Read 2nd & Rerefer
12/6/22 F Read 2nd & Rerefer
12/6/22 TEU Read 2nd & Rerefer
Public Hearing Pursuant to Ch 166, F.S. & CR 3.601 – 12/13/22

New Business Continued

Ortega River Derelict Vessels

Contact: Commissioner Barker

3. St. Johns River Status Report on Water Quality & Manatees - Dr. Gerard Pinto

4. Jacksonville University - Manatee Protection Plan Contract Renewal - Eric Hinton, Community Planning

5. Approval of Minutes

6. Old Business

FIND Subcommittee - Presentation - 2023 FIND Grant Project Recommendations

Contact: Commissioner Barker & Brian Burket, Waterfront Project Manager

St. Johns River Shoaling Subcommittee - 10/19/22 Meeting Update

Contact: Commissioner Hardesty

Artificial Reef Subcommittee - 10/19/22 Meeting Update

Contact: Commissioner Haskell

7. Public Comment

8. Adjournment

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.

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2022-820

AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE *2030 COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURE-III (AGR-III) AND AGRICULTURE-IV (AGR-IV) TO RURAL RESIDENTIAL (RR) ON APPROXIMATELY 48.82± ACRES LOCATED IN COUNCIL DISTRICT 2 AT 6131 CEDAR POINT ROAD, BETWEEN NUNGEZER ROAD AND PUMPKIN HILL ROAD (R.E. NO. 159855-0500), OWNED BY JEFFREY ANDRING AND CATHERINE ANDRING, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER L-5752-22C; PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Section 650.402(b), *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an application for a proposed Small-Scale Amendment to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future Land Use designation from Agriculture-III (AGR-III) and Agriculture-IV (AGR-IV) to Rural Residential (RR) on approximately 48.82± acres of certain real property in Council District 2 was filed by Paul Harden, Esq., on behalf of the owners, Jeffrey Andring and Catherine Andring; and

WHEREAS, the Planning and Development Department reviewed the proposed revision and application and has prepared a written report

and rendered an advisory recommendation to the City Council with respect to the proposed amendment; and

WHEREAS, the Planning Commission, acting as the Local Planning Agency (LPA), held a public hearing on this proposed amendment, with due public notice having been provided, reviewed and considered comments received during the public hearing and made its recommendation to the City Council; and

WHEREAS, the Land Use and Zoning (LUZ) Committee of the City Council held a public hearing on this proposed amendment to the *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*, considered all written and oral comments received during the public hearing, and has made its recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on this proposed amendment, with public notice having been provided, pursuant to Section 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance Code,* and considered all oral and written comments received during public hearings, including the data and analysis portions of this proposed amendment to the *2030 Comprehensive Plan* and the recommendations of the Planning and Development Department, the Planning Commission and the LUZ Committee; and

WHEREAS, in the exercise of its authority, the City Council has determined it necessary and desirable to adopt this proposed amendment to the *2030 Comprehensive Plan* to preserve and enhance present advantages, encourage the most appropriate use of land, water, and resources consistent with the public interest, overcome present deficiencies, and deal effectively with future problems which may result from the use and development of land within the City of Jacksonville; now, therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Purpose and Intent. This Ordinance is adopted to carry out the purpose and intent of, and exercise the authority

set out in, the Community Planning Act, Sections 163.3161 through 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

Section 2. Subject Property Location and Description. The approximately 48.82± acres are located in Council District 2 at 6131 Cedar Point Road, between Nungezer Road and Pumpkin Hill Road (R.E. No. 159855-0500), as more particularly described in **Exhibit 1**, dated July 6, 2022, and graphically depicted in **Exhibit 2**, both attached hereto and incorporated herein by this reference (the "Subject Property").

Section 3. Owner and Applicant Description. The Subject Property is owned by Jeffrey Andring and Catherine Andring. The applicant is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida 32207; (904) 396-5731.

Section 4. Adoption of Small-Scale Land Use Amendment. The City Council hereby adopts a proposed Small-Scale revision to the Future Land Use Map series of the *2030 Comprehensive Plan* by changing the Future Land Use Map designation of the Subject Property from Agriculture-III (AGR-III) and Agriculture-IV (AGR-IV) to Rural Residential (RR), pursuant to Application Number L-5752-22C.

Section 5. Applicability, Effect and Legal Status. The applicability and effect of the *2030 Comprehensive Plan*, as herein amended, shall be as provided in the Community Planning Act, Sections 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All development undertaken by, and all actions taken in regard to development orders by governmental agencies in regard to land which is subject to the *2030 Comprehensive Plan*, as herein amended, shall be consistent therewith as of the effective date of this amendment to the plan.

Section 6. Effective Date of this Plan Amendment.

(a) If the amendment meets the criteria of Section 163.3187,

Florida Statutes, as amended, and is not challenged, the effective date of this plan amendment shall be thirty-one (31) days after adoption.

(b) If challenged within thirty (30) days after adoption, the plan amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted Small-Scale Amendment to be in compliance.

Section 7. Disclaimer. The amendment granted herein shall **not** be construed as an exemption from any other applicable local, state, or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use, and issuance of this amendment is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this amendment does **not** approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.

Section 8. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Eric Hinton

GC-#1533097-v1-2022-820_(L-5752-22C).docx

ORDINANCE 2022-820

Legal Description

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST LINE OF SAID SECTION 32 WITH THE NORTHERLY RIGHT OF WAY LINE OF CEDAR POINT ROAD (A 60' RIGHT OF WAY), THENCE S77°38'49"W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 444 FEET, MORE OR LESS TO THE CENTERLINE OF AN UN-NAMED CREEK AND THE POINT OF BEGINNING; THENCE S77°38'49"W, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 890 FEET, MORE OR LESS TO THE WEST LINE OF THE EAST 12 OF SAID SOUTHEAST 14; THENCE N01°25'02"W, ALONG SAID WEST LINE, A DISTANCE OF 1440.47 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9494, PAGE 267 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE S89°16'17"E, ALONG THE SOUTH LINE OF LAST SAID LANDS, A DISTANCE OF 658.72 FEET TO THE SOUTHEAST CORNER OF LAST SAID LANDS; THENCE N01°19'04"W, ALONG THE EAST LINE OF LAST SAID LANDS, A DISTANCE OF 657.06 FEET TO THE NORTH LINE OF SAID SOUTHEAST 14; THENCE S89°34'21"E, ALONG LAST SAID NORTH LINE, A DISTANCE OF 660.52 FEET TO SAID EAST LINE OF SECTION 32; THENCE S01°06'30"E, ALONG SAID EAST LINE OF SECTION 32, A DISTANCE OF 711 FEET, MORE OR LESS TO THE CENTERLINE OF SAID UN-NAMED CREEK; THENCE SOUTHWESTERLY, DEPARTING SAID EAST LINE OF SECTION 32 AND ALONG THE CENTERLINE OF SAID CREEK, A DISTANCE OF 1422 FEET, MORE OR LESS TO SAID NORTHERLY RIGHT OF WAY LINE OF CEDAR POINT ROAD AND THE POINT OF BEGINNING.

BEING CUT OUT OF THE FOLLOWING PROPERTY:

PARCEL 1:

THAT PORTION OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA LYING NORTHERLY OF THE EXISTING RIGHT OF WAY OF CEDAR POINT ROAD,

LESS:

THE WESTERLY 630 FEET OF THE NORTHERLY 350 FEET OF THAT PORTION OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA.

PARCEL 2:

THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 1 NORTH RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA.

PARCEL 3:

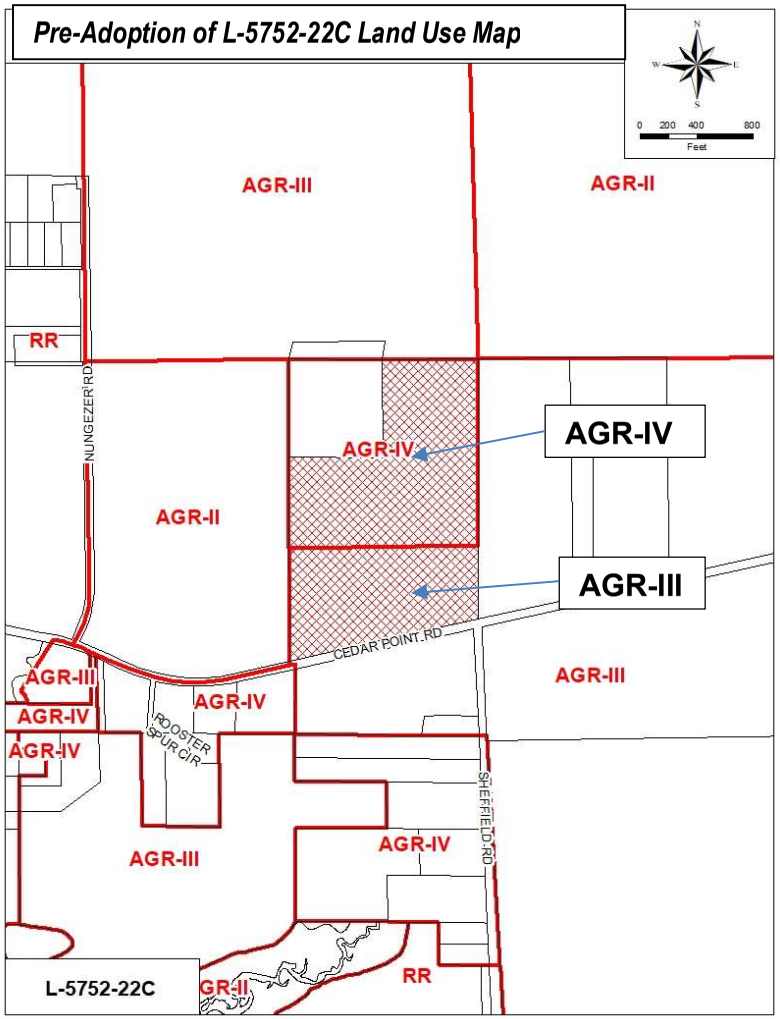
THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 1 NORTH RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA.

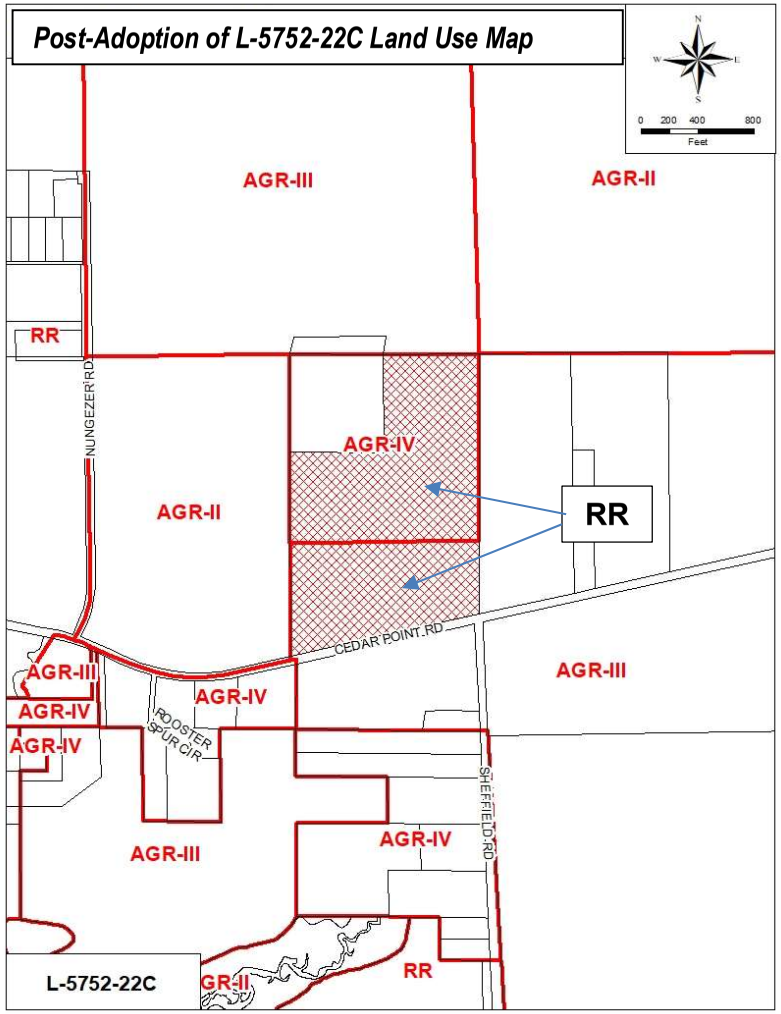
LESS:

THE WESTERLY 630 FEET OF THE NORTHERLY 350 FEET OF THAT PORTION OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA

PARCEL 4:

THE WESTERLY 630 FEET OF THE NORTHERLY 350 FEET OF THAT PORTION OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA. AND BEING BOUNDING BY BOOK 9494, PAGE 267; BOOK 7929, PAGE 445; AND CEDAR POINT ROAD





Request for Small Scale Land Use Amendment to Future Land Use Map Series

From: Agriculture III and IV (AGR-III and AGR-IV)

To: Rural Residential (RR)

Planning District: 6	**Identification Number: L-5752-22C**
Council District: 2	**Exhibit 2 (Page 1 of 1)**

Land Use Amendments
L-5752-22C Ordinance 2022-820
6131 Cedar Point Road

Waterways Commission

December 14, 2022

L-5752-22C Land Use Amendment

Adoption Ordinance
Ordinance Number 2022-820

Public Hearing Dates

Planning Commission – Thursday, December 8, 2022

City Councils First Hearing – Tuesday, December 13, 2022

City Council LUZ Committee – Wednesday, January 4, 2023

Final City Council Hearing – Tuesday, January 10, 2023

L-5752-22C (2022-820)

Location

6131 Cedar Point Road

PD-6 and CD-2

Size

Subject Site: 48.82 Acres

Wetlands: 14.5 Acres

Current Land Use

Agricultural-III (AGR-III)

Agricultural-IV (AGR-IV)

Sub-Drainage Basin

Terrapin Creek

Clapboard Creek

Drainage Basin

St. Johns River

Proposed Land Use

Rural Residential (RR)

L-5752-22C Development Potentials (2022-820)

Current Development Potential: AGR-III & AGR-IV

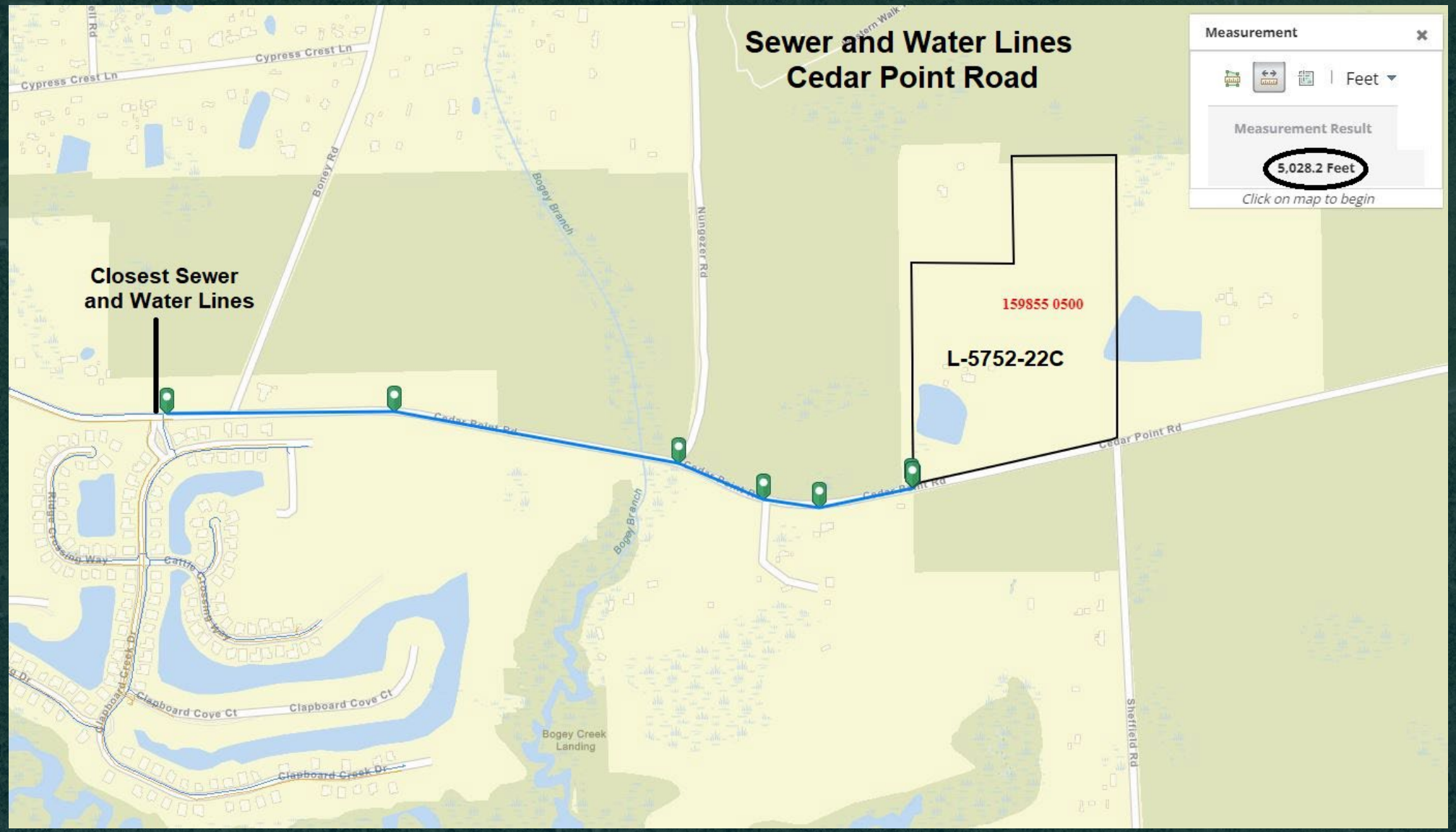
- *1 Dwelling Unit per 10 Acres (AGR-III) & 1 Dwelling Unit per 2.5 Acres (AGR-IV)*
- ***12 Single-family Dwelling Units***

