

1 Introduced by Council Member Arias and Co-Sponsored by Council
2 Members Carlucci, Carrico, Pittman, Gaffney, Jr., Howland and
3 Clark-Murray and amended on the Floor of Council:
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6 **ORDINANCE 2023-881-E**

7 AN ORDINANCE APPROPRIATING \$25,000 FROM THE
8 COUNCIL PRESIDENT'S DESIGNATED CONTINGENCY TO
9 THE GENERAL FUND OPERATING - MISCELLANEOUS
10 GRANTS AND AIDS ACCOUNT, TO PROVIDE A GRANT TO
11 WELLS CREEK EAST HOMEOWNERS ASSOCIATION, INC
12 ("WELLS CREEK EAST") FOR THE PROCUREMENT OF
13 OFF-DUTY TRAFFIC CONTROL SERVICES AT THE
14 INTERSECTION OF WELLS CREEK PARKWAY AND
15 PHILIPS HIGHWAY AS DESCRIBED HEREIN; PROVIDING
16 FOR REVERTER OF FUNDS; INVOKING THE EXEMPTION
17 IN SECTION 126.107(G) (EXEMPTIONS), PART 1
18 (GENERAL REGULATIONS), CHAPTER 126
19 (PROCUREMENT CODE), *ORDINANCE CODE*, TO ALLOW
20 FOR A DIRECT CONTRACT WITH WELLS CREEK EAST
21 HOMEOWNERS ASSOCIATIONS, INC; WAIVING SECTION
22 118.107 (NONPROFITS TO RECEIVE FUNDING THROUGH
23 A COMPETITIVE EVALUATED AWARD PROCESS), PART 1
24 (GENERAL PROVISIONS), CHAPTER 118 (CITY
25 GRANTS), *ORDINANCE CODE*, TO ALLOW FOR A DIRECT
26 CONTRACT WITH WELLS CREEK EAST; APPROVING, AND
27 AUTHORIZING THE MAYOR, OR HER DESIGNEE, AND
28 THE CORPORATION SECRETARY TO EXECUTE AND
29 DELIVER ON BEHALF OF THE CITY AN AGREEMENT
30 BETWEEN THE CITY OF JACKSONVILLE AND WELLS
31 CREEK EAST FOR THE PROVISION OF SERVICES

DESCRIBED HEREIN; PROVIDING FOR OVERSIGHT BY
THE GRANTS AND CONTRACT COMPLIANCE DIVISION OF
THE FINANCE AND ADMINISTRATION DEPARTMENT;
REQUESTING ONE CYCLE EMERGENCY PASSAGE;
PROVIDING AN EFFECTIVE DATE.

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

Section 1. Appropriation. For the 2023-2024 fiscal year,
within the City's budget, there is hereby appropriated the
indicated sum(s) from the account(s) listed in subsection (a) to
the account(s) listed in subsection (b):

(The account information is attached hereto as **Second Revised
Exhibit 1**, labeled as "Second Revised Exhibit 1, 2nd Rev B.T.,
January 10, 2024 - Floor" and incorporated herein by this
reference)

(a) Appropriated from:

See **Second Revised Exhibit 1** \$25,000

(b) Appropriated to:

See **Second Revised Exhibit 1** \$25,000

(c) Explanation of Appropriation:

The funding above is an appropriation of \$25,000 from the
Council President's Designated Contingency to the General
Fund Operating - Miscellaneous Grants and Aids account,
to provide a grant to Wells Creek East Homeowners
Association, Inc ("Wells Creek East") for the procurement
of off-duty traffic control services at the intersection
of Wells Creek Parkway and Philips Highway.

