

City of Jacksonville

117 W Duval St
Jacksonville, FL 32202



Meeting Minutes

Tuesday, November 16, 2021

9:30 AM

Council Chambers 1st Floor, City Hall

Finance Committee

Ron Salem, Pharm. D., Chair

Danny Becton, Vice Chair

Michael Boylan

Matt Carlucci

Terrance Freeman

Reggie Gaffney

Ju'Coby Pittman

Legislative Assistant: Melodi Murray

Legislative Services Manager: Bernadette Smith

Council Auditor: Kim Taylor

Asst. Council Auditor: Phillip Peterson

Chief of Research: Jeff Clements

Chief Office of General Counsel: Paige Johnston

Administration: Rachel Zimmer

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: 9:31 AM

Meeting Adjourned: 11:54 AM

Attendance: Council Members Ron Salem, (Chair), Michael Boylan, Matt Carlucci, Terrance Freeman, Reggie Gaffney, Ju'Coby Pittman

Excused: Council Member Danny Becton

Also: Council Members Rory Diamond (2021-761), Garrett Dennis (2021-706, -707); Jeff Clements – Council Research Division; Kim Taylor and Phillip Peterson – Council Auditor's Office; Paige Johnston, Susan Grandin, John Sawyer – Office of General Counsel; Melodi Murray and Bernadette Smith – Legislative Services Division; Eric Grantham – Information Support Services; Stephanie Burch, Lee Ann Krieg – Mayor's Office; Joey Greive – Finance and Administration Department; John Pappas, Dave McDaniel – Public Works Department; Kirby Oberdorfer – Ethics Office; Lori Boyer, Steve Kelley – Downtown Investment Authority
Attendance

*** Tree Commission Presentation**

Chris Flagg, Chair of the Jacksonville Tree Commission, gave a presentation about the commission's work and the City's various tree planting programs. The Tree Commission manages four programs: Remove and replace (individual dead, dying or hazardous trees in City rights-of-way and parks); Level 1 (630-CITY – small numbers of trees requested by citizens to be planted in public rights-of-way in front of their properties); Level 2 (larger numbers of trees planted in an organized manner on public properties around the city, requested by citizens, groups or organizations); Level 3 (substantial tree plantings done by organizations acting as contractors on the City's behalf to design, bid and install and maintain the project with City funding). Assistant General Counsel Susan Grandin explained the two Tree Protection Trust Funds and the previous appropriations to the four categories of planting programs. The use of the trust funds is restricted to specified activities directly related to tree planting and maintenance.

Council Member Carlucci asked about any plans for Arbor Day celebrations and especially plans for educating school aged children about the importance of trees. Mr. Flagg said that Greenscape Jacksonville is the leader in that celebration, but the Tree Commission would love to become more involved. Council Member Pittman asked about the timeframe for the various types of projects from initial application to final installation. She suggested the need to develop council district planting plans, especially for major traffic arteries and public spaces. Council Member Gaffney asked about maintenance procedures for planted trees and recommended specifically allocating a portion of the trust funds to maintenance activities, particularly for tree trimming. Public Works Director John Pappas explained the department's tree trimming practices, priorities and funding, which includes an allocation from the Tree Trust Funds. Council Member Boylan asked that the department give council members advance notice when trees are going to be removed so that they can help disseminate accurate information to concerned citizens. Mr. Boylan asked about plans for future tree plantings in FDOT rights-of-way in Mandarin. Council Member Pittman expressed dissatisfaction with FDOT's maintenance of its rights-of-way in her district.

*** Annual Financial Report Update**

CFO Joey Greive updated the committee on the progress of the FY19-20 annual financial report, which was turned over to the independent auditor yesterday. The state's Joint Legislative Audit Committee has been kept up to date on the City's progress, and the City's independent auditor, Carr, Riggs and Ingram, is confident that the audit can be certified by the deadline of December 31st.

*** Emergency Rental Assistance Program Update**

Deputy CAO Stephanie Burch gave a report on the latest progress of the Emergency Rental Assistance Program (ERAP), utility assistance and mortgage assistance programs. ERAP 1: rental assistance made to 3,913 households in the amount of \$23,841,799; utility assistance paid for 2,069 households in the amount of \$1,421,532; approximately \$400,000 remains to be awarded. ERAP 2: rental assistance made to 625 households in the amount of \$3,530,971; utility assistance paid for 5 households in the amount of \$2,284; approximately \$24,218,000 remains to be awarded.

