

City of Jacksonville

117 W Duval St
Jacksonville, FL 32202



Meeting Minutes

Tuesday, January 7, 2020

2:00 PM

Council Chambers 1st Floor, City Hall

Rules Committee

Joyce Morgan, Chair
Rory Diamond, Vice Chair
Michael Boylan
Matt Carlucci
Randy DeFoor
Brenda Priestly Jackson
Sam Newby

Legislative Assistant: Jessica Smith
Legislative Assistant: Juliette Williams
Deputy General Counsel: Peggy Sidman
Research Asst.: Colleen Hampsey
Administration: Rachel Zimmer
Council Auditor's Office: Trista Carraher

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting, such person will need a record of the proceedings, and for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Meeting Convened: 2:00 PM

Meeting Adjourned: 3:34 PM

NOTE: The next regular meeting will be held Wednesday, January 22, 2020

- | Item/File No. | Title History |
|---------------|---|
| 1. | <p><u>2019-0693</u> ORD-MC Regarding JEA; Amend Sec 21.07 (Fiscal & Budgetary Functions), Article 21 (JEA), City Charter, to create a New Subsection M to provide for a sharing of dividends to JEA customers based on JEA's change in net position. (Sidman)(Introduced by CM Dennis)
 9/24/2019 CO Introduced: TEU, F, R
 9/30/2019 TEU Read 2nd & Rerefer
 10/1/2019 F Read 2nd and Rerefer
 10/1/2019 R Read 2nd and Rerefer
 10/8/2019 CO PH Addnl Read 2nd and Rerefered;TEU,F,R
 Public Hearing Pursuant to Chapt 166, F.S.& to Sec. 21.11, City Charter & CR 3.601 – 10/8/19 & 11/12/19</p> <p>DEFER</p> <p>At request of
CM Dennis</p> |
| 2. | <p><u>2019-0725</u> ORD-MC Amend Sec 120.203 (Contributions: Refund of Contributions), Pt.2(Gen Employees Retirement Plan), Chapt. 120 (Gen Employees & Corrections Officers Pension Plans & all Employees Defined Contribution Retirement Plans), Ord Code, to provide for payment of JEA's unfunded actuarial accrued liability upon JEA recapitalization event; Making amendment contingent upon recapitalization event for a sunset date . (Sidman) (Introduced by CM Carlucci)
 10/8/2019 CO Introduced: TEU, F, R
 10/14/2019 TEU Read 2nd & Rerefer
 10/15/2019 F Read 2nd & Rerefer
 10/15/2019 R Read 2nd & Rerefer
 10/22/2019 CO PH Read 2nd and Rerefered;TEU,F,R
 1/7/2020 R Withdraw 7-0
 Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 -10/22/19</p> |

WITHDRAW

CM Carlucci requested this bill to be withdrawn because the recapitalization event for JEA will not be occurring at this time making the legislation unnecessary.

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

3. [2019-0785](#) RESO Appt Mark Devereaux as a Member of the Jax Waterways Commission, Replacing Steven C. Davis, PH.D., as a General Public Rep. for a Partial Term to Exp. 12/31/2022 (Sidman) (Introduced by CP Wilson)
10/22/2019 Introduced: R
11/5/2019 R Read 2nd and Rerefer
11/12/19 CO Read 2nd and Rerefered;R
1/7/2020 R Approve 7-0

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

APPOINTMENT

Scrivener's

Pg. 1, line 21: correct date to December 31, 2022

4. [2019-0857](#) RESO Conf Appt of Keith Powers as Dir of Fire & Rescue Dept of COJ; Prov Retroactive Salary increase to \$160,000.00 Effective 6/1/19. (McCain) (Req of Mayor) (Co-Sponsored by CM's Hazouri & Boylan)
11/26/2019 CO Introduced: R
12/3/2019 R Read 2nd & Rerefer
12/10/2019 CO Read 2nd & Rerefered;R
1/7/2020 R Approve 7-0

APPROVE

CMs Newby and Ferraro asked to be added as co-sponsors.