Proposed Development Potential: RR

- *2 Dwelling Units per Acre*
- ***97 Single-family Dwelling Units if Sanitary Sewer Lines Are Available***

Land Use Amendment L-5752-22C Ordinance 2022-820

Sanitary Sewer and Water Lines Cedar Point Road



Land Use Amendment L-5752-22C
Ordinance 2022-820

Current Land Use Map

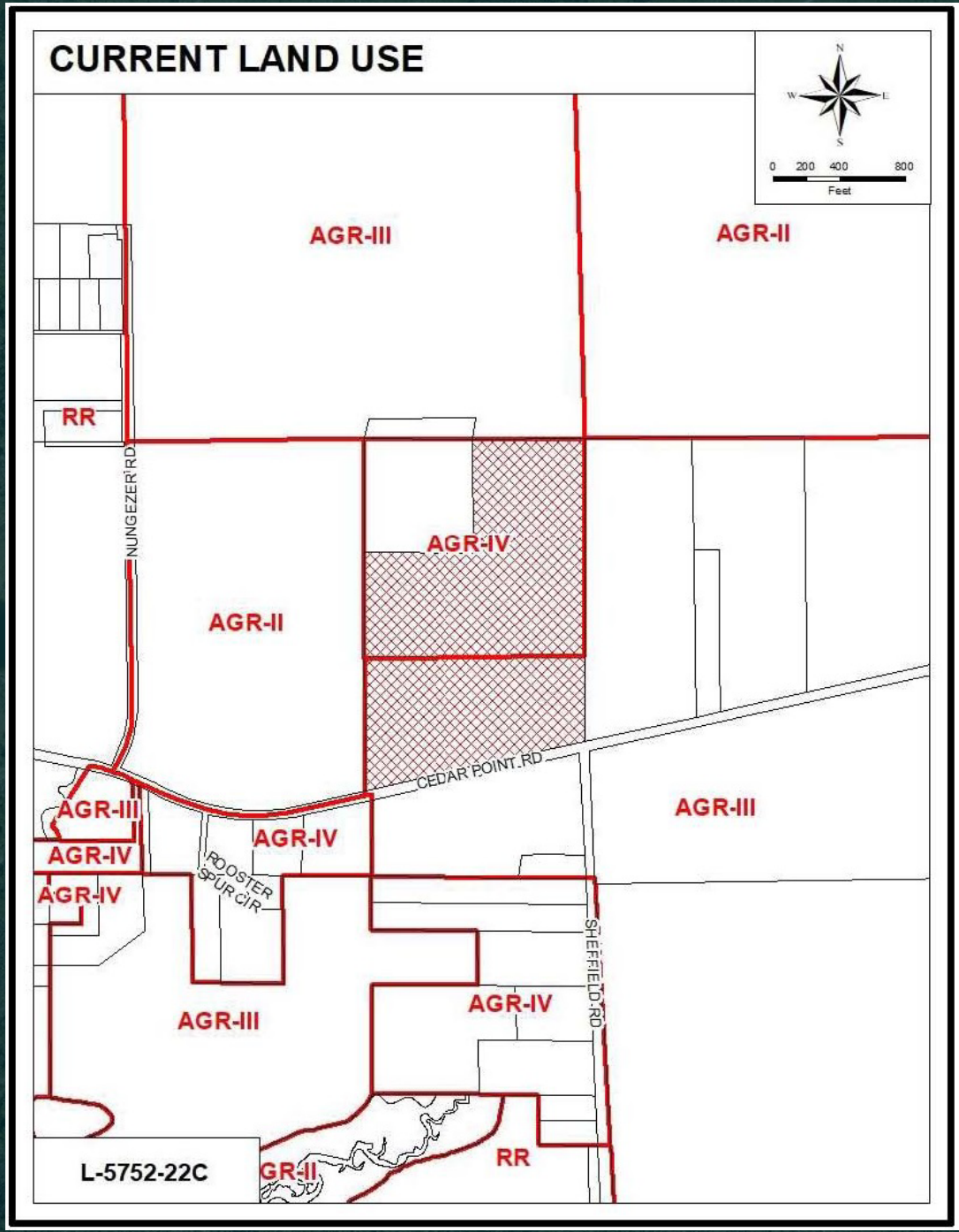
Site Land Use

Agricultural-III and Agricultural-IV

Surrounding Land Use

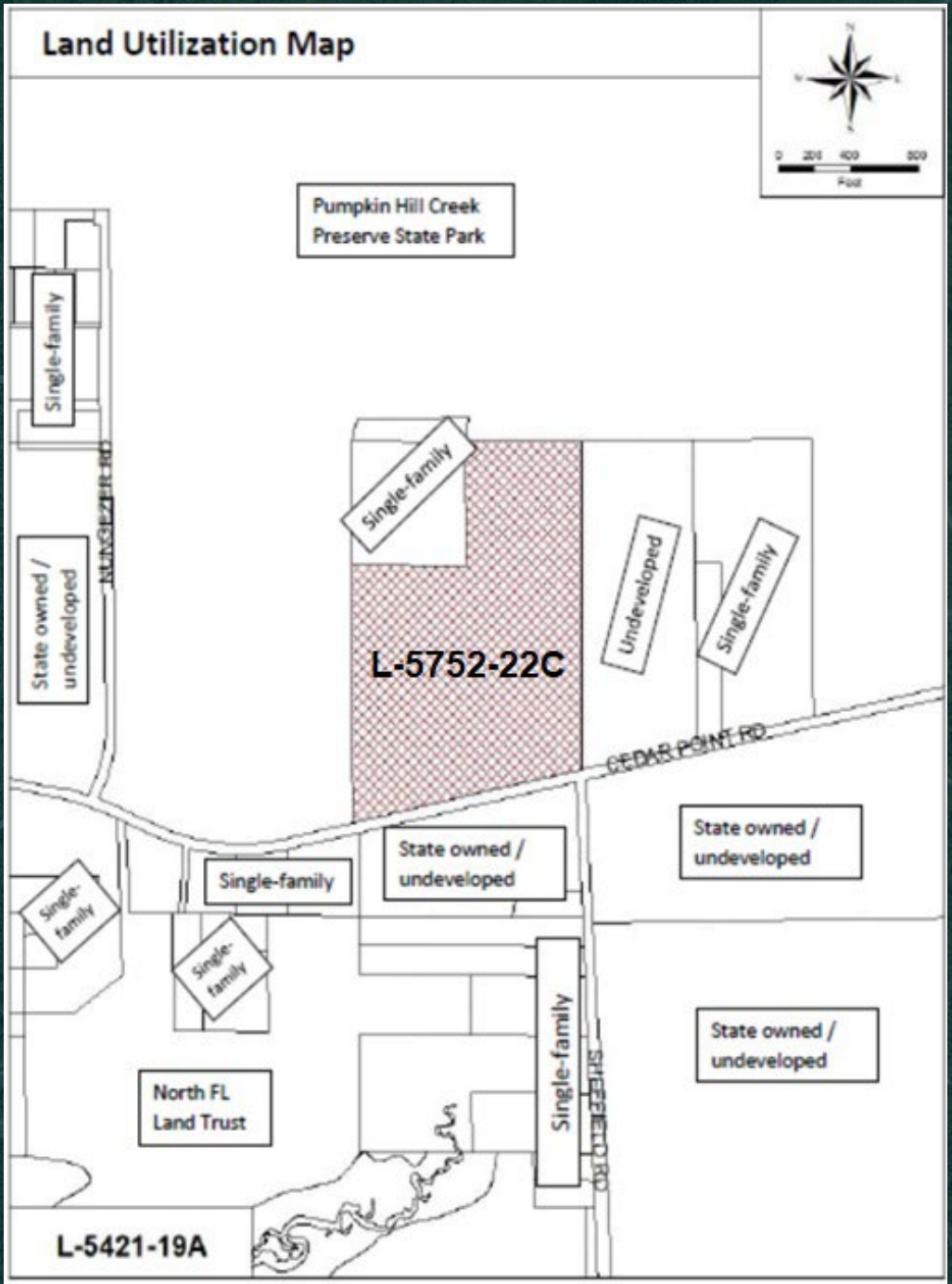
Agricultural-II, Agricultural-III and Agricultural-IV

Land Use Amendment **L-5752-22C** is proposing a Land Use Change from **AGR-III** and **AGR-IV** to **RR**



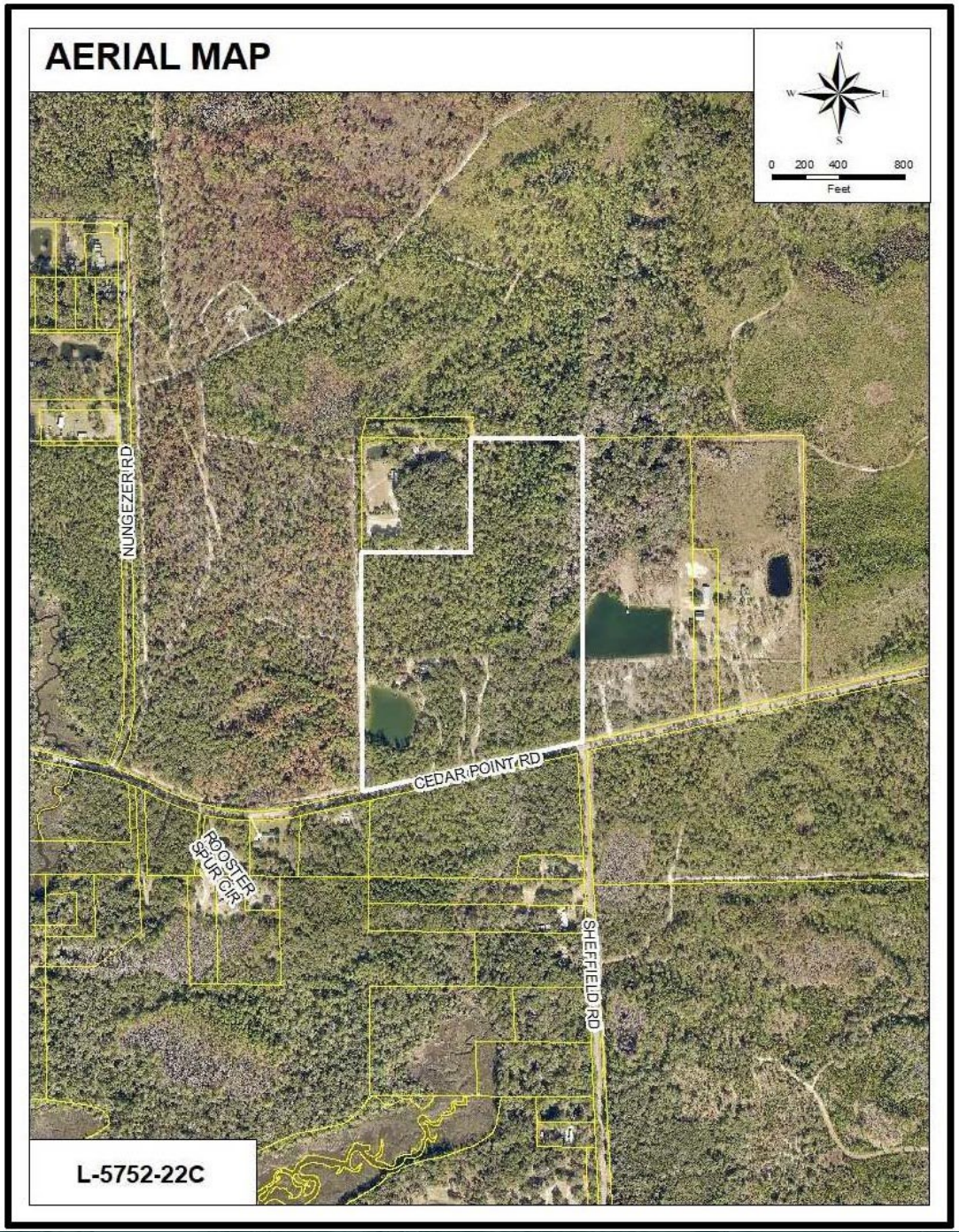
Land Use Amendment L-5752-22C
Ordinance 2022-820

Land Utilization Map



Land Use Amendment
L-5752-22C
Ordinance 2022-820

Aerial Map



Land Use Amendment L-5752-22C Ordinance 2022-820

Terrapin Creek North of Bridge on Cedar Point Road

Land Use Amendment L-5752-22C Ordinance 2022-820

Terrapin Creek South of Bridge on Cedar Point Road

Land Use Amendment L-5752-22C Ordinance 2022-820

Northerly View From Cedar Point Road

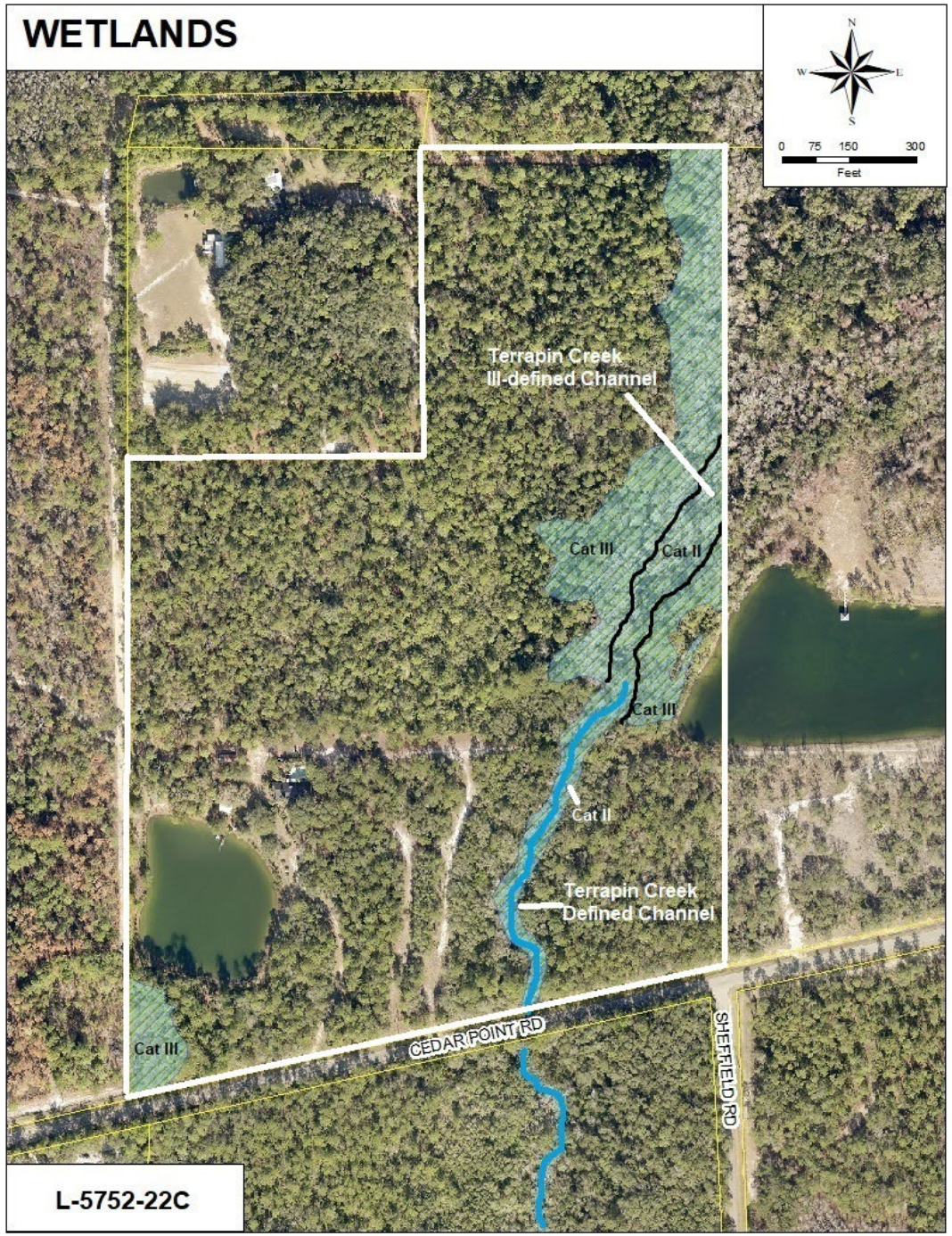
Land Use Amendment L-5752-22C Ordinance 2022-820

