



JACKSONVILLE CITY COUNCIL

TRUE COMMISSION LEGISLATIVE TRACKING COMMITTEE MEETING MINUTES May 1, 2009 9:30 a.m.

City Council Conference Room B
Suite 425, City Hall
117 W. Duval Street

Attendance: Wes Benwick (Chair), Committee Members Joe Andrews, John Palombi and Tom Martin
Guests: Tom Beverly – Office of General Counsel; Robert Abare – Boy Scout

The meeting was called to order at 9:32 a.m. by Chairman Benwick who invited Assistant General Counsel Tom Beverly to discuss several recent eminent domain settlement ordinances. Mr. Beverly explained that the Florida Constitution requires 3 factors for an eminent domain condemnation to take place: 1) a public purpose for the land; 2) reasonable necessity; and 3) a valid appraisal of the land value. There are several parts to the monetary value of a settlement agreement – the value of the land; any business damages associated with loss of productive use of the remaining property; attorney fees; and associated consultant and court costs.

The City Real Estate Division acquires approximately 90% of needed parcels through straight purchases and only 10% go to condemnation – a very high percentage in Florida. City Council only sees settlement agreements where the final amount exceeds the original bond posted by the City by \$50,000 or more. State law requires the City to pay the owner's attorney fees based on roughly one-third of the difference between the City's original offer to the property owner and the ultimate settlement price (33% of the first \$250,000 difference, 25% of the next \$750,000, and 20% of everything over \$1 million). Mr. Beverly tries to settle the cases without lawyers and court proceedings wherever possible because Florida law favors the land owner in the extreme and there is almost no way to avoid spending a great deal of money if the owner refuses to sell willingly. Recognizing this fact, the Public Works Department plans for its road and drainage projects by getting appraisals for the land needed and then budgeting for triple the amount of the appraisals.

Old legislation

- 2009-2005: new City fleet/auto allowance policy – the bill has been revised a second time in committee and the Auditor's Office still has a couple of recommended improvements. Apparently the policy produces little, if any, in the way of cost savings over the previous policy.
- 2009-185: Cedar Grove truck wash economic redevelopment incentive – contrary to the committee's expectation the bill was approved by City Council at its last meeting. The Council Auditor's office is performing an audit of the Northwest Area Economic Development Fund.
- 2009-261: increase in Banking Fund for vehicle and computer aided dispatch system acquisition – Mickey Miller will be at the full commission meeting next week to discuss the Banking Fund and capital borrowing policies.
- 2009-334 and -335: eminent domain settlement agreements – covered by Tom Beverly earlier.

- 2009-314: subordination of easement to declaration of restrictive covenant – what is this? What does it mean? Staff will seek clarification.

New legislation

The committee discussed and asked questions of staff about the following bills:

- 2009-340 and -341: leasing office space for Tax Collector full service driver's license offices – John Palombi and staff will make inquiries to find out if this project was anticipated and budgeted for at the beginning of the fiscal year and to learn the nature of the requested emergency.
- 2009-358: land acquisition for Shands Hospital – what is the benefit to the City? Do we have the \$2.3 million in cash to spend?
- 2009-359: amended noise regulations – does the bill tighten the standards? What impact, if any will this have on pending noise-related lawsuits (i.e. Waste Management)? John Palombi will make inquiries.
- 2009-362: directing the General Counsel to seek a declaratory judgment of the Waste Management/Trail Ridge Landfill operational contract dispute – the committee is glad to see this action being taken.

There being no further business, the meeting was adjourned at 10:50 a.m.

Jeff Clements, Chief
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630-1405

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2:10 p.m.