

City of Jacksonville

117 W Duval St
Jacksonville, FL 32202



Meeting Minutes - Amended

Monday, February 28, 2022

2:00 PM

Council Chambers 1st Floor, City Hall

Transportation, Energy & Utilities Committee

Joyce Morgan, Chair
Al Ferraro, Vice Chair
Danny Becton
Matt Carlucci
LeAnna Cumber
Randy DeFoor
Terrance Freeman

Legislative Assistant: Melodi Murray
Legislative Assistant: Barbara Ireland Hobson
Deputy General Counsel: Peggy Sidman
Research Assistant: Richard Distel
Asst. Council Auditor: Phillip Peterson
Council Auditor's Office: Edward Linsky
Administration: Rachel Zimmer
Planning Dept.: Laurie Santana

RULE 4.505 DISRUPTION OF MEETING

No member of the audience shall applaud nor make any noise or remarks that are audible to the Committee that would indicate approval or disapproval of anything being discussed. Any disregard of this rule may result in removal by the Sergeant at Arms.

REQUEST TO SPEAK:

1. Fill out a speaker card.
2. Sign it if you are going to speak.
3. Read the rules on the back of the card.
4. Return the card to the Legislative Assistant.

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 purpose, 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: 2:01 PM

Meeting Adjourned: 3:22 PM

Attendance:

Melissa Long, Chief of Environmental Quality, to provide a presentation on Air Quality Trends for Duval County

Melissa Long, Chief of Environmental Quality, gave a PowerPoint presentation covering the air quality trends in Jacksonville. Ms. Long gave the historical perspective and used graphs to show the positive changes in air quality over time. CM Ferraro asked about the monitors around the city that check for chemical odors. Ms. Long said they are up and running.

Item/File No.

Title History

1. [2021-0885](#) ORD Apv & Auth the Mayor, or His Designee, & the Corp Sec to Pursue or Seek Waiver of Collection of the Local Option Gas Tax Within the 2021-2022 Budget Yr Consistent with a Period of Time to Align with the State Suspension of the State Gas Tax Collection Should the State Allow for Waiver of the Prov of Sec 336.025 & 336.021, FL Statutes, so that Local Govts Have the Ability to Suspend Collection of Local Option Gas Taxes; Offering Findings & Statemnts of Fact; Directing Legislative Services Div to Forward to the FL Legislature, the Duval Legislative Delegation, & the FL Dept of Revenue (Johnston) (Introduced by CM Dennis)
12/14/21 CO Introduced: NCSPHS, TEU, F, R
1/3/22 NCSPHS Read 2nd & Rerefer
1/3/22 TEU Read 2nd & Rerefer
1/4/22 F Read 2nd & Rerefer
1/4/22 R Read 2nd & Rerefer
1/11/22 CO PH Read 2nd & Rereferred:NCSPHS, TEU,F, R
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601 – 1/11/22

DEFER

2. [2021-0898](#) RESO Encouraging the State to Allow Local Govs to Waive the Provision of Sec 336.025 & 336.021 FL Statutes, to Allow Local Govs the Ability to Suspend Collection of Local Option Gas Taxes if the State Suspends the State Gas Tax for a Period of that time is Consistent with The State's Suspension; Offering Findings & Statements of Fact; Addn'l Apv & Auth Required to Execute Docs Related to the Waiver of State Statutes to Suspend Collection of the LOGT and Transfer of Funds to Prevent Funding Lapse; Directing Legislative Services Div to Forward to the FL Legislature, the Duval Legislative Delegation & the FL Dept of Revenue (Johnston) (Introduced by CM Dennis)
12/14/21 CO Introduced: NCSPHS, TEU, F, R
1/3/22 NCSPHS Read 2nd & Rerefer
1/3/22 TEU Read 2nd & Rerefer
1/4/22 F Read 2nd & Rerefer
1/4/22 R Read 2nd & Rerefer
1/11/22 CO Read 2nd & Rereferred:NCSPHS,TEU,F, R