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

APPOINTMENT

5. [2019-0858](#) RESO Conf Reappt of Ray Alfred to Jax Aviation Authority for 2nd Full Term Exp 9/30/23. (Sidman) (Req of Mayor)
11/26/2019 CO Introduced: R
12/3/2019 R Read 2nd & Rerefer
12/10/2019 CO Read 2nd & Rerefered;R
1/7/2020 R Approve 7-0

APPROVE

CMs Ferraro, Diamond, Carlucci, DeFoor, Boylan, Priestly Jackson, Newby and Morgan asked to be added as co-sponsors.

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

REAPPOINTMENT

Has attended 47 out of 49 meetings, or 96%

- 6. [2019-0859](#) RESO Conf Appt of Beth Leaptrott, P.E., to Environmental Protection Board, Replac Bobby L. Baker for 1st Full Term Exp 9/30/23. (Sidman) (Req of Mayor)
 11/26/2019 CO Introduced: R
 12/3/2019 R Read 2nd & Rerefer
 12/10/2019 CO Read 2nd & Rerefered;R
 1/7/2020 R Approve 7-0

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

APPOINTMENT

- 7. [2019-0862](#) RESO Appt W. Marc Hardesty P.E., to Jax Waterways Commission, Replac Stephen C. Swann, for 1st Full Term Exp 12/31/22. (Sidman) (Introduced by CP Wilson)
 11/26/2019 CO Introduced: R
 12/3/2019 R Read 2nd & Rerefer
 12/10/2019 CO Read 2nd & Rerefered;R
 1/7/2020 R Approve 7-0

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

APPOINTMENT

Scrivener's

Pg. 1, line 6: strike "P.E."

8. [2019-0882](#) ORD Approp \$50,000.00 in fund balance from Environmental Protection Trust Fund (The "FUND") to Prov funding to suppt Addtn'l depth dredging & Subseqnt remonal & disposal of contaminated soils from Millers Creek (The "Project"); Prov Waiver of Sec 111.755 (Environmental Protection Fund), Pt 7 (Environment & Conservation, Chapt 111 (Spec Rev & Trust Accts), ORD Code Auth Board to Utilize funds from The Fund for the Proj; Prov Waiver of Sec 360.602 (Uses of Fund), Pt 6 (Environmental Protection Fund), Chapt 360 (Environmental Protection Fund), Chapt 360 (Environmental Regulation), Ord Code, to auth the Board to Utilize funds from The Fund for The Project; Invoking Exception of Sec. 126.107(G) (Exemptions), Chapt 126 (Procurement Code), Ord Code to Direct Contract Millers Creek Special Dist for The Project; Apv funding Agreemnt for Millers Creek Special Dist Eco Restoration btwn City of Jax & Millers Creek Special Dist for The Project; Oversight by Environmental Quality Div; Requiring Reprt. (B.T. 20-032)(McCain) (Req of Mayor)
12/10/19 CO Introduced: NCSPHS, TEU, F, R, JWW
1/6/2020 NCSPHS Read 2nd & Rerefer
1/6/2020 TEU Read 2nd & Rerefer
1/7/2020 F Read 2nd & Rerefer
1/7/2020 R Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –1/14/20

READ 2ND & REREFER

9. [2019-0888](#) ORD-MC Amend Sec 126.901 (Definitions), Pt 9 (Art in Public Places), Chapt 126 (Procurement Code), Ord Code to include City-Controlled Bldgs or Propty in Definition for use of Art in Public Places Prog; Approp \$50,000.00 (\$45,000.00 from Dist 14 Autumn Bond Acct to Public Art Acct & \$5,000.00 from Council Operating Contingency to Art in Public Places Trust Fund) to Prov funding for "Roosevelt/Edgewood – Artwork & Lighting" proj; Prov Public Works Dept & Cultural Council of Jax, Inc., & disbursement of funds upon invoices & accounting/reverter of any unspent funds; Finding Municipal Purpose; Waiving Requiremtns of Autumn Bond, Ord 2004-998-E, as Amend by 2005-1044-E & Sec. 106.315, Ord Code; Auth Agreemnt btwn City of Jax & FDOT. (Johnston) (Introduced by CM DeFoor)
12/10/19 CO Introduced: NCSPHS, TEU, F, R
1/6/2020 NCSPHS Read 2nd & Rerefer
1/6/2020 TEU Read 2nd & Rerefer
1/7/2020 F Read 2nd & Rerefer
1/7/2020 R Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –1/14/20