Northerly View From Cedar Point Road

Land Use Amendment L-5752-22C Ordinance 2022-820

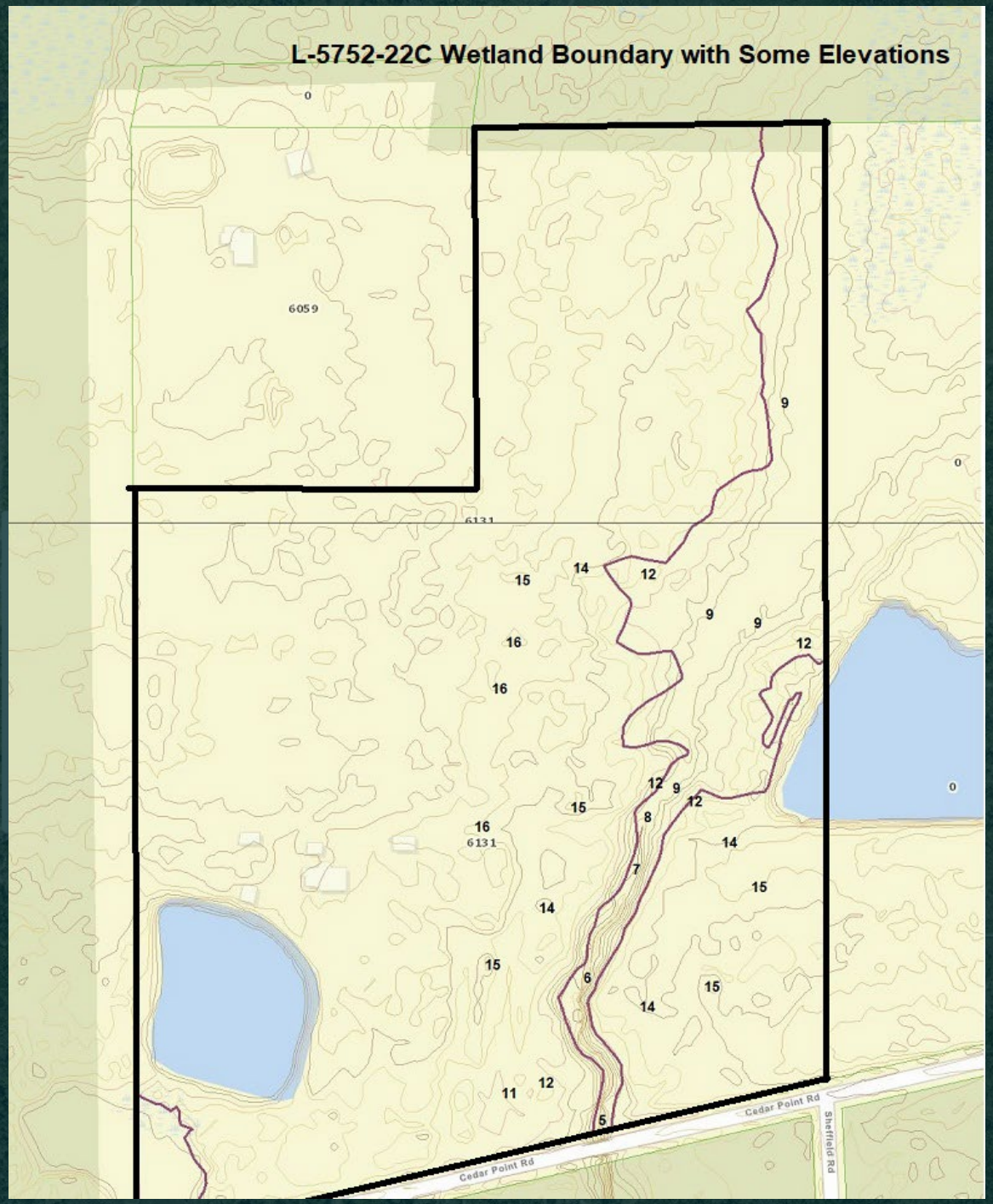
Wetlands Map

Wetland Acreage 14.5



Land Use Amendment L-5752-22C Ordinance 2022-820

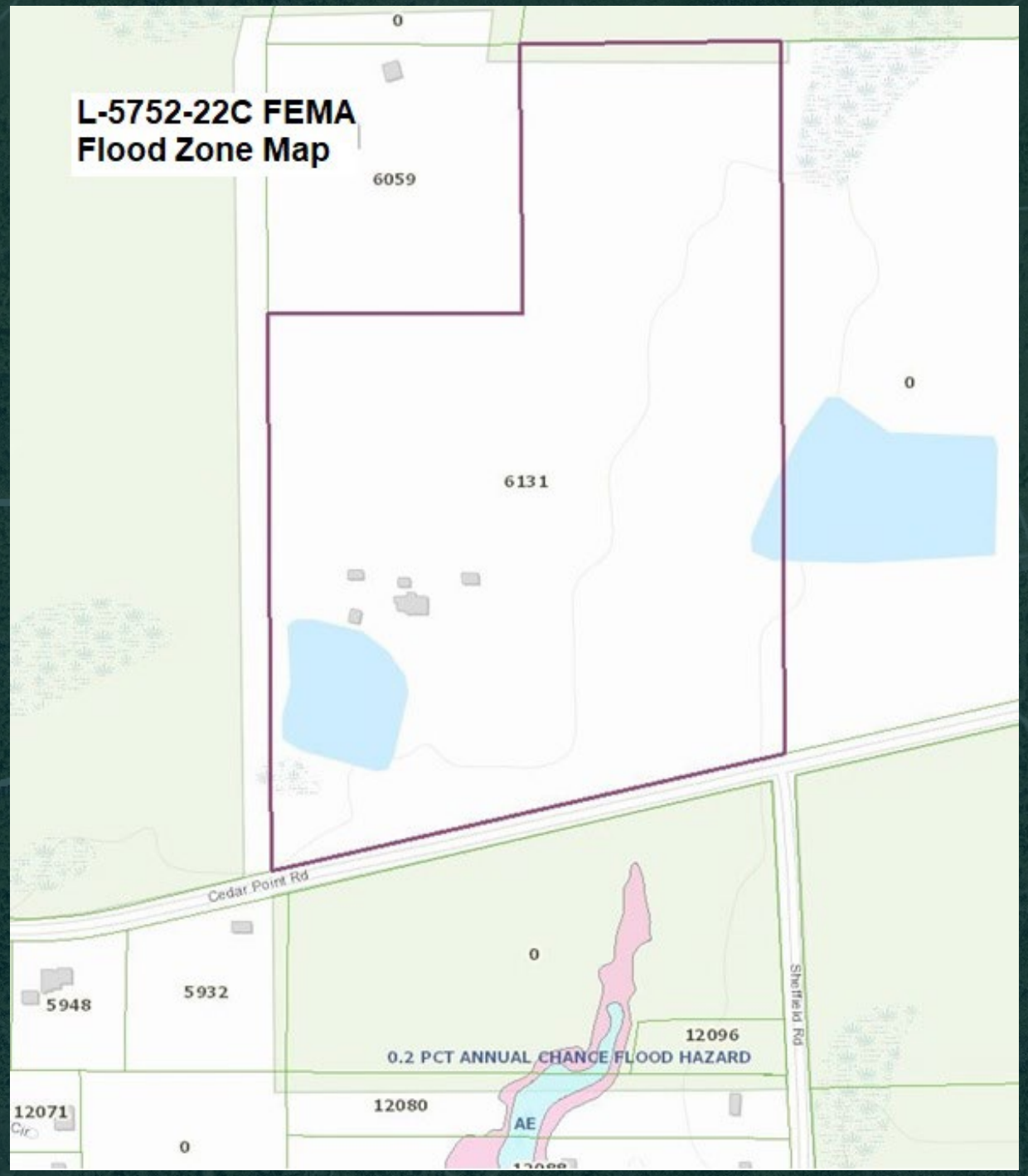
Elevations Map



Land Use Amendment L-5752-22C Ordinance 2022-820

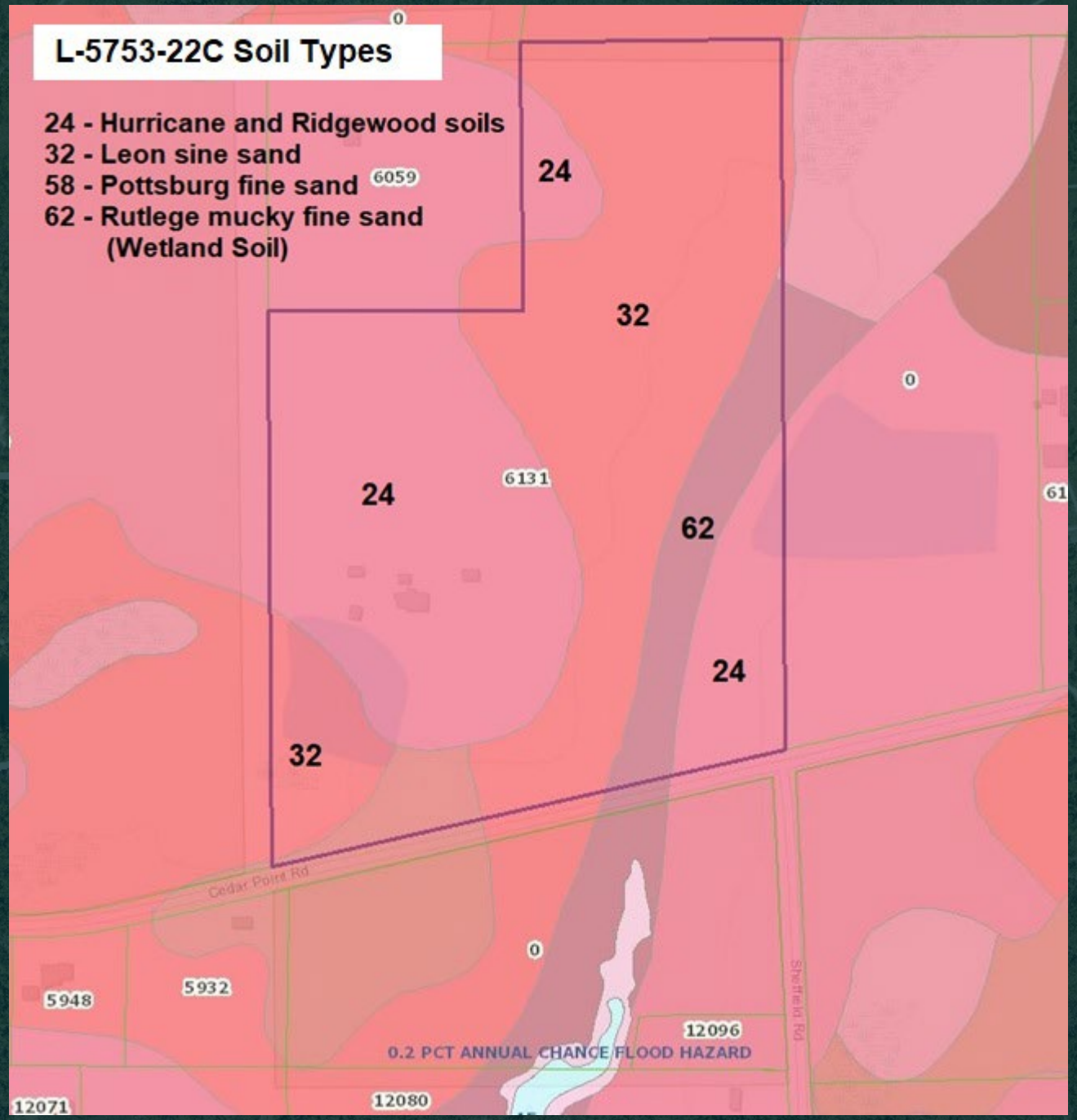
Flood Zones Map

AE Flood Zone Acreage 0.00



Land Use Amendment L-5752-22C Ordinance 2022-820

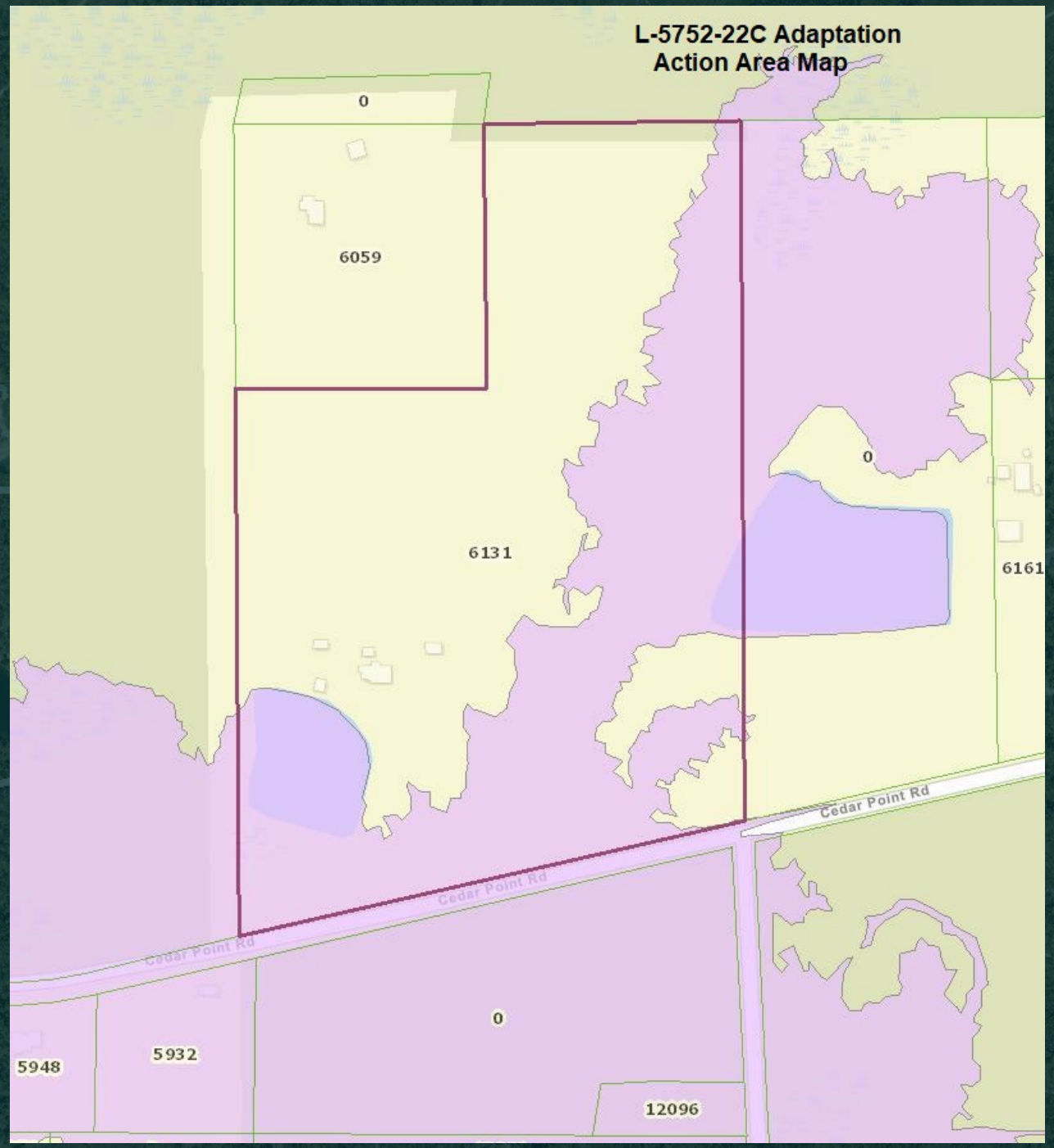
Soils Map



Land Use Amendment L-5752-22C Ordinance 2022-820

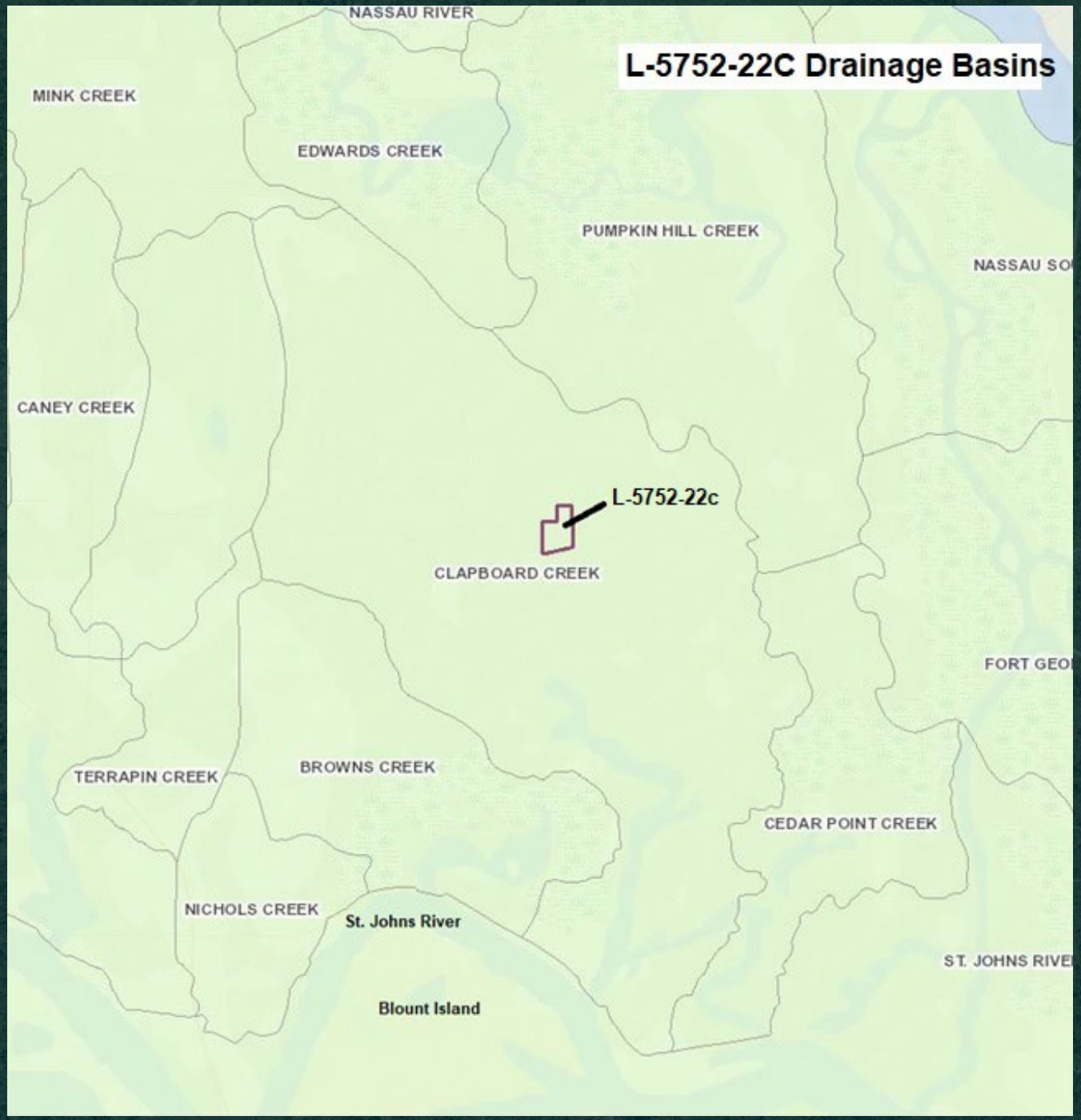
Adaptation Action Area (AAA) Map

AAA Acreage 21.40



Land Use Amendment L-5752-22C Ordinance 2022-820

Drainage Basins Map



Land Use Amendment L-5752-22C Ordinance 2022-820

Drainage Path Map

Application Site

↓

Terrapin Creek

↓

Clapboard Creek

↓

St. Johns River

Introduced by the Council President Freeman at the request of the Mayor and Co-Introduced by Council Vice President Salem:

ORDINANCE 2022-874

AN ORDINANCE MAKING CERTAIN FINDINGS AND AUTHORIZING THE BORROWING AND APPROPRIATION FROM THE CITY'S COMMERCIAL PAPER FACILITY IN THE UP TO, MAXIMUM AMOUNT OF $17,500,000, TO PROVIDE: (1) A $12,500,000, TEN YEAR TERM, 3.5% INTEREST LOAN ("LOAN"); AND (2) A $5,000,000 REVOLVING LINE OF CREDIT, AS INITIATED BY B.T. 23-027; PROVIDING FOR CARRYOVER OF FUNDS TO FISCAL YEAR 2025/2026; AUTHORIZING A $10,000,000 GRANT ("GRANT"), SUBJECT TO FUTURE APPROPRIATION, IN EACH CASE TO THE JACKSONVILLE PORT AUTHORITY ("JAXPORT") TO SUPPORT THE RAISING OF THE FULTON CUT CROSSING ELECTRIC TRANSMISSION LINES, TO INCREASE THE NUMBER AND CAPACITY OF VESSELS ABLE TO CALL ON JAXPORT PORTS; AMENDING 2022-504-E, THE FY 2022-2023 BUDGET ORDINANCE, TO REPLACE THE SECOND REVISED SCHEDULE B4 IN ORDER TO AUTHORIZE THE BORROWING AND/OR THE ISSUANCE OF DEBT FOR THE "RAISING OF POWERLINES" AND "JPA OBLIGATION – FULTON CUT POWERLINES" PROJECTS; AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE JAXPORT TO PROVIDE THE LOAN AND GRANT AS FURTHER DETAILED THEREIN; INVOKING THE EXCEPTION OF 126.107(G) (EXEMPTIONS), CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*, TO DIRECT CONTRACT WITH JAXPORT; REQUESTING THAT THE FINANCE AND ADMINISTRATION DEPARTMENT

ADMINISTER THE AGREEMENT AUTHORIZED HEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the JEA, pursuant to an agreement entered into between JEA and the Jacksonville Port Authority ("JAXPORT"), at no expense to JEA, has agreed to raise the Fulton Cut Powerlines that cross the St. Johns River to increase the number and capacity of vessels able to call on JAXPORT's ports (the "Project"); and

WHEREAS, the Project is estimated to have an aggregate cost of $45,000,000, inclusive of contingency amounts, over a four-year period; and

WHEREAS, JAXPORT has secured a multiyear commitment from FDOT in the amount of $22,500,000 (the "FDOT Grant Funds") for the Project, which funds are reimbursed to JAXPORT on a reimbursement, pro rata basis for work performed; and

WHEREAS, the Project will provide significant economic benefits to the City and its residents by providing increased economic activity and high salary jobs in the City of Jacksonville and thus constitutes a valid governmental undertaking of the City; and

WHEREAS, JAXPORT has requested and the City has agreed to provide a $12,500,000 loan ("Loan") and a $10,000,000 grant ("Grant") to be used exclusively to partially fund the Project on a pro rata basis with the FDOT Grant Funds; the City Grant funds are subject to a future appropriation by Council, with any costs in excess thereof the responsibility of JAXPORT; and

WHEREAS, the City is also willing to provide JAXPORT a $5,000,000 line of credit ("Revolving Line of Credit") with an interest rate equal to the City's commercial paper facility to ensure the Project is funded in a timely manner, which will be repaid to the City on a periodic basis as work on the Project proceeds and JAXPORT is reimbursed for the costs thereof, with JAXPORT repaying the entirety of such funds within 90 days of completion of the Project, if not

sooner repaid; and

WHEREAS, the Project is in the public interest and the financial assistance contemplated herein take into account and give consideration to the long-term public interests and public interest benefits to be achieved by the City; and

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Findings. It is hereby ascertained, determined, found and declared as follows:

(a) The recitals set forth herein are true and correct.

(b) The Project will promote and further the public and municipal purposes of the City.

(c) Enhancement of the City's tax base and revenues, are matters of State and City policy and State and City concern in order that the State and its counties and municipalities, including the City, shall not continue to be endangered by unemployment, underemployment, economic recession, poverty, crime and disease, and consume an excessive proportion of the State and City revenues because of the extra services required for police, fire, accident, health care, elderly care, charity care, hospitalization, public housing and housing assistance, and other forms of public protection, services and facilities.

(d) The provision of the City's assistance as identified in the Agreement is necessary and appropriate to make the Project feasible; and the City's assistance is reasonable and not excessive, taking into account the extent of the public benefits expected to be derived from the Project, and taking into account all other forms of assistance available.

(e) JEA and its contractors, on behalf of JAXPORT, are qualified to carry out and complete the construction and equipping of the Project.

(f) The authorizations provided by this Ordinance are for public uses and purposes for which the City may use its powers as a

county, municipality and as a political subdivision of the State of Florida and may expend public funds, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

(g) This Resolution is adopted pursuant to the provisions of Chapters 163, 166 and 125, Florida Statutes, as amended, the City's Charter, and other applicable provisions of law.