Item/File No.	Title History
1. <u>2021-0706</u>	<p>ORD-MC- TBK as "Govt. Reduction Bill," Relating to At-Large Residence Areas Council Members & Setting a Public Referendum; Amending the Chart. of the City of Jax, Ch. 92-341, Laws of FL, as Amended; Eliminating at-Large Residence Areas Council Dist. Commencing 1/1/2031; Providing for Transition; Repealing Conflicting Ords & Requiring the Enactment of New Implementation Ords; Providing for Referendum Apv. of This Ord; Providing for a Financial Impact Stmtnt. to be Devel. and Placed on the Ballot, Directing the Sup. of Elections to Place the Referendum QN on the Spec. Elec. Ballot on 2/22/2022. (Johnston) (Introduced by CM Dennis)</p> <p>9/28/21 CO Introduced: NCSPHS, F, R 10/4/21 NCSPHS Read 2nd & Rerefer 10/5/21 F Read 2nd & Rerefer 10/5/21 R Read 2nd & Rerefer 10/12/21 CO PH Read 2nd & Rereferred:NCSPHS, F, R 11/15/21 NCSPHS Amend/Approve 1-5 (Fail) (CMs Bowman, Carrico, Pittman, Priestly Jackson & Salem) 11/16/21 F Approve (Fail) 1-5 (CMs Salem, Freeman, Pittman, Gaffney, Carlucci) 11/16/21 R Amend/Approve 4-2 (CMs Priestly Jackson & White) Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601 –10/12/21 & 11/9/21 & 11/23/21</p>

Assistant Council Auditor Phillip Peterson explained the amendment. The amendment failed 2-3 (Gaffney and Boylan in favor). Council Member Dennis explained the purpose of the bill and advocated for its approval. Council Member Gaffney spoke in favor of the bill since the workload of the district and at-large members can vary widely. Council Member Carlucci said that one of the rationales for the form of council created at consolidation was to have some council members not strictly focused on district issues and taking a larger view of overall city needs. Council Member Boylan advocated for putting the question before the voters via a referendum and suggested holding the referendum in the 2022 general election rather than the upcoming City special election.

Amendment (Boylan) – change the election date to the November 8, 2022 general election

CM Carlucci advocated against holding this local referendum in the context of a state election.

Amendment failed 2-4 (Gaffney and Boylan in favor)

Chairman Salem opposed elimination of the at-large members.

APPROVE (FAIL) 1-5 (SALEM, FREEMAN, PITTMAN, GAFFNEY, CARLUCCI)

Aye: 1 - Boylan

Nay: 5 - Salem, Carlucci, Freeman, Gaffney and Pittman

Excused: 1 - Becton

AMENDMENT

- 1. Correct scrivener's errors**
 - 2. Pg. 4, line 16: insert "and the district for which they intend to run" after "Duval County"**
 - 3. Pg. 6, line 25 and pg. 9, line 8: strike "general"**
 - 4. Pg. 6, line 27 and pg. 9, line 3: fill in Ordinance number**
-
- Sets a public referendum for the February 22, 2022 special election to eliminate the five at-large residence areas and council member positions**
 - If approved, the change would take effect with the next consolidated government election in or after 2030 (for council terms beginning July 1, 2031)**
 - The annual cost of the five at-large council members is approximately \$885,000**

2. **2021-0707** ORD-MC- TBK as “Eliminating Excess Elections,” Relating to the Terms & Elections of City of Jax County Officials & Setting a Public Ref.; Amending the Chart. of the City of Jax, Ch. 92-341, Laws of FL, as Amend.; Changing the Date of Assuming the Offices of the Mayor, Council Members, & the Sheriff, Sup. of Elections, Property Appraiser, & Tax Collector to 1/1 Following Fall Even-Yr. Gubernatorial Elections Commencing 1/1/2031, & Every 4 Yrs. Thereafter; Providing for Transition; Repealing Conflicting Ord. & Requiring the Enactment of New Implemented Ords; Revising the Lengths of the Terms of Office of the City Council Members, Mayor, Sherriff, Sup. of Elections, Property Appraiser, & Tax Collector. Assuming Office on 7/1/2027, to Terms of 7/1/2027 – 12/31/2030; Providing for No Change in Term Limits; Providing for Referendum Appr. of This Ord; Providing for a Financial Impact Stmt. to be Developed & Placed on the Ballot; Directing the Sup. of Elections to Place the Referendum Qn. on the Special Elec. Ballot on 2/22/2022. (Johnston) (Introduced by CM Dennis)
 9/28/21 CO Introduced: NCSPHS, TEU, F, R, LUZ
 10/4/21 NCSPHS Read 2nd & Rerefer
 10/4/21 TEU Read 2nd & Rerefer
 10/5/21 F Read 2nd & Rerefer
 10/5/21 R Read 2nd & Rerefer
 10/5/21 LUZ Read 2nd and Rerefer
 10/12/21 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F, R, LUZ
 11/9/21 CO PH Only
 11/15/21 NCSPHS Approve (Fail) 1-5 (CMs Bowman, Carrico, Pittman, Priestly Jackson & Salem)
 11/15/21 TEU Approve (Fail) 1-5 (CM's Freeman, Ferraro, DeFoor, Cumber & Carlucci)
 11/16/21 F Approve (Fail) 0-6 (CM's Salem, Boylan, Carlucci, Freeman, Pittman & R.Gaffney)
 11/16/21 R Approve (Fail) 1-5 (CM's Priestly Jackson, DeFoor, Cumber, Diamond & White)
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601 –10/12/21 & 11/9/21

Council Member Dennis explained the purpose of the bill and advocated for its approval, noting that only a small handful of cities in Florida have local elections in the spring. He said Jacksonville has a long history of trying to maintain the status quo, to its own detriment, and advocated for letting the voters decide the issue. Council Member Carlucci advocated for not mixing City elections with state elections and opposed the bill. Chairman Salem strongly opposed mixing City elections with the state electoral cycle because they would be lost in the fray and said that the cost of holding separate elections is a cost worth paying. Council Member Boylan said that lengthy ballots are a problem that impacts on the vote counting process and could potentially impair the perception of election fairness and accuracy.