Section 2. Purpose. The purpose of the appropriation in
Section 1 is to provide funding in the form of a grant to Wells
Creek East Homeowners Association, Inc to procure off-duty traffic
control services for the intersection of Wells Creek Parkway and

1 Philips Highway. The funds will pay the costs for up to two (2)
2 police officers to provide these services on Mondays through
3 Fridays, from 6:00 a.m. until 9:00 a.m. (or for a shorter period of
4 time within those hours depending on need and availability of off-
5 duty officers), only on days when Duval County Public Schools are
6 in session. Traffic control services will be provided only when
7 off-duty officers are available and have accepted the assignment.
8 Wells Creek East will continue to administer a contract for these
9 services using the funds provided herein until the City funds are
10 exhausted or upon completion of the traffic signal improvements at
11 the subject intersection, whichever occurs first. In the event City
12 funds are exhausted prior to completion of the traffic signal,
13 Wells Creek East and Wells Creek Property Owners Association, Inc.
14 have expressed their intent to equally bear the costs for continued
15 off-duty traffic control services as described herein until
16 completion of the intersection.

17 **Section 3. Reverter.** Any funds remaining after
18 completion of the project described herein shall be returned to the
19 account of origin.

20 **Section 4. Invoking the Exemption in Section 126.107(g),**
21 **Ordinance Code.** The City is hereby authorized to enter into a
22 direct contract with Wells Creek East Homeowners Association, Inc
23 to provide funding in the form of a grant to Wells Creek East for
24 the procurement of off-duty traffic control services for the
25 intersection Wells Creek Parkway and Philips Highway as described
26 herein. Pursuant to Section 126.107(g) (Exemptions), Part 1
27 (General Regulations), Chapter 126 (Procurement Code), *Ordinance*
28 *Code*, such procurement is exempt from competitive solicitation
29 because the supplies or services are to be provided by those
30 specifically prescribed within authorizing legislation that
31 appropriates the same. With the exception of the foregoing, all

1 other provisions of Chapter 126, Ordinance Code, shall remain in
2 full force and effect.

3 **Section 5. Waiver of Section 118.107, Ordinance Code.** The
4 provisions of Section 118.107 (Nonprofits to receive funding
5 through a competitive evaluated award process), Part 1 (General
6 Provisions), Chapter 118 (City Grants), *Ordinance Code*, are hereby
7 waived to allow for a direct contract with Wells Creek East. Wells
8 Creek East is a non-profit homeowner's association for a
9 neighborhood directly adjacent to the Wells Creek Parkway and
10 Philips Highway intersection. Wells Creek East is uniquely situated
11 to oversee and administer a contract for off-duty traffic control
12 services due to its location. The City, in addition to Wells Creek
13 East and other affected property owners and homeowner's
14 associations near the subject intersection, recognizes the need for
15 off-duty traffic control services to address safety concerns in the
16 area and believes this type of contract is most appropriately
17 administered by a neighboring homeowners/property owners
18 association such as Wells Creek East.

19 **Section 6. Approval and Authorization to Execute.** There
20 is hereby approved, and the Mayor, or her designee, and the
21 Corporation Secretary are hereby authorized to execute and deliver
22 on behalf of the City an agreement with Wells Creek East Homeowners
23 Association, Inc, in an amount not-to-exceed \$25,000, subject to
24 the scope of services attached hereto as **Revised Exhibit 2**, labeled
25 as "Revised Exhibit 2, Rev Scope, January 10, 2024 - Floor" and
26 incorporated herein by this reference, for a term commencing upon
27 the City's execution of the agreement and continuing until the City
28 funds are exhausted, and all other contracts and documents,
29 including extensions, renewals and amendments to the agreement, and
30 to otherwise take all action necessary to effectuate the intent of
31 this Ordinance, subject to appropriate legal review and approval by

1 the Office of General Counsel and the City's Risk Management
2 Division for appropriate insurance and indemnification requirements
3 in accordance with Section 128.601, *Ordinance Code*.

4 **Section 7. Oversight Department.** The Grants and
5 Contract Compliance Division of the Finance and Administration
6 Department shall oversee the project described herein.

7 **Section 8. Requesting One Cycle Emergency Passage**
8 **Pursuant to Council Rule 4.901 Emergency.** One cycle emergency
9 passage of this legislation is requested. The nature of the
10 emergency is that the City would like to provide traffic control at
11 the intersection of Wells Creek Parkway and Philips Highway during
12 the school year until traffic signal improvements are completed to
13 address safety concerns. Traffic is at its heaviest in this area
14 when school is in session, which is also when traffic accidents are
15 most likely to occur.

16 **Section 9. Effective Date.** This Ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Mary E. Staffopoulos

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