Section 2. Appropriation. For the 2022-2023 fiscal year, within the City's budget, there are hereby appropriated the indicated sum(s) from the account(s) listed in subsection (a) to the account(s) listed in subsection (b): (B.T. 23-027, attached hereto as **Exhibit 1** and incorporated herein by this reference):

(a) Appropriated from:

See B.T. 23-027	$17,500,000

(b) Appropriated to:

See B.T. 23-027	$17,500,000

(c) **Explanation of Appropriation**

The funding above appropriates up to $17,500,000 from the City's Commercial Paper Facility to provide a $12,500,000 loan and $5,000,000 revolving line of credit to the Jacksonville Port Authority ("JPA") to partially fund the raising of the Fulton Cut Crossing Electric Transmission lines project.

Section 3. Purpose. The purpose of the appropriation in Section 2 is to appropriate funding for a ten-year term loan in the maximum amount of $12,500,000, and authorize a $5,000,000 revolving line of credit, in each case to be used by JPA as matching funds for the FDOT Grant Funds to fund the raising of the Fulton Cut Crossing electric transmission lines project.

Section 4. Carryover. The funds appropriated in this Ordinance shall not lapse but shall carryover to fiscal year 2025-

2026.

Section 5. Amending 2022-504-E, the FY 2022-2023 Budget Ordinance, to replace the Second Revised Schedule B4 to allow funding for the Fulton Cut Powerline Raising project. 2022-504-E, the FY 2022-2023 Budget Ordinance, is hereby amended to replace the Second Revised Schedule B4, entitled "FY 22-23 Debt Management Fund Detail," in order to allow for the funding by the City of the Fulton Cut Powerline Raising project as authorized herein. The Third Revised Schedule B4 is attached hereto as **Exhibit 2.**

Section 6. Authorizing the Borrowing and Appropriation of Funds from the City's Commercial Paper Program. The City is hereby authorized to borrow under its Commercial Paper Program and/or issue fixed-rate debt in the maximum amount of up to $17,500,000 and such funds are hereby appropriated to fund a portion of the Project, consistent with the Agreement, defined below. The authorization set forth in this Section is subject to the requirements and prerequisites of the Commercial Paper Program and/or bond programs.

Section 7. Authorizing the City to enter into an agreement with the Jacksonville Port Authority. The City is hereby authorized to negotiate and enter into an Agreement with the Jacksonville Port Authority ("Agreement") substantially in accordance with the term sheet attached hereto as **Exhibit 3**, for the purposes of providing the Loan, Grant and Revolving Line of Credit to partially fund the Project in conjunction with FDOT.

Section 8. Invoking the exception to Section 126.107(g), *Ordinance Code*. The City is hereby authorized to enter into the Agreement with the Jacksonville Port Authority for the purposes described in Section 3. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such procurement is exempted from competitive solicitation because the supplies or services are to be provided by those specifically prescribed within authorizing legislation that

appropriates the same. With the exception of the foregoing, all other provisions of Chapter 126, *Ordinance Code*, shall remain in full force and effect.

Section 9. Oversight Department. The Finance and Administration Department shall provide oversight for the Agreement authorized herein.

Section 10. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ John Sawyer
Office of General Counsel
Legislation prepared by: John Sawyer
GC-#1536040-v5-Leg__2022-___funding_to_jaxport_for_power_line_project.DOCX

City of Jacksonville, Florida
Request for Budget Transfer Form

Finance and Administration
Department or Area Responsible for Contract / Compliance / Oversight

Council District(s)

Reversion of Funds: (if applicable) _____
Fund / Center / Account / Project * / Activity / Interfund / Future

FY 23-24
Fiscal Yr(s) of carry over (all-years funds do not require a carryover)

Section of Code Being Waived (if applicable): _____

CIP (yes or no): No

Justification for Waiver

Justification for / Description of Transfer:

Provide funding to JPA to raise the powerlines at Fulton Cut Crossing.

Net Amount Appropriated and/or Transferred: $17,500,000.00

* This element of the account string is titled project but it houses both projects and grants.

CITY COUNCIL

Requesting Council Member: _____ CM's District: _____

Requesting Council Member: _____ CM's District: _____

Prepared By: _____ Ordinance: _____

OFFICE OF THE MAYOR

[X] BUDGET ORDINANCE [ ] TRANSFER DIRECTIVE

TD / BT Number: BT23-027

	Date Rec'd.	Date Fwd.	Approved	Disapproved
Department Head	11/15	11/15		
Mayor's Office				
Accounting Division	11/15	11/15		
Budget Division	11-14-22	11-15-22		

Date of Action By Mayor: _____ Approved: _____

Division Chief: Angela Moyer Date Initiated: 11-14-22

Prepared By: Angela Moyer Phone Number: _____

Initiated / Requested By (if other than Department): _____

Exhibit 1
Page 1 of 2

Budget Transfer Line Item Detail

* This element of the account string is titled project but it houses both projects and grants.

Budget Office approval does not confirm; whether or not a grant requires a new 1Cloud grant number nor the availability or use of prior-year revenue and/or the use of fund balance appropriations in all-years subfunds.

_____ Budget Officer Initials

TRANSFER FROM: (Revenue line items in this area are being appropriated and expense line items are being de-appropriated.)

Total: $35,000,000.00

Rev Exp	Fund Title	Activity / Grant / Project Title	Line Item / Account Title	Amount	Accounting Codes						
					Fund	Center	Account	Project *	Activity	Interfund	Future
Rev	Debt Management Fund	Debt Management Fund	Long Term Debt Issued	$17,500,000.00	57101	111502	384010	000000	00000000	00000	0000000
Rev	General Fund Operating	Contibutions To/From JPA	Long Term Debt Issued - Debt Managmenet Fund Loan Proceeds	$17,500,000.00	00111	191009	384020	000000	00000636	00000	0000000

TRANSFER TO: (Revenue line items in this area are being de-appropriated and expense line items are being appropriated.)