APPROVE (FAIL) 0-6 (SALEM, FREEMAN, PITTMAN, GAFFNEY, CARLUCCI, BOYLAN)

Nay: 6 - Salem, Boylan, Carlucci, Freeman, Gaffney and Pittman

Excused: 1 - Becton

Scrivener's

Pg. 9, line 24: insert bill number

- **Sets a public referendum for the February 22, 2022 special election to eliminate spring elections and move elections for the City Council, Mayor, Sheriff, Supervisor of Elections, Property Appraiser, and Tax Collector to fall gubernatorial year elections, commencing with the 2030 gubernatorial election, for terms beginning January 1**
- **Decreases the length of the 2027 term by six months to end December 31, 2030**
- **The estimated cost of a unitary election is \$2,050,000**

3. **2021-0761** ORD- MC-re Ch 118 (City Grants), Ord Code; Creating a New Sec 118.107 (Nonprofits to Rec Funding Through a Competitive Evaluated Award Process), Pt 1 (General Provisions), to Chapt 118 (City Grants), Ord Code; Creating a New Sec 602.413 (Addnt'l Disclosure Requirements for Council Members Employed by Nonprofit Orgs Receiving Funding from City), Pt 4 (Conflicts of Interest), Chapt 602 (Jax Ethics Code), Ord Code. (Johnston) (Introduced by CMs Diamond, Ferraro, Carlucci) (Co-Sponsor CM's DeFoor & Cumber)
 10/12/21 CO Introduced: NCSPHS, F, R
 10/18/21 NCSPHS Read 2nd & Rerefer
 10/19/21 F Read 2nd & Rerefer
 10/19/21 R Read 2nd & Rerefer
 10/26/21 CO PH Read 2nd & Rereferred: NCSPHS, F, R
 11/15/21 NCSPHS 3-3 (Fail) (CM's Bowman, Pittman & Priestly Jackson)
 11/16/21 F Approve 4-2 (CM's Pittman & Gaffney)
 11/16/21 R Amend/Approve 5-1 (CM Priestly Jackson)
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-10/26/21

Council Member Diamond explained the purpose for the bill and its intent to direct more funding through the existing competitive funding processes and to increase accountability for grants when alternative processes are used. City Ethics Officer Kirby Oberdorfer discussed the new disclosure requirements, which reflect state ethics law requirements. Phillip Peterson explained the amendment. The amendment was approved 4-2 (Gaffney and Pittman opposed). Council Member Freeman said the Council should consider eliminating the direct contracting process altogether and rely solely on the competitive evaluation processes. Council Member Boylan talked about the unintended consequences of this legislation without considering the limitations of the Public Service Grant priorities and process and how it differs from the Cultural Service Grant process in the area of eligibility for basic organizational support. Paige Johnston pointed out that the City's Ordinance Code Chapter 118 requirements apply to City funds, not to state and federal grant funds. She also noted that this bill is not intended to preclude the proper use of the Procurement Code's provisions regarding sole-source procurement. Phillip Peterson noted that the City Council controls the allocation of funding and the designation of priority populations for the Public Service Grant Council. Chairman Salem expressed his opposition to taking any action that would absolutely prohibit Council from exercising direct contracting. Council Member Freeman asked for clarification of the current process for determination of a conflict of interest and a council member abstaining from voting due to such conflict.

AMEND/APPROVE 4-2 (PITTMAN, GAFFNEY)

Aye: 4 - Salem, Boylan, Carlucci and Freeman

Nay: 2 - Gaffney and Pittman

Absent: 1 - Becton

NCSPHS AMENDMENT

1. Include definition of “competitive evaluated award process”
2. Require disclosure from Council Members’ spouses and children who are employed by nonprofits applying for City funding
3. Clarify disclosure requirements and include provision that the Council Member did not disclose or use any confidential City information in the nonprofit’s application for City funding
4. Include directive that disclosures will be published on the City Council website

- Adds provision that all City funds appropriated to non-profit organizations shall be subject to a competitive evaluated award process under Ch. 118 or 126 (with the exception of KHA and DIA grants)
- Adds provision requiring additional disclosures for Council Members that are employed by a non-profit organization that is applying for City funds

4. **2021-0782** ORD Approp \$444,964.86 Awarded by Federal Emergency Management Agency (“FEMA”), Funded by the Hazard Mitigation Grant Prog to Improve Drainage Along the McCoy’s Creek Channel; Purpose of Approp; Amend the 2022-2026 5-Yr Capital Improvemt Plan Apvd by Ord 2020-505-E to Reflect FEMA Grant Funding for the Project; Providing for Oversight by the Public Works Dept. (B.T. 21-133) (Hodges) (Introduced by CP Newby at Req of Mayor) (JWC Apv)
 10/26/21 CO Introduced: NCSPHS, TEU, F, JWC
 11/01/21 NCSPHS Read 2nd & Rerefer
 11/01/21 TEU Read 2nd & Rerefer
 11/02/21 F Read 2nd & Rerefer
 11/9/21 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F
 11/15/21 NCSPHS Amend/Approve 5-0
 11/15/21 TEU Amend/Approve 6-0
 11/16/21 F Amend/Approve 5-0;Reconsider Amend/Approve 6-0
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