DEFER

3. [2022-0032](#) ORD Auth the Mayor, or his Designee, & the Corp Sec to Execute & Deliver a Locally-Funded Agreemt (Lump-Sum) btwn the State of FL Dept of Transportation (“FDOT”) & the COJ Pursuant to Which the City Agrees to Pay FDOT \$1,200,000 for Certain Roadway Improvemts; Providing for Oversight by the Engineering & Construction Mgmt Div of the Dept of Public Works (Staffopoulos) (Introduced by CP Newby at Req of Mayor)
1/11/22 CO Introduced: NCSPHS, TEU, F
1/18/22 NCSPHS Read 2nd & Rerefer
1/18/22 TEU Read 2nd & Rerefer
1/19/22 F Read 2nd & Rerefer
1/25/22 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601 – 1/25/22

DEFER

4. [2022-0034](#) ORD Concerning an Application for Assignment & Transfer of Residential Waste & Recycling Collection & Transportation Svcs Contract for Svc Area I (City Council Districts 7,8,9,10,12, & 14); Designating & Directing the Transportation, Energy & Utilities (TEU) Committee to hold a Noticed Public Hearing to Review & Make Recommendations Regarding Approval or Disapproval of Waste mgmnt Inc. of FL, a FL Corp & Successor by Merger to Advanced Disposal Svcs Jax, LLC ("Applicant"), Application for Assignment & Transfer of the Amended & Restated Agreement for Residential Waste & Recycling Collection & Transportation Svcs (Contract # 9165) btwn the COJ & Advanced Disposal Svcs Jax, LLC, in Accordance with Sec 382.308 (Contract Provisions; Exemption from Purchasing Code;Extension of Contracts), Pt 3 (Selection of Waste Collection & Disposal Svc Areas & Contractors), Chapt 382 (Waste Collection & Disposal Svc by Contractors & City), Ord Code; Directing the City Council Legislative Svcs Div to Issue the Required Public Hearing Notice in Accordance w/Sec. 382.308 (Contract Provisions; Exemption from Purchasing Code; Extension of Contracts), Pt 3 (Selection of Waste Collection & Disposal Svc Areas & Contractors), Chapt 382 (Waste Collection & Disposal Svc by Contractors & City), Ord Code; Adopting Recommended Findings & Conclusions of the TEU Committee; Auth the Mayor, or his Designee, & Corp Secretary to Execute & Deliver any Necessary Contract Docs to Effectuate the TEU Committee Recommendations.(Hodges) (Introduced by CP Newby at Req of Mayor)
- 1/11/22 CO Introduced: NCSPHS, TEU, F, R
1/18/22 NCSPHS Read 2nd & Rerefer
1/18/22 TEU Read 2nd & Rerefer
1/19/22 F Read 2nd & Rerefer
1/19/22 R Read 2nd & Rerefer
1/25/22 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F, R
1/31/22 NCSPHS Amend/Approve 7-0
2/14/22 TEU Substitute/Rerefer 5-0
2/15/22 F Substitute/Rerefer 6-0
2/15/22 R Substitute/Rerefer 5-0
2/22/22 CO Substitute/Rereferred 18-0: NCSPHS, TEU, F, R
TEU PH per Chapt 382-3/14/22
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601 – 1/25/22 & 3/8/22

DEFER

5. [2022-0060](#) ORD-MC Relocating the Derelict Vessel & Floating Structure Removal Fund from Chapt 110, Pt 4, Sec. 110.414 to Chapt 111, Pt 7, Sec. 111.787; Repealing Sec 110.414 (Derelict Vessel & Floating Structure Removal Trust Fund), Pt 4 (Continuing Approps), Chapt 110 (City Treasury), Ord Code; Creating a New Sec 111.787 (Derelict & Abandoned vessels & Floating Structure Enforcement & Removal Trust Fund), Pt 7 (Environment & Conservation), Chapt 111 (Special Revenue & Trust Accts), Ord Code. (Grandin) (Introduced by CM DeFoor)
1/25/22 CO Introduced: NCSPHS, TEU, F, JWC
1/31/22 NCSPHS Read 2nd & Rerefer
1/31/22 TEU Read 2nd & Rerefer
2/1/22 F Read 2nd & Rerefer
2/8/22 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-2/8/22