Total: $35,000,000.00

Rev Exp	Fund Title	Activity / Grant / Project Title	Line Item / Account Title	Amount	Accounting Codes						
					Fund	Center	Account	Project *	Activity	Interfund	Future
Exp	Debt Management Fund	Debt Management Fund	Loans	$17,500,000.00	57101	111502	599950	000000	00000000	00000	0000000
Exp	General Fund Operating	Fulton Cut Crossing Powerlines - JPA Loan	DM Loans	$12,500,000.00	00111	191009	599952	000000	00000636	00000	0000000
Exp	General Fund Operating	Fulton Cut Crossing Powerlines - JPA Credit Line	DM Contribution To/From Component Unit	$5,000,000.00	00111	191009	595003	000000	00000636	00000	0000000

FY 22-23 Debt Management Fund Detail

By Project / Activity

Project Name	Prior All Years Budget	New Borrowing	All Years Budget	FY 23 Payment	Removal of Excess Capacity	Amended All Years Budget
	1,706,124,149	468,486,820	2,174,610,969	69,501,473	38,162,301	2,136,448,668
Amphitheater and Flex field (ord 2015-781-E)	45,000,000	0	45,000,000	2,370,525	0	45,000,000
Atlantic Beach Lifeguard Station	562,500	0	562,500	56,250	0	562,500
Courthouse AV Equipment Replacement	1,300,000	0	1,300,000	91,300	0	1,300,000
Ed Ball - Radio Tower and Backup System	1,610,825	2,041,450	3,652,275	1,743,362	0	3,652,275
Fulton Cut Crossing Powerlines - JPA Credit Line	0	5,000,000	5,000,000	0	0	5,000,000
Fulton Cut Crossing Powerlines - JPA Loan	0	12,500,000	12,500,000	0	0	12,500,000
Haverty Building (ord 2013-187-E)	14,311,480	0	14,311,480	1,667,412	0	14,311,480
JaxPort Dredging (ord 2020-377-E)	70,000,000	0	70,000,000	1,396,855	30,839,012	39,160,988
JPA Obligation- JaxPort Dredging (ord 2020-377-E)	40,000,000	0	40,000,000	0	2,300,000	37,700,000
MPS Settlement - Debt Defeasance (2022-137-E)	29,500,000	0	29,500,000	1,743,362	1,023,289	28,476,711
MPS Settlement - Leasehold Improvements (2022-137-E)	4,000,000	0	4,000,000	242,267	4,000,000	0
P25 Radio - Fire Station Paging	2,999,808	0	2,999,808	435,500	0	2,999,808
RaceTrack Road Widening St. Johns County Portion	1,240,000	0	1,240,000	124,000	0	1,240,000
Radio Site Expansion - Montgomery Correctional	0	3,088,500	3,088,500	0	0	3,088,500
Safer Neighborhoods Investment Plan - JFRD	4,438,714	0	4,438,714	339,750	0	4,438,714
Safer Neighborhoods Investment Plan - JSO	1,121,084	0	1,121,084	262,750	0	1,121,084
Sch B4a - Technology Replacement	62,329,018	0	62,329,018	9,250,901	0	62,329,018
Sch B4b - Capital Impr Projects	1,266,913,732	439,706,870	1,706,620,602	42,605,999	0	1,706,620,602
Sch B4b - Ed Ball Building	16,251,827	0	16,251,827	656,146	0	16,251,827
Sch B4b - Solid Waste Projects	79,222,478	6,150,000	85,372,478	2,559,546	0	85,372,478
Sch B4b - Stormwater Projects	20,743,940	0	20,743,940	831,797	0	20,743,940
Sch B4c - Fleet Replacement	39,442,842	0	39,442,842	2,577,750	0	39,442,842
Self Contained Breathing Apparatus	5,135,901	0	5,135,901	546,001	0	5,135,901

General Terms and Conditions for a Funding Agreement
between
the City of Jacksonville (City) and Jacksonville
Port Authority (JPA)
for
City Contribution of $22,500,000 and a $5,000,000 line of credit to
support the raising of Fulton Cut Crossing High Wires

Any substantial change will require Council approval

- There shall be an executed Funding Agreement (the "Agreement") between the City and JPA incorporating the following specific terms and conditions, in addition to other standard terms and conditions and any other provisions as required by the City's Office of General Counsel.

- The Agreement shall have a term of up to 5 years. The City anticipates a 4-year cumulative funding amount of up to $22,500,000 to support the raising of Fulton Cut Crossing high wires (the "Project") owned by JEA ("JEA") to increase the number and capacity of vessels able to call on JPA's ports. City funding shall be provided in the form of a $12,500,000 loan having a ten-year term, with an interest rate of 3.5% (the "Loan"), a $10,000,000 grant (the "Grant"), and an up-to $5,000,000 revolving line of credit with interest equal to the City's commercial paper rate, payable in full within 90 days of completion of the Project, in each case subject to appropriation of funds therefor. The loan term shall commence no sooner than FY 24/25 and after funding of the loan in full, with amortization over a ten-year term with bi-annual payments of principal and interest due on or before each March 31 and September 30 of the loan term.

- The estimated cost for the Project is $42,500,000 to $45,000,000. JPA has secured a multiyear commitment from FDOT in an amount up to $22,500,000. City will partially fund the costs of the Project in an amount of up to $22,500,000 on a 50-50 pro rata basis with FDOT, up to an aggregate amount of $45,000,000, with all costs of the Project in excess thereof the responsibility of JPA.

- JEA is expected to complete the Project over a four-year period, ending in 2026, and will contract with all contractors, engineers, and providers to plan, design and construct the Project. JEA will submit invoices for work completed to JPA and JPA will timely pay the invoices submitted by JEA for all allowable costs on a timely basis using the funds to be provided by FDOT and City.

- City and JPA anticipate the City funding its portion of the Project by providing access to the Loan and Line of Credit commencing July 1, 2023, or at such later time as requested by JPA. The Grant funds are anticipated to be appropriated by the City and available in the amount of $3,500,000 as of October 1, 2023, $4,000,000 as of October 1, 2024, and $2,500,000 as of October 1, 2025. Any City funding provided in excess of $22,500,000 at completion of the Project shall be returned to the City by JPA within 90 days, and any cost savings for the Project shall be returned to the City on a pro rata basis with FDOT.

- All funding provided by the City to JPA shall only be utilized for services associated with the planning, design, equipment and construction of the Project, as detailed in a scope of work and estimated cost proposal provided by JEA, which shall be subject to review and approval by the City prior to disbursement of the funds by the City.

- All planning, design and construction services shall be conducted by design professionals, construction companies and/or equipment and material suppliers licensed or certified to conduct business in the State of Florida and the City of Jacksonville.

- The City shall only provide funding after receiving a disbursement request from JPA and supporting documentation related thereto.

LEGISLATIVE FACT SHEET

DATE: 11/16/22

BT or RC No: BT23-027
(Administration & City Council Bills)

SPONSOR: City Council President at the request of the Mayor and Vice President
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Office of General Counsel

Provide Name: Brian Hughes

Contact Number: 255-5012

Email Address: HughesB@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation.

(Minimum of 350 words - Maximum of 1 page.)

This legislation authorizes a $12.5 million loan and $5 million revolving line of credit to be used toward the completion of the Fulton Cut Power Line raising project, the construction of which is being performed by JEA, and the financial obligation of which rests with JPA. The City is also stating it's commitment to providing $10 million in grant funds in future fiscal years subject to council appropriation. The loan will carry a 10 year term at 3.5%, the revolving line will carry an interest rate equal to the City's then cost of it's commercial paper program, and the grants are contemplated as three consecutive grants in the amounts of $3.5 million, $4 million, and $2.5 million beggining in FY 23-24. Raising the Power Lines is necessary to allow larger ships to pass under following the harbor channel deepening. This will have positive economic impact ot the City of Jacksonville through creation of jobs and furthering economic and business development.

APPROPRIATION: Total Amount Appropriated $17,500,000.00 as follows:
List the source **name** and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s)	From:		Amount:	
	To:		Amount:	
Name of State Funding Source(s):	From:		Amount:	
	To:		Amount:	
Name of City of Jacksonville Funding Source(s):	From:	Debt Management Funds	Amount:	$17,500,000.00
	To:		Amount:	
Name of In-Kind Contribution(s):	From:		Amount:	
	To:		Amount:	
Name & Number of Bond Account(s):	From:		Amount:	
	To:		Amount:	

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:
Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.
(Minimum of 350 words - Maximum of 1 page.)

This legislation authorizes a $12.5 million loan and $5 million revolving line of credit to be used toward the completion of the Fulton Cut Power Line raising project, the construction of which is being performed by JEA, and the financial obligation of which rests with JPA. The City is also stating it's commitment to providing $10 million in grant funds in future fiscal years subject to council appropriation. The loan will carry a 10 year term at 3.5%, the revolving line will carry an interest rate equal to the City's then cost of it's commercial paper program, and the grants are contemplated as three consecutive grants in the amounts of $3.5 million, $4 million, and $2.5 million beggining in FY 23-24. Raising the Power Lines is necessary to allow larger ships to pass under following the harbor channel deepening. This will have positive economic impact ot the City of Jacksonville through creation of jobs and furthering economic and business development.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:	Yes	No	
Emergency?		x	Justification of Emergency: If yes, explanation must include detailed nature of emergency.
Federal or State Mandate?		x	Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.
Fiscal Year Carryover?	x		Note: If yes, note must include explanation of all-year subfund carryover language. Loan and Line of credit authorizations will need to remain in place for the life of the project.
CIP Amendment?		x	Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.
Contract / Agreement Approval?	x		Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted? authorize the city to enter into an agreement with JPA substantially in the form of the attached term sheet.
Related RC/BT?	x		Attachment: If yes, attach appropriate RC/BT form(s).
Waiver of Code?		x	Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.
Code Exception?	x		Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper. Ch 126.107g to direct contract with JAXPORT
Related Enacted Ordinances?	x		Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper. 2022-504-E schedule B4

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:	Yes	No	
Continuation of Grant?		x	Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?
Surplus Property Certification?		x	Attachment: If yes, attach appropriate form(s).
Reporting Requirements?		x	Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating reports.

Division Chief: _____ (signature) Date: 11/16/22

Prepared By: _____ (signature) Date: 11/16/22

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o Jessi Xia, Budget Office, St. James Suite 325

Thru: Brian Hughes, CAO, Mayor's Office
(Name, Job Title, Department)
Phone: 255-5012 E-mail: hughesb@coj.net

From: _____
Initiating Department Representative (Name, Job Title, Department)
Phone: _____ E-mail: _____

Primary Contact: Brian Hughes
(Name, Job Title, Department)
Phone: 255-5012 E-mail: hughesb@coj.net

CC: Rachel Zimmer, Director of Intergovernmental Affairs, Office of the Mayor
Phone: 255-5006 E-mail: rachelz@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Mary Staffopoulos, Office of General Counsel, St. James Suite 480
Phone: 904-255-5062 E-mail: mstaff@coj.net

From: _____
Initiating Council Member / Independent Agency / Constitutional Officer
Phone: _____ E-mail: _____

Primary Contact: _____
(Name, Job Title, Department)
Phone: _____ E-mail: _____

CC: Rachel Zimmer, Director of Intergovernmental Affairs, Office of the Mayor
Phone: 255-5006 E-mail: rachelz@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item: **Yes** **No**

Boards Action / Resolution? ☐ ☐

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
Chief of Research
(904) 255-5137

117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 255-5229

Bill Type and Number: Ordinance 2022-874

Introducer/Sponsor(s): Council President at the request of the Mayor and by Council Member Salem

Date of Introduction: November 22, 2022

Committee(s) of Reference: NCSPHS, R, F, TEU, Waterways Commission

Date of Analysis: November 24, 2022

Type of Action: Authorizing commercial paper borrowing; authorizing loan of borrowed funds, authorizing revolving line of credit; authorizing grant of funds to be appropriated in the future; amending budget ordinance attachments; authorizing execution of loan and grant agreements; invoking Procurement Code direct contracting exemption; designating oversight agency

Bill Summary: The bill appropriates $17.5 million in commercial paper borrowing and authorizes a $12.5 million loan to the Jacksonville Port Authority and a $5 million revolving line of credit to be used toward the completion of the Fulton Cut Power Line Raising project. The funds are authorized to carry-over to fiscal year 2025-26. It also states the City's commitment to provide $10 million in grant funds to the project in future fiscal years, subject to Council appropriation. The FY22-23 budget ordinance is amended to replace Second Revised Schedule B-4 (FY22-23 Debt Management Fund Detail) with a Third Revised schedule to reflect the funding for this project. The bill authorizes the negotiation and execution of an agreement between the City and Jaxport for the loan, grant and revolving line of credit. It invokes the Procurement Code exemption to allow direct contracting with Jaxport to perform the project without a competitive bidding process. The Finance and Administration Department is designated as the oversight agency for the project.

Background Information: The estimated cost of the project is between $42.5 and $45 million. Jaxport has secured a multiyear commitment from the Florida Department of Transportation for up to $22.5 million and the City commits to fund up to $22.5 million. Any costs in excess of the City's $22.5 million commitment will be borne by Jaxport. The City's $12.5 million loan will carry a 10-year term at 3.5% and the revolving line of credit will carry an interest rate equal to the City's then-cost of its commercial paper program. The loan term will commence no sooner than FY24-25 and after it is funded in full, the loan will amortize over 10 years with bi-annual payments of principal and interest. The grants are contemplated as 3 consecutive grants in the amounts of $3.5 million, $4 million and $2.5 million beginning in FY23-24. The City will only provide funding after receiving disbursement requests from Jaxport with appropriate supporting documentation.

Policy Impact Area: Economic development; Jaxport operational improvement

Fiscal Impact: The City commits to providing up to $27.5 million via a combination of loans and grants over multiple fiscal years.

Analyst: Clements

Introduced by Council Member Howland:

ORDINANCE 2022-

AN ORDINANCE AUTHORIZING THE MAYOR AND CORPORATION SECRETARY TO EXECUTE A FOURTH AMENDMENT TO THE CONTRACT WITH JACKSONVILLE UNIVERSITY TO RENEW THE CONTRACT FOR A FOURTH ADDITIONAL YEAR FOR THE CONTINUING MANATEE PROTECTION STUDIES FOR FISCAL YEAR 2022-2023, SUBJECT TO APPROPRIATION BY CITY COUNCIL; PROVIDING FOR OVERSIGHT BY THE PLANNING AND DEVELOPMENT DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville has engaged Jacksonville University to provide marine science support, particularly in developing and refining the City's Manatee Protection Plan; and

WHEREAS, the University's A. Quinton White, Ph.D., a highly regarded expert on marine mammals, especially manatees, has been the principal scientist under the contract with Jacksonville University; and

WHEREAS, conflict, such as the differing regulatory approaches to manatee protection and the debate over the status of the manatee, indicates the continuing need for marine science support; and

WHEREAS, the City Council authorized the contract with Dr. White through Ordinance 2018-540-E, which invoked Section 126.107(g), *Ordinance Code*, to waive competitive solicitation and bidding due to Dr. White's expertise; and

WHEREAS, Ordinance 2018-540-E provided for four (4) one-year renewals to the contract; and

WHEREAS, the City has exercised renewal options in Ordinances

2019-645-E, 2020-588-E, and 2021-718-E and now desires to enter into a fourth and final renewal; and

WHEREAS, Jacksonville University has compiled a comprehensive database for the Duval County Manatee Protection Plan over the last 24 years; and

WHEREAS; the City of Jacksonville desires to continue the study of manatees and boaters in the most cost effective manner without interruption; and

WHEREAS, at its X, 2022 meeting, the Waterways Commission voted to recommend approval of the proposed contract renewal; and

WHEREAS, the Council would like to exercise the fourth extension to renew the contract for an additional one-year renewal to September 30, 2023; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Authorizing the Mayor and Corporation Secretary to Execute a Fourth Amendment to the Contract for Continuing Manatee Protection Studies, dated October 4, 2018. Subject to appropriation by the City Council, the Mayor, or his designee, and Corporation Secretary are authorized to execute a Fourth Amendment to the contract with Jacksonville University to exercise the fourth one (1) year renewal of the contract term for the services of Dr. A. Quinton White and Dr. Gerard Pinto for continuing manatee protection studies in substantially the same form as contained in the document attached hereto as **Exhibit 1**.

Section 2. Oversight. The Planning and Development Department shall oversee the Study described herein.

Section 3. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

_____

Office of General Counsel

Legislation Prepared By: Sharon M. Wyskiel

GC-#1462082-v1-2021-718-E.docx

FOURTH AMENDMENT TO AGREEMENT
BETWEEN
THE CITY OF JACKSONVILLE
AND
JACKSONVILLE UNIVERSITY
FOR
CONTINUING MANATEE PROTECTION STUDIES

THIS FOURTH AMENDMENT ("Fourth Amendment") to the Agreement is made and entered into in duplicate on this _____ day of _____, 2022, by and between the **CITY OF JACKSONVILLE**, a Florida municipal corporation (the "CITY") and **JACKSONVILLE UNIVERSITY**, a Florida non-profit corporation with a business address at 2800 University Boulevard North, Jacksonville, Florida 32211 (the "CONSULTANT").