AMEND/APPROVE 5-0

Aye: 5 - Salem, Boylan, Freeman, Gaffney and Pittman

Excused: 1 - Becton

Absent: 1 - Carlucci

Robin Smith of the Public Works Department gave a brief explanation of the bill. The bill was approved, then a motion to reconsider was approved to ensure that the amendment had been properly approved. The amendment was approved and the bill was re-approved as amended.

RECONSIDER/AMEND/APPROVE 6-0

Aye: 6 - Salem, Boylan, Carlucci, Freeman, Gaffney and Pittman

Excused: 1 - Becton

AMENDMENT

- 1. Attach a Revised Exhibit 2 (CIP) to reflect the correct project and appropriation amount
- 2. Correct scrivener's

• Funds will be supplemental to the City's appropriations for the drainage improvement project

- 5. 2021-0783 ORD Approp \$205,860.00 From the Trail Ridge Landfill Mitigation to Provide Funding to be Used for the Purchase & Install of a New Batting Cage & Improvemts Related Thereto at Baldwin High School; Amend the 2022-2026 5-Yr Capital Improvemnt Plan Apprvd by 2021-505-E; Providing for Oversight by the Parks, Rec & Community Serv Dept; Providing for Reverter of Any Unspent Funds; Invoking the Exception of 126.107 (G) (Exemptions), Chapt 126 (Procurement Code), Ord Code, to Direct Contract with Southern Recreation, Inc. (Johnston) (Introduced by CM White)(Co-Sponsor CMs Salem, Freeman & DeFoor)
 10/26/21 CO Introduced: NCSPHS, TEU, F, R
 11/1/21 NCSPHS Read 2nd & Rerefer
 11/1/21 TEU Read 2nd & Rerefer
 11/2/21 F Read 2nd & Rerefer
 11/2/21 R Read 2nd & Rerefer
 11/9/21 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F, R
 11/15/21 NCSPHS Amend/Approve 6-0
 11/15/21 TEU Amend/Approve 6-0
 11/16/21 F Amend/Approve 5-0
 11/16/21 R Amend/Approve 6-0
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

Philip Peterson explained the amendment.

AMEND/APPROVE 5-0

Aye: 5 - Salem, Boylan, Freeman, Gaffney and Pittman

Absent: 2 - Becton and Carlucci

AMENDMENT

- 1. Clarify funding source
- 2. Correct CIP amendment language
- 3. Attach revised Exhibit 1 to correct BT

6. **2021-0785** ORD Apv, & Auth the Mayor, or his Designee, & the Corp Sec to Execute & Deliver, For & On Behalf of the City, That Certain License Agreement btwn the COJ & the ARC Jax, Inc ("ARC"), Providing a License to ARC for Use & Occupation of the Grounds & Facility Located at 1050 N. Davis St, Jax, FL 32209 (R.E. #055099-0000), for the Provision of Various Svcs for Citizens w/ Developmental Disabilities, for an Initial Term of 10 Yrs w/Options to Extend the Term for Up To 2 Addn'l 5-Yr Periods, with No License Fee; Prov for Oversight of License Agreement Approval & Execution by the Real Estate Div of the Dept of Public Works, & Thereafter by the Parks, Rec & Community Serv Dept. (Staffopoulos) (Introduced by CP Newby at Req of Mayor) (Co-Sponsors CMs Carrico, Pittman, Bowman, R. Gaffney & Salem)
- 10/26/21 CO Introduced: NCSPHS, TEU, F
 11/1/21 NCSPHS Read 2nd & Rerefer
 11/1/21 TEU Read 2nd & Rerefer
 11/2/21 F Read 2nd & Rerefer
 11/9/21 CO PH Read 2nd & Rereferred:NCSPHS, TEU,F
 11/15/21 NCSPHS Approve 6-0
 11/15/21 TEU Approve 6-0
 11/16/21 F Approve 5-0
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

Renee Hunter of the Real Estate Division explained the bill. Council Member Boylan suggested that this bill might be considered a sole-source procurement as discussed in the context of the earlier bill on council member ethics related to City funding. CMs Gaffney and Salem asked to be added as co-sponsors.