READ 2ND & REREFER

10. [2019-0889](#) ORD re Chapt 745 (Addressing & Street Naming Regulations) Ord Code; Renaming “Johnson Street” to “LaVilla Center Drive”; Ord Code re Honorary St Designation & Assoc Rdwy markers; Estab Honorary St Designtn on Johnson St Ext. from Bay St. to Adams St for James Weldon Johnson & John “J.” Rosamond Johnson; Prov Installtn of two roadway markers; Honoring legacy of James Weldon Johnson & J. Rosamond Jonson & Recognizing Achievements of James Weldon Johnson & John Rosamond Johnson & recognizing the achievements of James Weldon Johnson & John Rosamond Johnson; Directing Legislative Svcs Div to forward Ord to Planning & Dev Dept for Processing, Implementation, & Coord w/911 Emerg, Fire & Rescue Dept, Post Office & Other affected agencies & Orgs. (Dist. 7-R.Gaffney) (Pollock) (Req of JTA & Co-Sponsored by CM's R. Gaffney, Hazouri & Newby)
12/10/19 CO Introduced: TEU,R
1/6/2020 TEU Read 2nd & Rerefer
1/7/2020 R Read 2nd & Rerefer
TEU PH Pursuant to Chapt 745 Ord Code – 1/21/20
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –1/14/20

READ 2ND & REREFER

11. [2019-0890](#) ORD Approp \$768,000.00 from Isle of Palms Dredging to Isle of Palms Dredge-Special Dist Match to Prov 12% match fund for Isle of Palms Dredging Proj; Prov funds carryover from Yr to Yr until funds are expended or lapse according to Agreemnt; Apv & Auth Fund Agreemnt for Isle of Palms Dredging Proj btwn Isle of Palms Spec. Dist & COJ; Invoking Exceptn to Sec 126.107(G), Ord Code; Oversight by Public Works Dept. (Johnson) (Introduced by CM Diamond)
12/10/19 CO Introduced: NCSPHS,F, R, JWW
1/6/2020 NCSPHS Read 2nd & Rerefer
1/7/2020 F Read 2nd & Rerefer
1/7/2020 R Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –1/14/20

READ 2ND & REREFER

12. [2019-0891](#) ORD Auth a Sovereignty Submerged Lands Fee Waived Lease Renewal (BOT File # 160739059) btwn the City of Jax & the Board of Trustees of the Internal Improvement Trust Fund of the State of FL. for the purpose of securing land for the Southbank Riverwalk & Floating Docks, for a 5-Yr. Term at no cost (McCain) (Req of Mayor)
12/10/19 CO Introduced: NCSPHS,F,R,JWW
1/6/2020 NCSPHS Read 2nd & Rerefer
1/7/2020 F Read 2nd & Rerefer
1/7/2020 R Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 - 1/14/20

READ 2ND & REREFER

13. [2019-0892](#) RESO Conf Reappt of Joseph W. Rogan to Jax Ethics Commission, Pursuant to Sec 602.912, ORD Code, for 2nd Full Term Exp 12/31/2022. (Pollock) (Req. of Chief Judge for the 4th Judicial Circuit) (Sawyer)
12/10/19 CO Introduced: R
1/7/2020 R Read 2nd & Rerefer

READ 2ND & REREFER

14. [2019-0893](#) RESO of City Council of City of Jax Apv Adaptation Action Area Workgroup Report & Recommendations, dated 11/2019. (West) (Req of Mayor)
12/10/19 CO Introduced: R,LUZ
1/7/2020 R Read 2nd & Rerefer
1/7/2020 LUZ Read 2nd & Rerefer

READ 2ND & REREFER

15. [2019-0894](#) RESO Encouraging JEA Board to take formal action to rescind Invitation to negotiate at the next JEA Board Mtg; Directing Chief of Legislative Srvcs to forward copy of Reso to JEA Board & JEA CEO; Req. Emerg Passage Upon Introduction. (Sidman) (Introduced by CM Priestly Jackson) (Co-Sponsored by CM's Freeman, Salem, Becton, Bowman, Cumber, Dennis, Ferraro)
 12/10/19 CO Introduced: TEU,F,R
 12/10/2019 CO Amend(Flr)/Refer TEU,F,R 18-1 (CM Carlucci);F
 Removed per CP Wilson
 1/6/2020 TEU Emergency/Amend/Approve 7-0
 1/7/2020 R Emergency/Amend/Approve 7-0