RECITALS

WHEREAS, pursuant to the appropriation set forth in **Ordinance 2018-540-E**, the CITY and CONSULTANT entered into that Continuing Manatee Protection Studies Agreement, **City Contract No. 5687-30**, dated October 4, 2018 (the "Agreement"); and

WHEREAS, pursuant to Paragraph 3.2 of the Agreement, the term may be renewed, in the sole discretion of the CITY, for up to four (4) additional one (1) year periods, upon terms and conditions mutually acceptable to the parties; and

WHEREAS, pursuant to Paragraph 1.2 of the Agreement, services, functions, or responsibilities not specifically described in the Agreement that are necessary for the proper performance of the Agreement are deemed to be implied by and included within the Agreement's Scope of Services; and

WHEREAS, the CITY, through **Ordinance 2019-645-E**, authorized the Mayor and the Corporation Secretary to execute a first amendment of the Agreement to: (1) renew the Agreement for an additional one (1) year of Services ($90,000.00); and (2) conduct the Boater Speed Zone

Compliance Study, as described in Task 8 (the "Study") ($90,000.00), thus bringing the maximum indebtedness of the CITY on the Agreement which began in 2018 to **$270,000.00**; and

WHEREAS, the CITY, through **Ordinance 2020-588-E**, authorized the Mayor and the Corporation Secretary to execute a second amendment of the Agreement to: (1) renew the Agreement for an additional one (1) year of Services ($90,000.00); and (2) continue the Study, thus bringing the maximum indebtedness of the CITY on the Agreement which began in 2018 to **$360,000.00**; and

WHEREAS, the initiation of the Study was delayed due to continued discussions with the Florida Fish and Wildlife Conservation Commission regarding the scope of work, and was further delayed due to COVID-19, thus the Study was initiated, but not completed in FY 2020/2021; and

WHEREAS, the CITY, through **Ordinance 2021-718-E**, authorized the Mayor and the Corporation Secretary to execute a third amendment of the Agreement to: (1) renew the Agreement for an additional one (1) year of Services ($90,000.00); and (2) continue the Study, thus bringing the maximum indebtedness of the CITY on the Agreement which began in 2018 to **$450,000.00**; and

WHEREAS, the CITY desires to amend the Agreement for the fourth time, in order to: (1) renew the Agreement pursuant to Paragraph 3.2 of the Agreement for Fiscal Year 2022/2023 to continue Services of the CONSULTANT and (2) increase the CITY's maximum indebtedness to cover an additional year of services; and

WHEREAS, the CITY and CONSULTANT have negotiated mutually satisfactory terms for the execution of this Fourth Amendment; and

WHEREAS, this Fourth Amendment is necessary and appropriate to effectuate the tasks identified in the Ordinance and provided for in the Agreement.

NOW, THEREFORE, in consideration of the premises and mutual covenants and agreements hereinafter contained, the parties agree as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein and made a part hereof by this reference.

2. Capitalized terms used but not defined herein shall have the meanings given them in the Agreement.

3. Section 1.1 of the Agreement is amended to reflect that **Exhibit "A"** has been revised for a fourth time, and shall now read as follows:

> 1.1 CITY hereby engages CONSULTANT and CONSULTANT hereby accepts said engagement for the purpose of providing to CITY professional services for continuing manatee protection studies, as described in and according to the provisions of: "PROPOSAL: Manatee Protection Project Continuation, City of Jacksonville, Duval County, Florida, October 1, 2022 – September 30, 2023," attached hereto as **Fourth Revised Exhibit "A"** (the "Services") and, by this reference, made a part hereof.

4. Pursuant to Section 3.2 of the Agreement, the Services are hereby extended an additional year to September 30, 2023, with no renewal options remaining.

5. Section 7.1.2 of the Agreement is amended to increase the maximum indebtedness under the Agreement; and, as amended, shall read as follows:

> 7.1.2 The maximum of indebtedness of the CITY for all fees, reimbursable items, or other costs for Services provided by CONSULTANT pursuant to this Agreement shall not exceed the sum of NINETY THOUSAND AND 00/100 DOLLARS ($90,000.00) for Services for Fiscal Year 2018-2019; NINETY THOUSAND AND 00/100 DOLLARS ($90,000.00) for Services for Fiscal Year 2019-2020; NINETY THOUSAND AND 00/100 DOLLARS ($90,000.00) for the Boater Speed Zone Compliance Study for Fiscal Year 2019-2020, carried over to Fiscal Years 2020-2021 and 2021-2022; NINETY THOUSAND AND 00/100 DOLLARS ($90,000.00) for Services for Fiscal Year 2020-2021; NINETY THOUSAND AND 00/100 DOLLARS ($90,000.00) for Fiscal Year 2021-2022; and NINETY THOUSAND AND 00/100 DOLLARS ($90,000.00) for Fiscal Year 2022-2023, for a combined CITY indebtedness

of not more than FIVE HUNDRED FORTY THOUSAND AND 00/100 DOLLARS ($540,000.00) for the term of this Agreement.

6. The **Third Revised Exhibit "A"** (Scope of Services) to the Agreement is deleted in its entirety and replaced with the attached **Fourth Revised Exhibit "A"** (Scope of Services); and all references in the Agreement to **Exhibit "A"** shall mean and refer to the **Fourth Revised Exhibit "A"**, as attached hereto to this Fourth Amendment and made a part hereof.

7. All actions of the parties from the Effective Date through the date of execution of this Fourth Amendment are hereby ratified and confirmed in all respects, to the extent such actions are consistent with the terms of the Agreement.

8. All other terms of the Agreement except those expressly amended in this Fourth Amendment shall remain unchanged and shall continue in full force and effect; and the Agreement, as amended herein, is hereby ratified and confirmed by the parties and is in full force and effect as of the date of this Fourth Amendment.

9. This Fourth Amendment may be executed electronically and in counterparts, the counterparts of which, when taken together, shall constitute but one entire and original Fourth Amendment.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment the day and year first written above.

ATTEST

CITY OF JACKSONVILLE,
a consolidated municipal corporation and political subdivision existing under the laws of the State of Florida

By: _____
James R. McCain, Jr.
Corporation Secretary

By: _____
Lenny Curry
Mayor

WITNESS

By: _____
Name: _____
Title: _____

JACKSONVILLE UNIVERSITY

By: _____
Name: _____
Title: _____

Encumbrance and funding information for internal City use:

Total Maximum Indebtedness: $540,000.00

The above stated amount is the maximum fixed monetary amount of the foregoing contract. It shall not be encumbered by the foregoing contract. It shall be encumbered by one (1) or more subsequently issued purchase orders that must reference the foregoing contract. All financial examinations and funds control checking will be made at the time such purchase orders are issued.

In accordance with Section 24.103(e), Jacksonville Ordinance Code, I do hereby certify that there is an unexpended, unencumbered, and unimpounded balance in the appropriation sufficient to cover the foregoing contract; provided, however, this certification is not, nor shall it be interpreted as, an encumbrance of funding under the contract. Actual encumbrances shall be made by subsequent purchase orders as specified in the contract.

_____
Director of Finance
City Contract #5687-30, Amendment #4

Form Approved:

_____
Office of General Counsel

GC-#1531218-v1-Jacksonville_University_#5687-30_Amd_#4_Manatee_Protection_Plan.docx

Fourth Revised Exhibit "A"

PROPOSAL

Manatee Protection Project

Continuation

City of Jacksonville

Duval County, Florida

October 1, 2022 - September 30, 2023

Prepared by:

Gerard Pinto, Ph.D.

Jacksonville University
Jacksonville, FL 32211

I. General Information.

Request for Proposal from:	City of Jacksonville, Florida Waterways Commission
Subject:	Maintaining a Comprehensive Database for a Manatee Management Protection Plan and Manatee Awareness Program; Consultant to Waterways Commission on Water related matters
Location:	Duval County, Florida

II. A. Background and General Information.

This proposal is to continue the contract to maintain the comprehensive database for the Duval County Manatee Protection Plan that was approved by the State of Florida. This proposal is for the period of October 1, 2022, to September 30, 2023.

The City of Jacksonville has embarked on a focused vision to activate the St. Johns River with extensive effort to promote development and increase boating activity on the St. Johns River. The Florida Manatee (Trichechus manatus) is Florida's state marine mammal and is a significant concern to the people of Duval County, as well as the entire state. Throughout Florida, the manatee, which is protected under state and federal law, has suffered increasing mortality with the majority of the deaths repeatedly related to boating activities. Northeast Florida, including Duval County, has shown a general decline in manatee deaths over the past several years.

The St. Johns River provides habitat for the manatee along with supporting tremendous recreational and industrial use. Boat traffic in the river is very diverse. It includes port facilities for large industrial and commercial shippers, commercial fishing, sport fishing and recreational activity. More than 200 large commercial boats/ships per month enter and exit the mouth of the St. Johns River in Duval County with the number expected to increase over the next decade with the possible deepening of the port channel. These vessels represent a significant economic factor

for Duval County and the entire First Coast. In addition, there are almost 30,000 recreational boats registered in Duval County.

A wide range of manatee usage of the St. Johns River has been observed. Manatees are most often seen traveling or moving from one location to another. Manatees were also observed feeding, cavorting/mating, and resting. Distribution varies throughout the year with sightings of manatees during the late winter season being uncommon. Manatee abundance in Duval County waters increased during the spring and peaked during the late summer (Valade 1991, White 2002). Jacksonville University has conducted additional studies to build a significant database to be used to develop a Manatee Management Plan.

The large amount of boating activity on the St. Johns River and the number of manatees that has -been documented using the river make it critical that a comprehensive management plan for the waters of Duval County be enacted to protect both manatee and human activity. We have been accumulating information on the manatee usage of the St. Johns River in an effort to provide a complete database and foundation for a comprehensive management plan. Several areas of research are necessary to continue to document the habitat, manatee usage and human usage of the St. Johns River.

Jacksonville University has been gathering existing information concerning manatee behavior and natural history, including studies performed by various state, county, and city agencies, along with universities and consultants. Studies on boaters including industrial, commercial spor,t and commercial fishing and recreation have also been included in the database.

Although a diverse amount of information exists concerning the manatee, very little information exists on the effects of boating on the manatee population. This proposal will expand the Manatee Awareness Program and examine boating activity on manatee behavior.

II. B. Description of Project.

This proposal outlines a "Scope of Services" for the continuation of the Manatee Protection Plan. The study/project is to continue to assemble and analyze an information database in order to update the management plan so that it continues to provide adequate protection for all concerned. In addition, public support of the plan can be enhanced through education and input from concerned citizens and industries.

In addition, this proposal includes environmental consulting services to the Waterways Commission on water-related issues concerning the St. Johns River, its tributaries and near-shore waters of the Atlantic Ocean. Any additional scope of services can be negotiated on a per-need cost basis.

III. Scope of Work.

JU Manatee Contract Deliverables – 2022-2023

TASK 1: Support Jacksonville Waterways Commission – Monthly

Provide monthly updates on manatee research, artificial reefs, and relevant water-related issues in Duval County. At the end of the year, provide summary of discussion topics.

TASK 2: Continuation of Manatee Sighting – 3 times per year

Conduct manatee sighting flights for the county by aerial surveillance to determine movement patterns and number of manatees. This information will be collected using surveys conducted approximately three times a year, with additional flights when possible.

TASK 3: Waterways/ Manatee Signage

Jacksonville University will continue to monitor and report signage issues that need to be maintained and/or corrected to FWC and maintain a database, including location, condition, and type, of all COJ manatee information signs and kiosks, which will include all commercial and multi-family marinas and docks.

TASK 4: Community Education Efforts

JU will report to COJ a summary of educational efforts quarterly.

A. JU will report summaries of educational efforts to the City quarterly.
B. When requested, JU will work with the COJ, JSO, FWC, and FWS LE to develop up-to-date pamphlets to be distributed via boat facilities and/or mail outs. Pamphlets will

include boating safety and manatee protection zones. JU is not responsible for printing and mailing of pamphlets.

C. Explore and develop new education and awareness programs when requested.
D. Maintain JU website, ju.edu/MARCO.
E. Track number of calls to JU Manatee Hot Line and related contacts via email and social media.
F. Maintain and update, as necessary, PowerPoint presentation for educational programing.

TASK 5: Port Education/Awareness Reporting – Report quarterly

Upon reconstitution of the Jacksonville Marine Transportation Exchange (JMTX), or the establishment of a similar association of commercial and governmental organizations, as described in the Duval County Manatee Protection Plan, 4th edition, JU shall:

A. Work with port entities to track level of shipping activity, determine which of the manatee efforts are working, and assist in making manatee programs effective.
B. Educate commercial ship operators about manatee safe-docking procedures.
C. Work to decrease incidents of large ships displacing or destroying waterway signage.
D. Attend meetings as necessary.

TASK 6: Law Enforcement Efforts – Report quarterly

A. Attend COJ Law Enforcement Task Force meetings.
B. Through the Law Enforcement Task Force, work with JSO to provide information requested by USFWS.
C. Track law enforcement efforts and direct JSO to target certain areas for the most efficient and effective use of resources.

At the end of the year, summarize law enforcement activities and make recommendations for better coordination and communication.

TASK 7: Marine Facility Inventory

Provide COJ with updated marine facility inventory database of all facilities with five more slips in Duval County, indicating any significant changes in 2021-2022. Database will include:

A. List of all marinas – wet and dry storage, public and private, and multi-family.
B. Number of slips and percentage of occupancy.
C. List of all boat ramps and number of parking spaces and launch lanes.
D. List of all commercial facilities and number of slips.
E. Provide database to the City.

TASK 8: 5-Yr MPP Review

Work with FWC and USFWS to develop expectations and a timeline for the update.

TASK 9: MPP Implementation Report – Provide report at end of the year

Compile and write yearly implementation summary report due to FWC. Analyze and summarize all MPP data collected and compare protection and education efforts to past years. Report will include but is not limited to the following tasks:

A. All manatee education presentations provided by COJ, JU, and JSO. Documented items will include:
    1. The number and types of presentations.
    2. Type of group: public or private.
    3. The intensity of use of various educational materials.
    4. Gauge of public reception.
    5. Any other information that will help evaluate manatee awareness program effectiveness.
B. Manatee Mortality Data – Provide to COJ end of the year report/maps.
C. Manatee Habitat Resource Map – Provide to COJ updated GIS map.
D. Summarize JSO law enforcement efforts based on JSO reports and input.
E. Make recommendations on all MPP implementation tasks.

IV. Budgetary Schedule.

Funding of this project is a fixed fee of $90,000. Both JU benefits costs and flight costs have increase for the next year. The budget includes all specific objectives, all consultant's fees, direct labor, benefits (30%), travel, materials, aerial survey, and overhead (10%). Any additional services will be negotiated on an as-needed basis.

V. Insurance Requirements.

Jacksonville University shall procure and maintain during the entire life of this agreement insurance of the types and in the minimum amounts as required by the City of Jacksonville.

VI. Fee Submittal.

Invoices will be submitted monthly and are payable upon receipt by the City of Jacksonville.

JU MANATEE STUDY - INSURANCE REQUIREMENTS

Without limiting its liability under the Agreement, Consultant shall at all times during the term of the Agreement procure prior to commencement of work and maintain at its sole expense during the life of the Agreement (and shall require its, subcontractors, laborers, materialmen, and suppliers to provide, as applicable), insurance of the types and limits not less than amounts stated below:

Insurance Coverages

Schedule	*Limits*	
Workers Compensation	Florida Statutory Coverage	
Employer's Liability	$100,000	Each Accident
(including appropriate Federal Acts)	$100,000	Disease Policy Limit
	$100,000	Each Employee/Disease

This insurance shall cover the Consultant (and, to the extent they are not otherwise insured, its subcontractors) for those sources of liability which would be covered by the latest edition of the standard Workers' Compensation policy, as filed for use in the State of Florida by the National Council on Compensation Insurance (NCCI), without any restrictive endorsements other than the Florida Employers Liability Coverage Endorsement (NCCI Form WC 09 03), those which are required by the State of Florida, or any restrictive NCCI endorsements which, under an NCCI filing, must be attached to the policy (*i.e.*, mandatory endorsements). In addition to coverage for the Florida Workers' Compensation Act, where appropriate, coverage is to be included for the Federal Employers' Liability Act, USL&H and Jones, and any other applicable federal or state law.

Commercial General Liability	$2,000,000	General Aggregate
	$2,000,000	Products & Comp/ Ops. Agg.
	$1,000,000	Personal/Advertising Injury
	$1,000,000	Each Occurrence
	$50,000	Fire Damage
	$5,000	Medical Expenses

Such insurance shall be no more restrictive than that provided by the most recent version of the standard Commercial General Liability Form (ISO Form CG 00 01) as filed for use in the State of Florida without any restrictive endorsements other than those reasonably required by the City's Office of Insurance and Risk Management. An Excess Liability policy or Umbrella policy can be used to satisfy the above limits.

Automobile Liability	$1,000,000	Combined Single Limit

(Coverage for all automobiles, owned, hired, or non-owned used in performance of the Services)

Such insurance shall be no more restrictive than that provided by the most recent version of the standard Business Auto Coverage Form (ISO Form CA0001) as filed for use in the State of Florida without any restrictive endorsements other than those which are required by the State of Florida, or equivalent manuscript form, must be attached to the policy equivalent endorsement as filed with ISO (*i.e.*, mandatory endorsement).

Professional Liability (Including Medical Malpractice when applicable)	$1,000,000	Per Claim and Aggregate

Any entity performing or hired to perform professional services as a part of this Agreement shall maintain professional liability coverage on an Occurrence Form or a Claims Made Form with a retroactive date to at least the first date of this Agreement and with a three-year reporting option beyond the annual expiration date of the policy.