APPROVE 5-0

Aye: 5 - Salem, Boylan, Freeman, Gaffney and Pittman

Absent: 2 - Becton and Carlucci

- **ARC Jacksonville currently occupies this facility**

7. **2021-0786** ORD Apv, & Auth the Mayor, or His Designee, & the Corp Sec to Execute & Deliver, For & On Behalf of the City, That Certain Sovereignty Submerged Lands Fee Waived Lease Renewal (BOT File #160224032) btwn the COJ & the Board of Trustees of the Internal Improvement Trust Fund of the St of FL (The "Lease") for the Purpose of Operating a Public Boat Ramp & 2 Accessory Docks in Conjunction with an Upland Park at Goodby's Creek for a 5-Yr Term at No Cost to the City; Providing for Oversight of Acquisition, Execution & Recording of the Lease by the Real Estate Div, Public Works Dept, & Oversight of the Lease & Boat Ramp Docking Facility by the Parks, Rec & Community Serv Dept. (Staffopoulos) (Introduced by CP Newby at Req of Mayor) (JWC Apv)
 10/26/21 CO Introduced: NCSPHS, F, R, JWC
 11/1/21 NCSPHS Read 2nd & Rerefer
 11/2/21 F Read 2nd & Rerefer
 11/2/21 R Read 2nd & Rerefer
 11/9/21 CO PH Read 2nd & Rereferred:NCSPHS, F, R
 11/15/21 NCSPHS Approve 6-0
 11/16/21 F Approve 6-0
 11/16/21 R Approve 6-0
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

Renee Hunter of the Real Estate Division explained the bill.

APPROVE 6-0

Aye: 6 - Salem, Boylan, Carlucci, Freeman, Gaffney and Pittman

Absent: 1 - Becton

8. **2021-0787** ORD Apv, & Auth the Mayor, or His Designee, & the Corp Sec to Execute & Deliver a Public Infrastructure Capital Improvements Cost Disbursement Agreemt btwn the COJ & Eastland Development Group, Inc; Invoking the Exemption in Sec 126.107 (G), Ord Code; Providing for Oversight by the Public Works Dept. (Staffopoulos) (Introduced by CM Newby at Req of Mayor) (Co-Sponsor CM Becton)
 10/26/21 CO Introduced: TEU, F, R
 11/1/21 TEU Read 2nd & Rerefer
 11/2/21 F Read 2nd & Rerefer
 11/2/21 R Read 2nd & Rerefer
 11/9/21 CO PH Read 2nd & Rereferred:TEU, F, R
 11/15/21 TEU Amend/Approve 6-0
 11/16/21 F Amend/Approve 6-0
 11/16/21 R Amend/Approve 6-0
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

Phillip Peterson explained the amendment. Robin Smith of the Public Works Department explained the cost disbursement agreement with the developer doing the work.

AMEND/APPROVE 6-0

Aye: 6 - Salem, Boylan, Carlucci, Freeman, Gaffney and Pittman

Absent: 1 - Becton

AMENDMENT

1. Pg. 2, line 8: correct amount to \$10,681,250
2. Correct scrivener's errors
3. Attach revised Exhibit 1 (Disbursement Agreement) to correct maximum funding amount, update insurance and indemnification language, include audit rights, and correct scrivener's errors

• The FY 21/22 approved budget includes \$10,681,250 for the Race Track Road widening project

9. **2021-0788** ORD Amend Fiscal Yr 2018-2019 JTA Budget; Amend ORD 2018-504-E (The COJ Budget) by Amending the JTA Budget Revised Schedules O & P; an ORD Amending FY 2019-2020 JTA Budget; Amending ORD 2019-504-E (The COJ Budget) by Amending the JTA Budget Revised Schedules O & P. (Sidman) (Introduced by CP Newby at the Req of JTA)
 10/26/21 CO Introduced: TEU, F
 11/1/21 TEU Read 2nd & Rerefer
 11/2/21 F Read 2nd & Rerefer
 11/9/21 CO PH Read 2nd & Rereferred:TEU, F
 Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