DEFER

6. [2022-0061](#) ORD-MC Approp \$310,500 in the Derelict Vessel & Floating Structure Removal Fund from the Parks Dept to Neighborhoods Dept in order to Provide the Neighborhoods Dept Funding to Implement & Enforce the Newly Created Chapt 388, Ord Code (Boats & Waterways);Amend Chapt 388 (Boats & Waterways),Ord Code, to Create a New Pt 4 (Anchoring Limitation Areas); Providing that Council is Exercising County Powers; Providing for Codification Instructions; Providing Directive to Neighborhoods Dept. (Grandin) (Introduced by CM DeFoor)
1/25/22 CO Introduced: NCSPHS, TEU, F, JWC
1/31/22 NCSPHS Read 2nd & Rerefer
1/31/22 TEU Read 2nd & Rerefer
2/1/22 F Read 2nd & Rerefer
2/8/22 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-2/8/22

DEFER

7. [2022-0091](#) ORD Approp \$1,092,955.27 from the Self Insurance – Retained Earnings Account to the Self Insurance – Retained Earnings Account to the Self Insurance – Refund of Equity Account in Order to Return Excess FY 2020 General Liability Loss Prov to the Water Sewer Auth in the Amount of \$793,440.90, & to Return Excess FY 2020 Workers’ Comp Loss Provision to the Water Sewer Authority in the Amount of \$190,541.21 & to the Jax Aviation Auth in the Amount of \$108,973.16, (B.T. 22-045) (Staffopoulos) (Introduced by CP at Req of the Mayor)
2/8/22 CO Introduced: TEU, F
2/14/22 TEU Read 2nd & Rerefer
2/15/22 F Read 2nd & Rerefer
2/22/22 CO PH Read 2nd & Rereferred: TEU, F
2/28/22 TEU Approve 7-0
3/1/22 F Approve 6-0
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-2/22/22

Tracy Flynn, Chief of Risk Management, explained the legislation.

APPROVE

Aye: 7 - Morgan, Ferraro, Becton, Carlucci, Cumber, DeFoor and Freeman

8. [2022-0092](#) ORD Approp \$1,300,000 from the Nuisance Abatement Lien Spec Revenue Fund Pursuant to Sec 111.470, Ord Code, Allocating \$637,000 to the Neighborhoods Dep , MC Compliance Div, & the Bal of \$663,000 to the Public Works Dept, Mowing & Landscape Maint Div, to be Split btwn Mowing & Landscape – Private Property - (\$400,000) & Mowing & Landscape – Tree Removal (\$263,000), to Procure Nuisance Abatement Contractual Svcs for the Removal of Property Code Violations Throughout the City in Compliance with Chapt 518, Ord Code, Purpose of Approp (B.T. 22-044) (Staffopoulos) (Introduced by CP Newby at Req of Mayor)
2/8/22 CO Introduced: NCSPHS, TEU, F
2/14/22 NCSPHS Read 2nd & Rerefer
2/14/22 TEU Read 2nd & Rerefer
2/15/22 F Read 2nd & Rerefer
2/22/22 CO PH Read 2nd & Rereferred: NCSPHS, TEU, F
2//28/22 NCSPHS Approve 6-0
2/28/22 TEU Approve 7-0
3/1/22 F Approve 6-0
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-2/22/22

Brian Mosier, Director of Neighborhoods, explained the legislation.