Watercraft Liability	$1,000,000	Per Claim

To the extent watercraft are utilized in the work, the Consultant shall purchase and maintain, or cause its contractors and subcontractors to purchase and maintain, insurance with amounts not less than the limits of $1,000,000 per occurrence, and which shall, at a minimum, cover the Consultant and contractor/subcontractor for injuries or damage arising out of the use of all owned, non-owned and hired watercraft. The City, the City's members, officials, employees, and agents, the engineer, and the Program Management Firm(s) (when program management services are provided) shall be named in the Commercial Watercraft Liability policy as "an additional insured."

Additional Insurance Provisions

A. Certificates of Insurance. Consultant shall deliver to the City Certificates of Insurance that show the corresponding City Contract or Bid Number in the Description, Additional Insureds, Waivers of Subrogation and Primary & Non-Contributory statement as provided below. The certificates of insurance shall be mailed to the City of Jacksonville (Attention: Chief of Risk Management), 117 W. Duval Street, Suite 335, Jacksonville, Florida 32202.

B. Additional Insured. All insurance except Worker's Compensation and Professional Liability shall be endorsed to name the City of Jacksonville and City's members, officials, officers, employees, and agents as Additional Insured. Additional Insured for General Liability shall be in a form no more restrictive than CG2010 and CG2037, Automobile Liability CA2048.

C. Waiver of Subrogation. All required insurance policies shall be endorsed to provide for a waiver of underwriter's rights of subrogation in favor of the City of Jacksonville and its members, officials, officers, employees, and agents.

D. Carrier Qualifications. The above insurance shall be written by an insurer holding a current certificate of authority pursuant to Chapter 624, Florida Statutes, or a company that is declared as an approved Surplus Lines carrier under Chapter 626, Florida Statutes. Such Insurance shall be written by an insurer with an A.M. Best Rating of A- VII or better.

E. Consultant's Insurance Primary. The insurance provided by the Consultant shall apply on a primary basis to, and shall not require contribution from, any other insurance or self-insurance maintained by the City or any City members, officials, officers, employees, and agents.

F. Deductible or Self-Insured Retention Provisions. All deductibles and self-insured retentions associated with coverages required for compliance with this Agreement shall remain the sole and exclusive responsibility of the named insured Consultant. Under no circumstances will the City of Jacksonville and its members, officers, directors, employees, representatives, and agents be responsible for paying any deductible or self- insured retentions related to this Agreement.

G. Consultant's Insurance; Additional Remedy. Compliance with the insurance requirements of this Agreement shall not limit the liability of the Consultant or its subcontractors, employees, or agents to the City or others. Any remedy provided to City or City's members, officials, officers, employees, or agents shall be in addition to and not in lieu of any other remedy available under this Agreement or otherwise.

H. Waiver/Estoppel. Neither approval by City nor failure to disapprove the insurance furnished by the Consultant shall relieve the Consultant of its full responsibility to provide insurance as required under this Agreement.

I. Notice. The Consultant shall provide an endorsement issued by the insurer to provide the City thirty (30) days' prior written notice of any change in the above insurance coverage limits or cancellation, including expiration or non-renewal. If such endorsement is not provided, the Consultant, as applicable, shall provide thirty (30) days' written notice of any change in the above coverages or limits, coverage being suspended, voided, cancelled, including expiration or non-renewal.

J. Survival. Anything to the contrary notwithstanding, the liabilities of the Consultant under this Agreement shall survive and not be terminated, reduced, or otherwise limited by any expiration or termination of insurance coverage.

K. Additional Insurance. Depending upon the nature of any aspect of any project and its accompanying exposures and liabilities, the City may reasonably require additional insurance coverages in amounts responsive to those liabilities, which may or may not require that the City also be named as an additional insured.

L. Special Provision. Prior to executing this Agreement, the Consultant shall present this Agreement and insurance requirements attachments to its insurance agent affirming that: (1) the agent has personally reviewed the insurance requirements of the Agreement, and (2) the agent is capable (has proper market access) to provide the coverages and limits of liability required on behalf of the Consultant.

INDEMNIFICATION

The Contractor and its subcontractors (collectively, the "Indemnifying Party") shall hold harmless, indemnify, and defend the City and its respective members, officers, officials, employees, and agents (collectively, the "Indemnified Party") from and against, without limitation, any and all claims, suits, actions, losses, damages, injuries, liabilities, fines, penalties, costs, and expenses of whatsoever kind or nature, which may be incurred by, charged to, or recovered from any of the Indemnified Parties for:

1. General Tort Liability, for any negligent act, error or omission, recklessness, or intentionally wrongful conduct on the part of the Indemnifying Party that causes injury (whether mental or corporeal) to persons (including death) or damage to property, whether arising out of or incidental to the Indemnifying Party's performance of the Agreement, services, operations, or work performed hereunder;

2. Environmental Liability, to the extent the Agreement contemplates environmental exposures, arising from or in connection with any environmental, health, or safety liabilities, claims, citations, clean-up, or damages, whether arising out of or relating to the operation or other activities performed in connection with the Agreement; and

3. Intellectual Property Liability, to the extent the Agreement contemplates intellectual property exposures, arising directly or indirectly out of any allegation that the services, any product generated by the services, or any part of the services as contemplated in the Agreement, constitutes an infringement of any trademark, copyright, patent, trade secret, or any other intellectual property right. If in any suit or proceeding, the services, or any product generated by the services, is held to constitute an infringement and its use is permanently enjoined, the Indemnifying Party shall immediately make every reasonable effort to secure within sixty (60) days for the Indemnified Party a license, authorizing the continued use of the service or product. If the Indemnifying Party fails to secure such a license for the Indemnified Party, then the Indemnifying Party shall replace the service or product with a non-infringing service or product or modify such service or product in a way satisfactory to the Indemnified Party, so that the service or product is non-infringing.

If an Indemnified Party exercises its rights under the Agreement, the Indemnified Party will (i) provide reasonable notice to the Indemnifying Party of the applicable claim or liability, and (ii) allow the Indemnifying Party, at its own expense, to participate in the litigation of such claim or liability to protect its interests. **The scope and terms of the indemnity obligations herein described are separate and apart from, and shall not be limited by, any insurance provided pursuant to the Agreement or otherwise. Such terms of indemnity shall survive the expiration or termination of the Agreement.**

In the event that any portion of the scope or terms of this indemnity is in derogation of Section 725.06 or 725.08, Florida Statutes, all other terms of this indemnity shall remain in full force and effect. Further, any term which offends Section 725.06 or 725.08, Florida Statutes, will be modified to comply with said statutes.

Manatee Protection Plan
Baseline Study Budget

Direct Labor	
Senior Scientist	$60,000
Benefits @ 30% of Direct Labor	$18,000
	$78,000
Aviation	$ 3,800
Subtotal	$81,800
Overhead - 10% of Subtotal	$ 8,200
Total	$90,000

Note: Benefits to include, as appropriate, social security, medical insurance, and retirement contributions.

City of Jacksonville

1st Floor - Council Chamber
117 W. Duval Street

Meeting Minutes

Wednesday, October 12, 2022

9:00 AM

Council Chambers 1st Floor, City Hall

Jacksonville Waterways Commission

CM Nick Howland, Chair
CM Randy DeFoor, Vice Chair
CM LeAnna Cumber
CM Tyrona Clark-Murray, Alternate
Jon Michael Barker
Robert Birtalan
Lane Burnett
Senator Audrey Gibson
Mark Devereaux
Andrew Fraden
Marc Hardesty
Richard Hartley
Jill D. Haskell
Raymond S. Pringle, Jr.
Marshall Adkison, Ex-Officio
Adam Hoyles, Ex-Officio

Barbara Ireland Hobson, Legislative Assistant
Sharon Wyskiel, Asst. General Counsel
Dr. Gerard Pinto, Jacksonville University
Richard Distel, Research Assistant
Jim Suber, Waterways Coordinator

Start: 9:02 am **End: 10:27 am**

Present	12 -	Commissioner Lane Burnett, Commissioner Mark Devereaux, Commissioner Marc Hardesty, Commissioner Jon Michael Barker, Chair Nick Howland, Commissioner LeAnna Cumber, Commissioner Robert Birtalan, Commissioner Jill Haskell, Ex-Officio Marshall Adkison, Ex-Officio Adam Hoyles, Commissioner Andrew Fraden, and Commissioner Richard Hartley
Excused	4 -	Commissioner Raymond Pringle, Vice Chair Randy DeFoor, Commissioner Audrey Gibson , and Alternate Tyrona Clark-Murray

2. Roll Call

2. Call To Order

3. St. Johns River Status Report on Water Quality - Dr. Gerard Pinto

Dr. Pinto said there has been high levels of salinity and an increase in flood water. Dr. Pinto said that algae should be less of an issue than in the summer. Mr. Fraden asked when we can expect the flood waters to go down. Dr. Pinto said that it is difficult to say when the flood waters will go down.

4. St. Johns River Status Report on Manatees - Dr. Gerard Pinto

Dr. Pinto said there have been no more manatee deaths since the last meeting, leaving the total as of this year at 7 manatee deaths.

5. ADA Waterways Status Report - Kara Tucker

Kara Tucker, Chief of Disabled Services, gave a PowerPoint presentation. The presentation covered the ADA compliance work the division does which includes education and public awareness. Ms. Tucker went over scholarship opportunities and talked about the Mayor's Disability Council. Ms. Tucker then went over the list of accessible fishing docks in Jacksonville.

6. Approval of Minutes

Mr. Birtalan, Mr. Devereaux, CM Howland, CM Cumber, Mr. Fraden, Ms. Haskell, Mr. Barker, Mr. Burnett, and Mr. Hartley voted to approve the minutes with a vote of 9 to 0.

7. New Business

8. Old Business

Discussion: Right Whale Speed Zone Resolution

Chair Howland discussed the resolution and said that there has been an extension for public comment to October 31st.

Discussion - Artificial Reef Subcommittee - Status Update

The Artificial Reef Subcommittee will consist of Ms. Haskell as chair, Mr. Barker, Mr. Hartley, Mr. Hoyles and Mr. Adkison. The next meeting of the subcommittee will take place on Wednesday, October 19th at 9am.

Discussion: St. Johns River Shoaling Subcommittee - Status Update

The St. Johns River Shoaling Subcommittee will consist of Mr. Hardesty as chair, Mr. Devereaux, Ms. Haskell, Mr. Hoyles, and Mr. Hartley. Mr. Hardesty talked about the previous work the subcommittee has done on the issue of shoaling and the difficulty they had finding answers. Dr. Pinto said the shoal would need to be studied by a certified lab in order to be able to seen as legitimate.

Florida Inland Navigation District (FIND) Subcommittee

Brian Burket, Parks Department, explained the process of having a subcommittee meet to approve FIND projects. The members of the subcommittee are Mr. Barker as chair, Mr. Hoyles, Mr. Hartley, Mr. Birtalan and Mr. Fraden. They will have a November meeting to discuss the projects.

9. Public Comment

Carnell Olivier talked about a need for a resiliency plan.

Azi Yavari and Davis Bales talked about the need for a slow speed zone for the area that their rowing club practices.

John Nooney talked about artificial reefs and kayak launches.

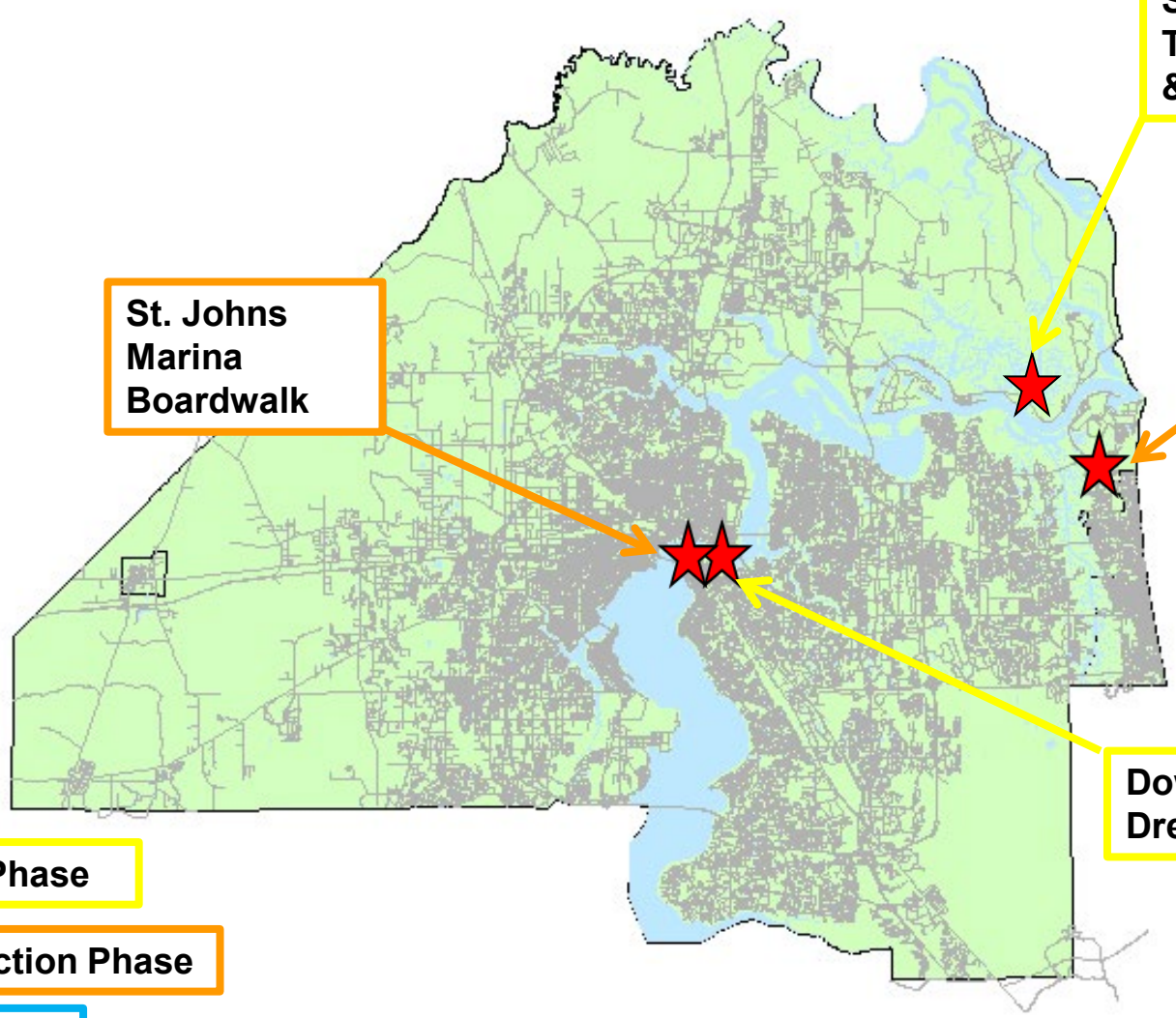
10. Adjournment

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: Richard Distel, Council Research
RDistel@coj.net 904.255.5140
Posted 10.14.2022 5:00 pm

2023
Florida Inland Navigation District
Proposed Applications

Location of 2023 Proposed FIND Projects



Design Phase

Construction Phase

Acquisition

Oak Harbor Boat Ramp

Council District: 13

Cost: $1,760,000

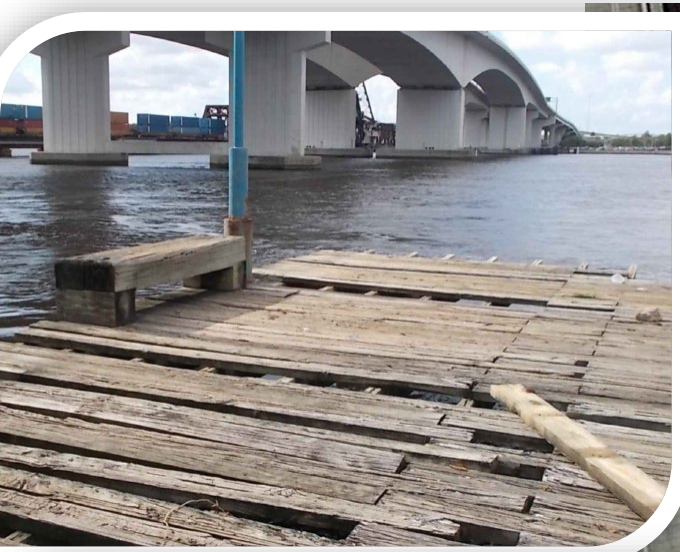
Scope:
Construct replacement of bulkhead (approx. 450 LF)