EMERGENCY/AMEND/APPROVE

There was some discussion about this bill, which bill encourages the JEA Board to take formal action at the next JEA Board meeting to rescind the Invitation to Negotiate, adopted by the JEA board at the July 23, 2019 Board meeting. While the resolution is not an enforceable document, it shows the stance of the City Council on this issue and will show in the future that this current Council did weigh in on JEA recapitalization and the circumstances surrounding the process. The JEA Board voted stop to negotiations last month, but City Council should be a part of any discussions for any potential future transactions. It was mentioned that the City Charter should be examined to assess the permissibility of independent agencies deciding to sell themselves without council consent, public support or timely notice to the Council Auditors as required by the JEA Charter. CM Morgan noted that the City Charter is a living document, which should be evaluated as needed to change with modernity and events. The TEU Committee approved an amendment to add a section to the bill directing JEA Board to bring any future discussions regarding a recapitalization event or actions contemplated under 21.04(p) of the Charter to City Council and obtain approval before moving forward with such actions. The Rules Committee approved the TEU amendment and voted unanimously in support of the resolution. The series of fact finding workshops on the Future of JEA, led by CM Boylan, will continue in order to be fully apprised of the the structure of the eighth largest municipally owned utility as well as to ensure that the rate payers are informed as to the potential future of JEA.

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

TEU AMENDMENT

Add Section directing JEA Board to bring any future discussions regarding a recapitalization event or actions contemplated under 21.04(p) of the Charter to City Council and obtain approval before moving forward with such actions.

16. [2019-0896](#) RESO Reappt Sharol Pausal Noblejas to Jax Housing & Community Development Commission, as Essential Services Rep, Pursuant to Chapt 34, Ord Code, & Sec 420.9076, F.S., for 2nd Full Term Exp 11/30/23. (Distel) (Introduced by CP Wilson)
12/10/2019 CO Introduced: R
1/7/2020 R Read 2nd & Rerefer

READ 2ND & REREFER

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

Attendance:

CM Ferraro (2019-0857, 2019-0858, 2019-0862)

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.

Public comment:

Mr. Nooney provided public comment to advocate for the St. Johns River and city's waterways and to express concern about the solvency of the Environmental Protection Trust Fund. The speaker card is on file.

Rollcall

Present: 7 - Chair Joyce Morgan, Vice Chair Rory Diamond, Council Member Michael Boylan, Council Member Matt Carlucci, Council Member Randy DeFoor, Council Member Brenda Priestly Jackson and Council Member Sam Newby

After all of the agenda items, there was a discussion regarding committee member assignments to analyze various council rules. CM Priestly Jackson spoke about the use of 'point of order' during meeting debates. According to parliamentary procedures, any member who notices a breach of the rules has a right to call immediate attention to the fact and insist that the rules be enforced by raising a point of order. Points of order may interrupt the speaker, do not require seconds, are not debatable or amendable, and the decisions are at the discretion of the chair. It was stated that the use of point of order should be based only upon procedural issues, and not used politically or when a member disagrees with the position of the speaker. The Rules Chair will bring this issue up for discussion at the next full council agenda meeting.

There was also a brief discussion about the vetting of board/commission appointees, who are approved by the Rules Committee before they may serve. CM DeFoor asked about conflict of interest disclosures, which are covered in the required ethics training for all board appointees. CM Carlucci said that the onus for conflict disclosure should be on the appointee. It was mentioned that there should be comprehensive questions asked of each appointee during their one on one meetings prior to their appearances before the Rules committee. The members agreed that they do not all have to use a uniform list of questions, but that they need to make all efforts to make sure appointees understand the role of whichever board/commission they are being appointed to, and that council members know as much as possible about candidates prior to committee approval.

Minutes: Colleen Hampsey, Council Research
CHampsey@coj.net 904-255-5151
Posted: 1.8.2020 5:00 pm