APPROVE

Aye: 7 - Morgan, Ferraro, Becton, Carlucci, Cumber, DeFoor and Freeman

9. [2022-0103](#) RESO re: COJ's 2022 List of Priority Projects related to Transportation Improvements; Prov a Recommendation to the North FL Transportation Planning Organization (TPO). (Staffopolous) (Introduced by CP Newby & CM White) (Co-Sponsor CM Morgan)
2/22/22 CO Introduced: TEU, R
2/28/22 TEU Read 2nd & Rerefer
3/1/22 R Read 2nd & Rerefer

READ 2ND & REREFER

10. [2022-0117](#) ORD-MC Estab Normandy Community Dev Dist ("Normandy CDD"); Including the Grant of Special Powers; Describing External Boundaries of Normandy CDD; Naming Normandy CDD; Naming the Initial Normandy CDD Board of Supervisors; Amend Chapt 92 (Uniform Community Dev Dists), Ord Code, Sec 92.22 (Existing Community Dev Dists) to Include Normandy CDD; Providing for Conflict and Severability. (West) (TEU)
2/22/22 CO Introduced: TEU
2/28/22 TEU Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S., Sec 190.05, F.S., Sec 92.11
Ord Code & C.R. 3.601 - 3/22/22

READ 2ND & REREFER

11. [2022-0123](#) ORD Relating to the Elections & Terms of the City Council, Sheriff, Sup of Elections, Propty Appraiser, Tax Collector, Clerk of the Court & Duval Co School Board; Setting a Public Referendum; Amend the Charter of the COJ, Chapt 92-341, Laws of FL, as Amended, to Change the 2 Term Consecutive Limit Provisions to 2 Term Total Limit Provisions for Sec 5.041 (The Council-Limitation of Term of Office), 6.01 (Mayor-Qualifications & Term of Office); 8.04 (Sheriff-2 Term Limit), 9.04 (Supervisor of Elections-2 Term Limit), 10.04 (Propty Appraiser-2 Term Limit), 11.04 (Tax Collector-2 Term Limit), 12.11 (Clerk of Courts-2 Term Limit) & 13.15 (Duval Co School Board-2 Term Limit), of the Charter of the COJ; Providing for Referendum Apv of This Ord; Providing for a Financial Impact Statement to be Developed & Placed on the Ballot; Directing the Sup of Elections to Place the Referendum Question on the 2022 Primary Election Ballot on Aug 23, 2022. (Johnston) (Introduced by CM Diamond) (Co-Sponsor CM Cumber)
2/22/22 CO Introduced: NCSPHS, TEU, F, R
2/28/22 NCSPHS Read 2nd & Rerefer
2/28/22 TEU Read 2nd & Rerefer
3/1/22 F Read 2nd & Rerefer
3/1/22 R Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-3/8/22

READ 2ND & REREFER

12. [2022-0134](#) RESO Recognizing & Supporting Reso 2022-01, as Adopted by the Jax Waterways Comm, requesting that the City Petition the US Army Corps of Engineers ("USACE") to Undertake a Study to Determine the Cause & Solution for a Sandbar/Shoal Formed in the St. John's River, Adjacent to the Fulton Cut & Blount Island; Req the Mayor Exec & Deliver a Written Letter to the USACE for the Purposes Set Forth Herein (Grandin)
(Introduced by CM Ferraro)
2/22/22 CO Introduced: TEU, R, JWC
2/28/22 TEU Read 2nd & Rerefer
3/1/22 R Read 2nd & Rerefer