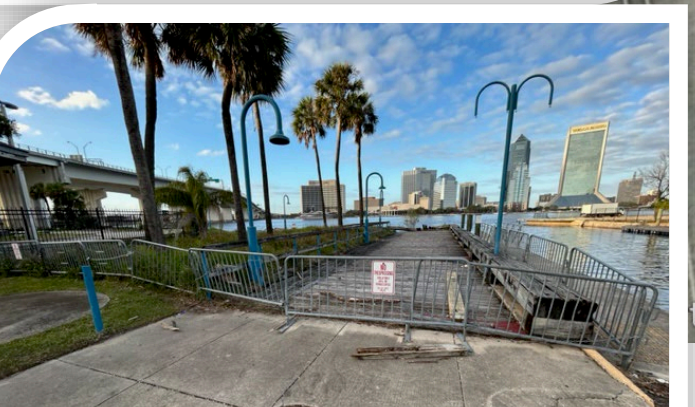
St. Johns Marina Boardwalk

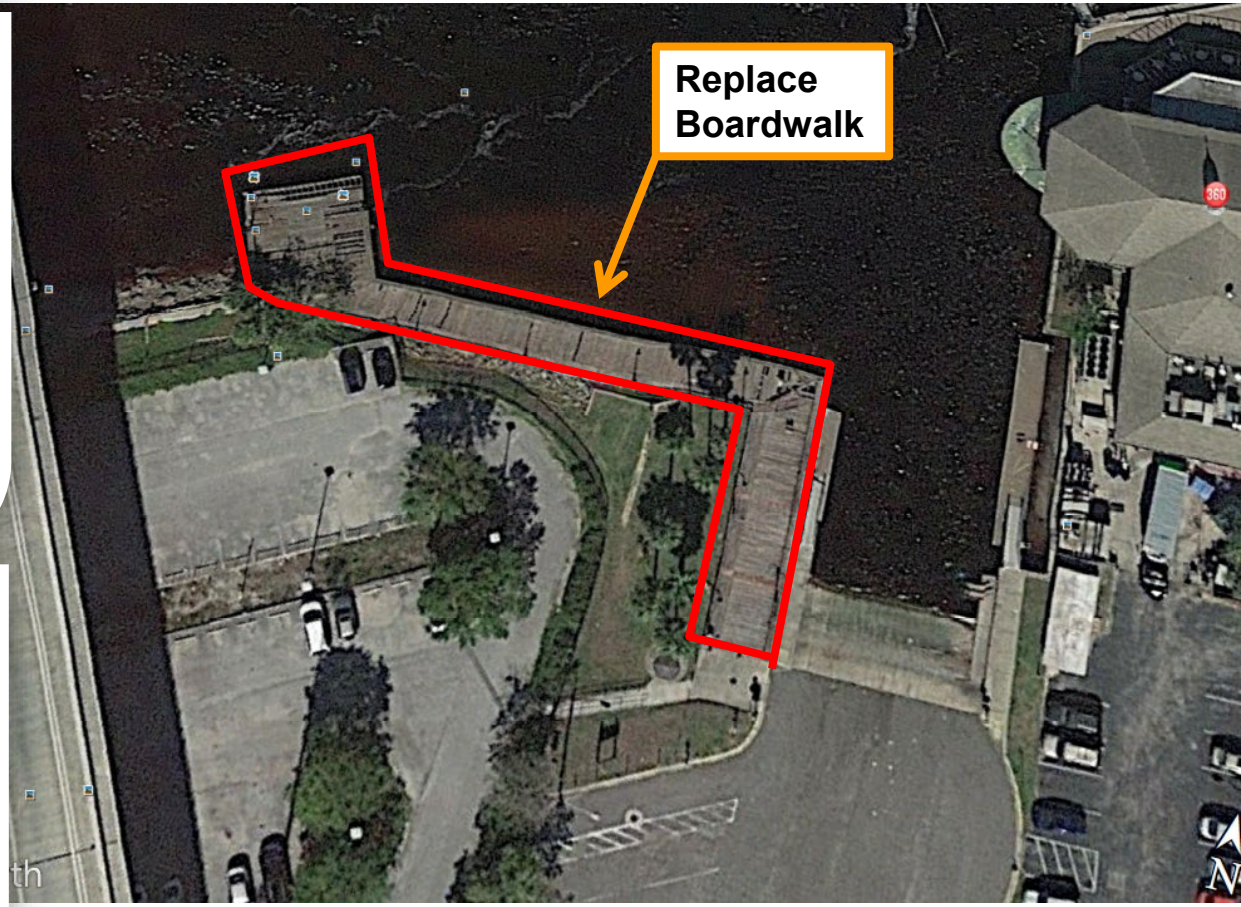
Council District: 5

Cost: $1,320,000

Scope: Construct replacement of Hurricane Irma-damaged boardwalk next to boat ramp







Jim King/Sisters Creek

Council District: 2

Cost: $770,000

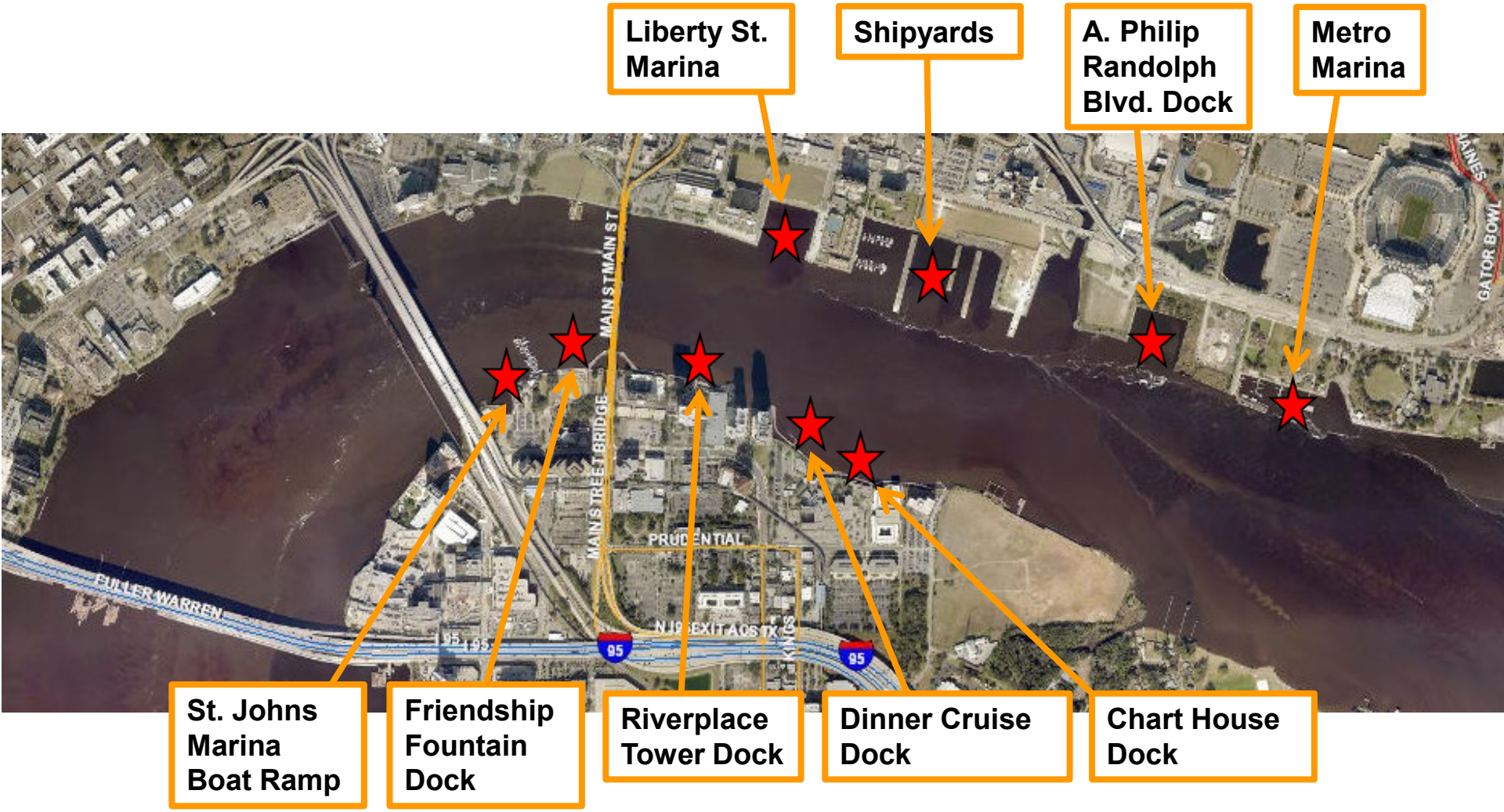
Scope: Design/permit approx. 500 LF of new transient docks plus bathhouse facility

Downtown Dredge Sites

Council District: 5 & 7

Cost: $550,000

Scope: Identify and design/permit a dredge project at necessary public docking and boat ramp sites in downtown area



Proposed 2023 FIND Grant Projects - Recommended by Waterways Sub-Committee 11/4/22

Project	Council District	Suggested By	Project Type	Scope	FIND Cost	COJ Cost*	Total Estimated Cost
Oak Harbor Boat Ramp Bulkhead	13	Current Project	Construction	Construct replacement of bulkhead	$800,000	$960,000	$1,760,000
St. Johns Marina Boardwalk	5	Staff	Construction	Construct replacement of Hurricane damaged boardwalk next to boat ramp	$600,000	$720,000	$1,320,000
Sisters Creek Dock Extension & Bathhouse	2	Waterways Commission	Design	Design/permit an extension of the floating dock & bathhouse for transient boaters	$350,000	$420,000	$770,000
Downtown Dredging	5 & 7	DIA	Design	Design/permit a dredge project at necessary public docking and boat ramp sites in downtown	$250,000	$300,000	$550,000
Totals					**$2,000,000**	**$2,400,000**	**$4,400,000**
Alternative Projects**							
Mandarin Park Boat Ramp Expansion	6	Maritime Mgt. Plan	Design	Design/permit widening of boat ramp and an expansion of the trailer parking	$200,000	$240,000	$440,000
Joe Carlucci Boat Ramp Fishing Pier	2	Citizen	Design	Design/permit a new fishing pier	$125,000	$150,000	$275,000
Trout River Fishing Bridge - North Pier	8	Maritime Mgt. Plan	Design	Design/permit a renovation of the north fishing pier	$175,000	$210,000	$385,000
Wayne B. Stevens Boat Ramp Dock Improvements	14	Staff	Design/Build	Design/build a modification of the boater access docks	$75,000	$90,000	$165,000

* COJ costs includes 10% for PW internal management fees - FIND will not reimburse these costs.

** Back-up project recommendations, in priority order, in case any projects are removed from the proposed list above.

OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
JACKSONVILLE, FLORIDA 32202
904-255-5200

JACKSONVILLE WATERWAYS COMMISSION
FIND COMMITTEE MEETING MINUTES

November 4, 2022
1:00 p.m.

In attendance: Commissioners Haskell, Birtalan, Hartley, Fraden and Barker

Also: Brian Burket, Jill Enz – Parks Department; Adam Hoyles – EPB; Sharon Wyskiel – Office of General Counsel; Colleen Hampsey – Council Research; Stephen Libby – Legislative Services Division

Meeting Convened: 1:00 pm

Commissioner Barker called the meeting to order. Brian Burket, Parks Department, went over the list of projects recommended by the parks staff to apply for in the FY 2023. Mr. Burket reviewed the dual-year process of design/permitting and construction, and the annual funding cap which is $1.9 million for FY 23. The following four FIND projects were recommended by Parks staff: Oak Harbor Boat Ramp Bulkhead (construction), St. Johns Marina boardwalk (construction), Sisters Creek floating dock extension and bathhouse (design), and Downtown Dredge sites (design). Commissioners Haskell, Birtalan, Hartley, Fraden and Barker voted unanimously to approve the staff recommendations for 2023 FIND Projects.

The group discussed four back up projects, in case the approved staff recommendations were not selected for funding. The commissioners chose the Mandarin Park Boat Ramp expansion, Joe Carlucci Boat Ramp Fishing Structure, Trout River Fishing Bridge north pier and Wayne B. Stevens dock improvements as back-up projects. Commissioners Haskell, Birtalan, Hartley, Fraden and Barker voted unanimously to approve the four back-up proposals for 2023 FIND Projects, if needed.

Before the meeting adjourned, Ms. Haskell sked about the completion of the Zoo dock. Mr. Burket said the pier portion is completed and they are waiting on delivery of dock parts, and it expected to be finished by Christmas.

Meeting adjourned: 2:40 pm

Minutes: Colleen Hampsey, Council Research Division
CHampsey@coj.net (904) 255-5151 Posted 11.15.22 5:00 p.m.

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904-255-5200

JACKSONVILLE WATERWAYS COMMISSION
SHOALING COMMITTEE MEETING MINUTES

October 19, 2022
10:00 a.m.

In attendance: Commissioner Haskell, Commissioner Hardesty (chair), Commissioner Devereaux, Commissioner Hartley, Mr. Hoyles, and Mr. Adkison,

Sharon Wyskiel – Office of General Counsel; Brian Burket, Jill Enz – Parks Department; Capt. Jim Suber – Waterways Coordinator

Meeting Convened: 10:08 am

Mr. Hardesty went over the history of the Mill Cove area and then talked about the history of this subcommittee. Mr. Hardesty showed photos which went over the timeline of the shoaling issues and how it has grown exponentially over time. Captain Suber gave an overview on the current safety markers. He detailed the temporary FWC markers and detailed the challenges of keeping them in place. Brian Burket, Parks Department, went over the quotes for markers cost. Mr. Burket said that markers could be approved through FIND and then he went over the timeline of the FIND process which would be over a 2 year period. Mr. Burket said there is $90,000 in not spent FIND funds.

Ms. Haskell asked if we could hire our own firm to look at the shoaling instead of the Army Corps of Engineers. Mr. Burket stressed that you would need the Army Corps to confirm that they would accept those findings if they weren't the ones doing the study. Mr. Adkison said that pylons would cost less than $10,000. Mr. Devereaux talked about visiting the site of the shoaling and simple ways he could show the cause of the exponential growth in the area. Mr. Devereaux and Mr. Hartley suggested a lawsuit. Lindsey Brock suing the Army Corps would be very complicated. Captain Suber explained the permitting process. Mr. Hoyles talked about studies that could be done to determine the source of the shoaling. The subcommittee focused on the need for safety concerns to be addressed as soon as possible.

Meeting adjourned: 11:19 am

Minutes: Richard Distel, Council Research Division

rdistel@coj.net (904) 255-5140
Posted 12.9.22 5:00 p.m.

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RESEARCH DIVISION

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
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904-255-5200

JACKSONVILLE WATERWAYS COMMISSION
ARTIFICAL REEFS SUBCOMMITTEE MEETING MINUTES

October 19, 2022
9:00 a.m.

In attendance: Commissioner Haskell (chair), Commissioner Barker, Commissioner Hartley, Mr. Hoyles, Mr. Adkison

Sharon Wyskiel – Office of General Counsel; Brian Burket, Jill Enz – Parks Department; Capt. Jim Suber – Waterways Coordinator

Meeting Convened: 9:06 am

Jill Haskell called the committee to order and went over the goals for this subcommittee. Ms. Haskell went over a PowerPoint which detailed the construction materials, the work being done in other counties, the use of vessel registration fees to fund the artificial reefs, and the benefits of enhancing the marine environment. Mr. Adkison talked about the advertising that can be done regarding artificial reefs. Brian Burket, Parks Department, went over the permitting process and explained that the Environmental Quality Division oversees the permitting process on the river. Melissa Long, EQD, went over the oversight of the Artificial Reef Fund and said there is about $1,000 is the fund currently. Ms. Long went over the signage process and said that they have to have a 6-foot clearance and not be located in navigable waters. Mr. Adkison stressed that the city should look at what other municipalities are doing in terms of money spent and available funds for artificial reefs. Lindsey Brock talked about the resiliency of wildlife and the benefits that artificial reefs have to the environment. Mr. Brock talked about the NOAA grants which are open to FADs and discussed additional funding opportunities. Ms. Long said she would reach out to the grants department regarding these opportunities and Mr. Brock said he would lend any additional help needed in the process. Ms. Long said there are currently around 17 reef locations and there can be up to 10 reefs in one location. Captain Suber talked about the shrimpers and trying to avoid having a live bottom. Mr. Brock said he could talk to divers that would be willing to volunteer their services for research purposes. Mr. Burket said there is no issue finding materials for the artificial reef, but the issue is the cost of hauling the materials. Mr. Adkison said that the focus should be on transportation and storage locations throughout the city. Ms. Long said that the city isn't involved in the transportation. Mr. Hartley said that the highest priority is in-river and focusing on low-cost options. Ms. Haskell asked is the

subcommittee could ask for help from Public Works Department. Captain Suber said that it depends on their availability.
Public Comment:

John Nooney spoke about the Artificial Reef Trust Fund.

Meeting adjourned: 10:01 am

Minutes: Richard Distel, Council Research Division
rdistel@coj.net (904) 255-5140
Posted 12.9.22 5:00 p.m.