DEFER

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10. 2021-0796 ORD Making Certain Findings & Auth the Mayor, or His Designee, to Execute: (1) A Redev Agreemt ("Redevelopment Agreement") Among the COJ ("City"), Downtown Investment Authority (DIA), & Fuqua Acquisitions II, LLC ("Developer"), Which Redev Agreemt Provides for the Design & Construction of a 2 Phase Project on That Certain Parcel of Real Property Located at 1 Riverside Ave & Known Generally As the Times-Union Property Located on the Northbank of the St. Johns River Within the Downtown W Northbank Downtown Community Redev Area; Phase 1 of the Project is Comprised of a Min 39,256 Sq Ft of Retail Space, Inclusive of a Major Branded Grocery Store of not less than 22,000 Sq Ft, & a Min of 265 Multifamily Residential Units, a Full-Svc Restaurant with not less than 2,500 Sq Ft of Enclosed Space & a Structured Parking Facility with not less than 400 Parking spaces (The "Phase I Improvements"); Phase 2 of the Project will included a Min of 13, 500 Sq Ft of Retail Space, Inclusive of 2 Restaurants, & a Min of 113 Multifamily Resident Units, & a Min of 180 Addn'l Parking Spaces (The "Phase II Improvements" & Collectively With the Phase I Improvements", the "Project"); (2) A Demoliation Agreemt Btwn the City & Developer Auth the Developer to Undertake the Demo of Certain Improvemts Located on Approx 4.95 Acre Parcel Within the Times-Union Prop ("City Parcel") to be Purchased by the City; Auth a Purchase & Sale Agreemt Btwn the City & Developer for the Purchase by the City of the City Parcel for the Amnt of \$6,040,680, with Supplemental Purchase Price of \$1,719,320 if Certain Conditions re: the City Parcel are Satisfied by the Developer; & (3) Easements & Related Docs as Described in the Redev Agreemt; Auth a Repurchase Right in Favor of the Developer to Repurchase the City Parcel; Auth a Put Option in Favor of the Developer for the City to Purchase the Phase II Mixed-Use Component Parcel, an Approx 1.58 Acre Parcel of Real Prop at the Rate of \$60 Per Sq Ft; Auth a 75%, 22-Yr Phase I Retail Component Recaptured Enhanced Value (REV) Grant in the Max Amnt Not to Exceed \$2,757,711 in Connection with the Construction of the Retail Component of the Phase I Improvemt; Auth a 75%, 22-Yr Phase I Residential Component REV Grant in the Max Amnt Not to Exceed \$17,347,914 in Connection with the Construction of the Residential Component of the Phase I Improvemts; Auth a 75%, 20-Yr Phase II Mixed Use REV Grant in the Max Amnt Not to Exceed \$8,313,544 in Connection with the Construction of the Phase II Improvmts; Auth a \$750,000 Forgivable Loan Payable Upon Substantial Completion of the Restaurant Improvemts as Defined in the Redevelopmt Agreemt, to be Forgiven at the Rate of 10% Annually From the Date of Disbursmt of the Loan, Provided the Restaurant Remains in Operation Consistent with the Terms as Set Forth in the Redev Agreemt; Waiving Provisions of Chpt 126 (Procurement Code), Ord Code, With Respect to the Demolition Project; Waiving Certain Provisions of Chpt 656 (Zoning Code), Part 3 (Scheduled of District Regs), Subpt H (Downtown Overlay Zone & Downtown District Use & For Regs) Sec 626.361.8.A (Deviations), Ord Code, to Waive the Subsec 3 & 4
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Requirements That an Applicant May Not Be Eligible for Economic Incentives When Also Obtaining a Deviation From the River View & Access Corridors Req of Subsec 656.361.6.2.H.2, & the Subsec 5 Requirement of Subsec 656.361.8.A That a 2/3 Majority Vote is Req'd to Apv the Req'd Deviation; Granting Deviation Appl #DDRB 2021-014, Located at 1 Riverside Ave (A Portion of R.E. No. 0888967 0000 As Described Herein, Owned by 1 Riverside Prop LLC, to Increase the Max Distance Allowed btwn Riverfront View & Access Corridors From 250' to 352', in Zoning Dist CCBD, as Defined & Classified Under the Zoning Code; Designating the DIA as Contract Monitor for the Redev Agreement; Providing for City Oversight of the Project by the Dept of Public Works & DIA; Auth the Exec of All Docs Relating to the Above Agreements & Transactions, & Auth Technical Changes to the Docs; Waiver of that Portion of the Public Investment Policy Adopt by Ord 2016-382-E, as Amended, to Auth the REV Grants & Restaurant Completion Forgivable Loan, Which Are Not Expressly Auth by the Public Invest Policy. (Dist 7 Gaffney) (Sawyer) (Introduced by CP Newby at Req of DIA) (Co-Sponsor CM Carlucci) (JWC Apv)

10/26/21 CO Introduced: NCSPHS, TEU, F, R, JWC

11/1/21 NCSPHS Read 2nd & Rerefer

11/1/21 TEU Read 2nd & Rerefer

11/2/21 F Read 2nd & Rerefer

11/2/21 R Read 2nd & Rerefer

11/9/21 CO PH Read 2nd & Rereferred:NCSPHS, TEU, F, R

11/15/21 NCSPHS Amend/Approve 6-0

11/15/21 TEU Amend/Approve 6-0

11/16/21 F Amend/Approve 6-0

11/16/21 R Amend/Approve 6-0

Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/9/21

Lori Boyer, CEO of the DIA, explained the developer-proposed list of 15 amendments in addition to the Council Auditor amendments approved in the committees yesterday. She noted that she had sent an email to the council members containing a map of the location of a new pedestrian bridge. CM Boylan asked for a description of the City's actual cash outlay for incentives to this project. Ms. Boyer said they include \$1.719M for purchase of new park land and a \$750,000 restaurant completion grant.

AMEND/APPROVE 6-0

Aye: 6 - Salem, Boylan, Carlucci, Freeman, Gaffney and Pittman

Absent: 1 - Becton

11. **2021-0816** ORD Apv, & Auth the Mayor, or his Designee, & the Corp Sec to Execute & Deliver, For & On Behalf of the City, That Certain Purchase & Sale Agreemt btwn the COJ & Cynthia M. Young, & all Closing & Other Docs. at 5565 Old Middleburg Road S (R.E.# 015223-0000), for Acquisition, at the Negotiated Purchase Price of \$330,000.00, to be Utilized as a Pond Site for the Old Middleburg Rd Proj; Oversight by the Real Estate Division of the Public Works Dept, & Oversight of the Property by the Engineering & Construction Management Division of Public Works Department thereafter. (District 12–White) (Staffopoulos) (Introduced by the CP at Req of Mayor)
11/9/21 CO Introduced: TEU, F
11/15/21 TEU Read 2nd & Rerefer
11/16/21 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/23/21