READ 2ND & REREFER

13. [2022-0137](#) ORD Supplementing Ord 2006-888-E Auth Issuance of City’s Special Revenue Bonds, in 1 or More Series in Amount not in Excess of \$33,500,000 of Net Proj Funds in Order to Refinance Acquisition & Constructn of Metropolitan Parking Solutions Parking Garages & Finance Certain Capital Equipmnt & Improvements Thereto (The “Series 2022B Project”); Prov Authority for this Ord; Prov for Certain Definitions; Making Certain Findings; Prov that Ord Shall Constitute a Contract btwn Issuer & Bondholders; Auth of Financing the Series 2022B Proj; Auth & Terms of the Series 2022B Bonds; Auth Mayor to Award the Sale of Said Bonds on a Limited Competitive Basis, on a Negotiated Basis, or as a Private Placement, as Provided Herein; Auth the Acquisition of Debt Svc Reserve Fund Products with Respect to Such Bonds, if Deemed Necessary; Auth Acquisition of Credit Facilities with Respect to Such Bonds if Deemed Necessary; Auth Preparation of Preliminary & Final Official Statements &/or Offering Memoranda with Respect to Such Bonds; Auth Execution of Continuing Disclosure Undertaking or Agreemnt with Respect to Such Bonds; Auth Designation of Deputy Registrar & Paying Agent & Providers of Other Svcs with Respect to Such Bonds; Providing for Application of Such Bond Proceeds; Auth Execution of Bond Terms Agreemnt with Respect to Said Bonds; Providing Certain Addtn’l Details & Authorizations in Connection therewith; Waiving Provisions of Sec 104.211 (Procedure for Sale of Bonds) of Chapt 104 (Bonds), Ord Code, so as to Allow City to Award Sale of Said Bonds on a Limited Competitive Basis as a Negotiated Sale, or as a Private Placement; Auth Borrowing From the City’s Commercial Paper Facility &/or Issuance of Fixed-Rate Debt in the Cumulative, Not-to-Exceed Amount of \$33,500,000, or Such Lesser Amount as Determined Pursuant to the Settlement Agreemnt (Defined Below) as of the Time of Closing, & Approp Thereof to Provide Funding to Defeas Existing Bond Debt Related to Construction of the Metropolitan Parking Solutions (“MPS”) Parking Garages (“Parking Garages”) Pursuant to Settlemnt Ageemnt, & Approp up to \$4,000,000 of Net Proj Funds, & \$700,000 Payable From MPS at Closing Under the Settlemnt Agreemnt, to Establish a Reserve Account for Leasehold Improvemts to the Parking Garages, & Deapprop Funds in Amount of \$32,905,000 from the MPS Garage Purchase Proj Previously Auth by 2021-179-E, Amend 2021-504-E, the FY 2022 Budget Ord, to Replace 3rd Revised Schedule B4, the FY 2021-2022 Debt Management Fund Detail, to : (1) Remove the Project Entitled “Downtown Garages – MPS 2021-179-E”; & (2) Auth the Borrowing &/or Issuance of Debt to Allow for the “MPS Settlement – Debt Defeasance” Funding in the Amount not in Excess of \$29,500,000 & the “MPS Settlement – Leasehold Improvements” Funding in the Amount of \$4,000,000; Request 1-Cycle Emerg Action. (B.T.#22-052) (Greenberg Traurig/Sawyer)(Introduced by CP Newby at Req of Mayor) 2/22/22 CO Introduced:TEU, F, R
2/28/22 TEU Emergency/Approve 7-0
3/1/22 F Emergency/Approve 6-0

3/1/22 R Emergency/Approve 7-0
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 3/8/22

Lori Boyer, DIA, explained the emergency and the legislation.