READ 2ND & REREFER

12. **2021-0817** ORD Apv, & Auth the Mayor, or his Designee, & the Corp Sec to Execute & Deliver, For & On Behalf of the City, That Certain Lease Agreemt btwn the COJ & the City & Police Federal Credit Union located at 501 E. Bay St, Jax, FL 32202 (R.E.# 073402-0000) Pursuant to Which Tenant will Lease Approx 1,237 Sq Ft of Space in the Police Memorial Bldg for Initial Term of Five (5) Years with Options to Renew for two (2) additional Consecutive Terms of five (5) Years Each, at Rental Rate of \$1.00 per year; Providing for Oversight by the Jax Sheriff's Office. (Dist 7 R. Gaffney) (Staffopoulos) (Introduced by CP Newby at Req of Mayor)
11/9/21 CO Introduced: NCSPHS, F
11/15/21 NCSPHS Read 2nd & Rerefer
11/16/21 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/23/21

READ 2ND & REREFER

13. **2021-0818** ORD Apv & Auth Mayor & Corp Sec to Execute & Deliver an Amendment Four to Grant Agreemt btwn the COJ & Clara White Mission, Inc. to Extend the Completion of Construction date from 12/31/21 to 6/30/22 & the Sales Commencement date from 1/31/22 to 7/31/22. (Sawyer) (Introduced by CP Newby at Req of Mayor)
11/9/21 CO Introduced: NCSPHS,F
11/15/21 NCSPHS Read 2nd & Rerefer
11/16/21 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/23/21

READ 2ND & REREFER

14. **2021-0819** ORD Approp \$5,763.60 From the Jax Kids Book Club Education Special Revenue Fund & Transfer Said Funds to the Board of Library Trustees Trust Fund for the Jax Public Library's Story Journeys Literacy Enrichment Summer Prog. (B.T. 22-013) (Staffopoulos) (Introduced by CP Newby at Req of Mayor) (Co-Sponsor CM Salem)
11/9/21 CO Introduced: NCSPHS,F
11/15/21 NCSPHS Read 2nd & Rerefer
11/16/21 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/23/21

READ 2ND & REREFER

15. **2021-0822** ORD Appropriating \$400,000 from the Special Law Enforcement Trust Fun for the Mental Health Offender Trust Fund; Purpose of Appropriation; providing an effective date. (Sidman) (Introduced by CM Salem)
11/9/21 CO Introduced: NCSPHS,F
11/15/21 NCSPHS Read 2nd & Rerefer
11/16/21 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/23/21

READ 2ND & REREFER

16. **2021-0823** ORD Appropriating \$60,000.00 from the Admin & Finance Dept, Office of the Director – Professional Svcs to Carr, Riggs & Ingram, L.L.C. for addnt'l Audit Svcs; Apv & Auth Execution of an Addendum to the Initial Engagement Ltr set forth in ORD 2020-299-E for the 9/30/20 Yr End Audit. (Johnston) (Introduced by CM Salem)
11/9/21 CO Introduced: F
11/16/21 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & C.R. 3.601-11/23/21

READ 2ND & REREFER

Public Comment

Carnell Oliver said Republicans in Jacksonville vote consistently throughout the year while Democrats tend to only come out in force for November elections. The City Council at-large seats may have had a purpose once, but don't any more. The younger, more progressive generation wants change and he supports CM Dennis' bills as leading to more progressive solutions. The City's funding for non-profits is rigged to support the same organizations that always get funding.

NOTE: The next regular meeting will be held December 7, 2021.

*******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: 6 - Chair Ron Salem, Council Member Michael Boylan, Council Member Matt Carlucci, Council Member Terrance Freeman, Council Member Reggie Gaffney and Council Member Ju'Coby Pittman

Excused: 1 - Vice Chair Danny Becton

Jeff Clements - Council Research Division

jeffc@coj.net 904-255-5137

Posted 11.17.21 5:00 p.m.

Council Auditor's Office
2021-796: Times Union/Fuqua Redevelopment Agreement

Project Summary:

Developer:

- Minimum private capital investment of \$163,993,465
 - Phase I minimums –
 - 35,330 sq. ft. of retail, including a grocery store of not less than 22,000 sq. ft.
 - 265 multifamily residential units
 - 2,500 sq. ft. enclosed and 500 sq. ft. outdoor space of full-service restaurant
 - 400 space structured parking facility
 - Phase II minimums –
 - 13,500 sq. ft. of retail, including two restaurants
 - 113 multifamily residential units
 - 180 parking spaces

City:

- Purchase of parcel for City Park and realigned McCoys Creek at a cost of \$6,040,680
- Additional \$1,719,320 supplemental purchase if easement on City Park parcel is terminated
- Realignment and widening of McCoys Creek
- \$4,600,000 reimbursement to Developer for demolition of building on City Park, if elected

City Incentives/Outflows:

- Three 20-year, 75% REV Grants totaling \$28,419,169
- \$750,000 Restaurant Completion Forgivable Loan
- Conveyance to Developer of City-owned ROW and drainage easement valued at \$574,000
- Conveyance to Developer of 0.84 acre City-owned Creek Parcel
- Mobility fee credit of \$160,651

Performance Schedule (condensed):

- City to complete construction of McCoys Creek Improvements by 9/30/23
- Developer to complete all Phase I Improvements by 9/30/25
- Developer to complete the Phase II Improvements within thirty (30) months of the Phase II Commencement of Construction Date, which follows completion of McCoys Creek Improvements
- Extensions greater than one year require City Council approval

Funding Mechanisms:

- REV Grants (\$28,419,169) – future CRA tax dollars
- City Park initial purchase (\$6,040,680) – McCoys Creek CIP project
- City Park supplemental purchase (\$1,719,320) – future General Fund appropriation
- Restaurant Completion Forgivable Loan (\$750,000) – Downtown Economic Development Fund
- Demolition Project (\$4,600,000) – McCoys Creek CIP project

Clawbacks:

- DIA can withhold any undisbursed amounts of REV Grants and Restaurant Completion Forgivable Loan if reporting requirements are not met
- REV Grants will be reduced/terminated if capital investment does not meet the defined minimums
- Restaurant Completion Forgivable Loan vests 10% annually based upon meeting performance measures. Any portion not vested by the 10th anniversary of the disbursement date shall be due to the City on the tenth anniversary date.

Council Auditor's Office
2021-796: Times Union/Fuqua Redevelopment Agreement

Waivers:

- Waives Public Investment Policy to authorize the REV Grants and Restaurant Completion Forgivable Loan that are not authorized under the policy
- Authorizes a deviation to allow an increase in the maximum distance between the River View and Access Corridors from 250' to 352' to allow for development in the proposed location
- Waives provisions of the Zoning Code that require a 2/3 Council vote to approve deviations and prohibit City incentives on a project with a River View and access Corridor Deviation
- Waives the Procurement Code (except for the JSEB provisions) for the Demolition Project if undertaken by the Developer

ROI:

- DIA has prepared two ROI calculations:
 - 1.21 – inclusive of City incentives and additional costs of McCoys Creek project
 - 1.02 – inclusive of City incentives, additional costs of McCoys Creek and purchase price of City Park parcel
- Council Auditor's Office calculated the ROI at 1.18. The difference from DIA is inclusion of lost ad valorem taxes on the future City-owned Park Parcel.
- The ROI calculations do not include sales or payroll taxes as inflows since leases have not been executed at this time

Amendments:

In Bill:

1. Correct Phase I Retail square footage to 35,330
2. Correct Developer's Repurchase Right timeframe
3. Clarify minimum private capital investment
4. Include price of submerged lands for put option
5. Add language authorizing the conveyance of City-owned Creek Parcel
6. Place DDRB recommendation for Deviation 2021-014 on file
7. Correct scrivener's errors

In Redevelopment Agreement on file:

8. Revise maximum indebtedness to \$30,888,489
9. Clarify Developer's minimum capital investment is net of any payment received from the City
10. Correct acreage of Phase I Components
11. Clarify that extensions greater than 1 year require Council approval
12. Clarify base year values for REV Grants
13. Revise JSEB minimum to \$6,177,698
14. Exhibit G – Include maximum indebtedness of \$6,040,680
15. Exhibit P – Correct description of restaurant improvements
16. Correct scrivener's errors

Council Member Salem Amendment to 2021-796 Times Union Fuqua Development

Amend Redevelopment Agreement on file:

1. Add language that there will be 10 ground level spaces in the parking garage dedicated to public use;
2. Clarify the City will not encumber the Creek Parcel prior to conveyance to the Developer;
3. Add the appraised value purchase price of \$2.43 per square foot for the submerged portion of the Creek Parcel;
4. Add language that the existing JEA easements do not need to be subordinated to the easements being granted to the City by the Developer;
5. Add language that if approved by DDRB, the developer may reduce the vertical clearance above the Exhibit Y pedestrian access easement to 35';
6. Clarify the Developer must provide commercially reasonable vehicular access for the City to access the City Parcel to construct the McCoy's Creek Improvements
7. Clarify the Developer shall have no liability to the City prior to commencement of the vertical improvements and provide that the Developer must complete or demolish the project in the event of a default with respect to the Phase I Retail and Phase II Improvements;
8. Clarify the Developer shall have no continuing liability in the event of an assignment prior to commencement of construction;
9. Exhibit C – revise insurance and indemnification language per Risk Management requirements;
10. Exhibit K – clarify City obligations regarding creation of rip rap shoreline at the MCoys Creek intersection with the St. Johns River;
11. Exhibit M – clarify that certain easement rights terminate upon Completion of the McCoy's Creek Improvements and clarify description of easement premises;
12. Exhibit X – revise City's consent language to conform to the language in the RDA as amended;
13. Exhibit Y – modify easement description to be consistent with language in the RDA as amended;
14. Update Site Plan where appropriate;
15. Scrivener corrections.