EMERGENCY/APPROVE

Aye: 7 - Morgan, Ferraro, Becton, Carlucci, Cumber, DeFoor and Freeman

14. [2022-0138](#) ORD-MC Making Certain Findings & Apv & Auth the Mayor, or his Designee, & Corp Sec to Execute a Settlement Agreemt, Amended & Restated Mortgage, Amended & Restated Promissory Notes, a Lease Agreemnt for Lease by the DIA of the 3 Downtown Parking Garages ("Parking Garages") Owned by Metropolitan Parking Solutions, LLC ("Developer") for a Lease Term Through 9/202051, Sublease & Vendor Assignment Agreemts & Related Closing Docs & Other Agreemts as Set Forth in the Settlement Agreemnt, to Auth the Settlement of Certain Litigation btwn the City & Developer; Subj to Appropriation of Funds Therefore via Separate Legislation, the Settlement Agreemnt Auth the City to Provide Funding in the Not-to Exceed Amount of \$33,500,000 to Defease the Existing Bond Debt of Developer in an Amount Not to Exceed \$29,500,000 & to Pay for Certain Closing Costs & Other Costs & Expenses as Set Forth in the Settlement Agreemnt; Repealing in its Entirety Ord 2021-179-E, Which Auth Borrowing from the City's Commercial Paper Facility &/or Issuance of Fixed-Rate Debt in the Cumulative, Not to Exceed Amount of \$32,905,000 to Provide Funding for the Purchase of the Developer's Parking Garages; Amend the 2022-2026 CIP Apv'd by Ord 2021-505-E to Remove the Proj Entitled "MPS Garage Purchase"; Waiving Provisions of Chapt 126, (Procurement Code), Ord Code for a Period of 6 Months from the Closing Date Under the Settlement Agreemnt with Respect to the Maintenance, Repair & Operation of the Parking Garages, to allow the DIA to Directly Procure Contracts for a Term of No Longer than 1 Yr for the Purposes of Addressing Needed Repairs, Maintenance & Life-Safety Issues for the Parking Garages; Waiving Chapt 122 (Public Property), Pt 4 (Real Property), Subpart A (Acquisition of Interest in Real Property), Sec 122.411 (A) (Fee Purchases), Ord Code, to Auth the Purchase of the Parking Garages Without the Requirement to Obtain 2 Appraisals in Connection with the Purchase Option or Right of 1st Refusal Included in the Lease Agreemnt; Waiving Chapt 55 (Downtown Investment Authority), Pt 1 (Downtown Investment Authority), Sec 55.115 (Procedures for Acquisition & Disposition of Downtown Property), Ord Code, to Allow for the Exercise of the Purchase Option or Right of 1st Refusal Included in the Lease Agreement; Auth & Creating a New Pt 4 (DIA-Leased Parking Garages), Chapt 55 (Downtown Investment Authority), Ord Code, to Auth Management & Maintenance Obligations for the Parking Garages to the DIA & Auth the DIA to Enter into Retail & Commercial Subleases & Parking Subleases for Use of Retail & Commercial Spaces & Parking Spaces Within the Parking Garages at Rates as Established by the DIA Board; Auth the General Counsel, or his Designee, to take Further Action to Conclude the Litigation; Requesting 1-Cycle Emerg Action (Sawyer) (Introduced by CP Newby at Req of Mayor)
2/22/22 CO Introduced: TEU, F, R
2/28/22 TEU Emergency/Amend/Approve 7-0
3/1/22 F Emergency/Amend/Approve 6-0

3/1/22 R Emergency/Amend/Approve 7-0
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 3/8/22

Randy DeFoor was called to speak.

Al Ferraro was called to speak.

Danny Becton was called to speak.

Lori Boyer, DIA, explained the emergency and the legislation. The emergency is due to rising interest rates. CM Ferraro asked if something else could be gotten out of this deal. Chris Garrett, Office of General Counsel, said he could not get into the litigation strategy. Brian Parks, Auditor's Office, explained the amendment.

EMERGENCY/AMEND/APPROVE

Aye: 7 - Morgan, Ferraro, Becton, Carlucci, Cumber, DeFoor and Freeman

AMENDMENT

- 1. Allow for technical amendments to assigned agreements that do not extend the term of agreements and do not increase the DIA's financial obligations**
- 2. Clarify the limitations of DIA's authority to direct contract**

NOTE:

The Procurement Code (except JSEB Program provisions) is being waived for a period of six months for the repair, operation, and maintenance of the Parking Garages to provide an expedited procurement process for DIA during a transition period. Any contract entered into in this period shall be for no longer than one year.

Public Comment

Carnell Oliver talked about elections and voting precincts.

NOTE: The next regular meeting will be held March 14, 2022.

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

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

Rollcall

Present: 7 - Chair Joyce Morgan, Vice Chair Al Ferraro, Council Member Danny Becton, Council Member Matt Carlucci, Council Member LeAnna Cumber, Council Member Randy DeFoor and Council Member Terrance Freeman

Minutes: Richard Distel, Council Research
RDistel@coj.net 904.255.5140
Posted 3.3.2022 5:00 pm