

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2022-876**

5 AN ORDINANCE APPROPRIATING \$1,050,000,  
6 INCLUDING A \$1,000,000 AFRICAN-AMERICAN  
7 HISTORICAL AND CULTURAL GRANT FROM THE FLORIDA  
8 DEPARTMENT OF STATE, FUNDED THROUGH THE AMERICAN  
9 RESCUE PLAN ACT OF 2021, AND \$50,000 FROM THE  
10 JAMES WELDON JOHNSON PARK - DM ENGINEERING &  
11 DESIGN ACCOUNT TO THE JAMES WELDON JOHNSON PARK  
12 - DM OTHER CONSTRUCTION COSTS ACCOUNT, TO  
13 PROVIDE FUNDING FOR THE DESIGN AND FIRST PHASE  
14 OF CONSTRUCTION OF THE JAMES WELDON JOHNSON PARK  
15 REDESIGN PROJECT (THE "PROJECT"), AS INITIATED  
16 BY B.T. 23-024; APPROVING, AND AUTHORIZING THE  
17 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION  
18 SECRETARY TO EXECUTE AN AMENDMENT TO THE DESIGN-  
19 BUILD SERVICES CONTRACT BETWEEN CITY OF  
20 JACKSONVILLE AND ACON CONSTRUCTION CO., INC. FOR  
21 DESIGN-BUILD SERVICES FOR SMALL ACTIVE AND  
22 PASSIVE PARKS DESIGN-BUILD PROJECTS TO AUTHORIZE  
23 ACON CONSTRUCTION CO., INC. (THE "CONTRACTOR")  
24 TO PREPARE A CONCEPT AND INITIAL DESIGN FOR THE  
25 PROJECT AND INCREASING THE MAXIMUM INDEBTEDNESS  
26 OF THE CONTRACT TO PAY THE CONTRACTOR FOR THESE  
27 ADDITIONAL SERVICES; INVOKING THE EXEMPTION IN  
28 SECTION 126.107(G) (EXEMPTIONS), PART 1 (GENERAL  
29 REGULATIONS), CHAPTER 126 (PROCUREMENT CODE),  
30 *ORDINANCE CODE*, TO DIRECT CONTRACT WITH ACON  
31 CONSTRUCTION CO. FOR PREPARATION OF A CONCEPT

1 AND INITIAL DESIGN FOR THE PROJECT; AMENDING THE  
2 2023-2027 FIVE-YEAR CAPITAL IMPROVEMENT PLAN  
3 APPROVED BY ORDINANCE 2022-505-E TO REFLECT THIS  
4 APPROPRIATION OF FUNDS TO THE PROJECT; PROVIDING  
5 FOR OVERSIGHT AND REPORTING BY PARKS, RECREATION  
6 AND COMMUNITY SERVICES DEPARTMENT; REQUESTING  
7 ONE CYCLE EMERGENCY PASSAGE; PROVIDING AN  
8 EFFECTIVE DATE.

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

11 **Section 1. Appropriation.** For the 2022-2023 fiscal year,  
12 within the City's budget, there are hereby appropriated the indicated  
13 sum(s) from the account(s) listed in subsection (a) to the account(s)  
14 listed in subsection (b):

15 (B.T. 23-024 attached hereto as **Exhibit 1** and incorporated herein by  
16 this reference)

17 (a) Appropriated from:

18 See B.T. 23-024 \$1,050,000.00

19 (b) Appropriated to:

20 See B.T. 23-024 \$1,050,000.00

21 (c) Explanation of Appropriation:

22 The funding above represents an appropriation of \$1,000,000  
23 in grant funding from the Florida Department of State  
24 through its African-American Cultural and Historical Grant  
25 program and an appropriation of \$50,000 from the James  
26 Weldon Johnson Park - DM Engineering & Design account to  
27 the James Weldon Johnson Park - DM Other Construction Costs  
28 account, to be used toward the design and first phase of  
29 construction of the James Weldon Johnson Park Redesign  
30 project (the "Project"). The grant is funded by federal  
31 dollars provided to the State of Florida through the

1 American Rescue Plan Act of 2021. The grant period of  
2 performance commenced July 1, 2021 and ends June 30, 2023  
3 with opportunities to seek extensions from the grant  
4 administrator through at least June 1, 2024.

5 **Section 2. Purpose.** The purpose of the appropriation in  
6 Section 1 is to provide funding for the James Weldon Johnson Park  
7 Redesign project. The Project will involve extensive community  
8 engagement prior to finalizing the construction plans. The grant  
9 funds appropriated herein will supplement existing City funding for  
10 the Project (\$250,000) appropriated pursuant to Ordinance 2022-504-  
11 E. These additional dollars will pay for the design and first phase  
12 of construction of the Project which is expected to include demolition  
13 of existing failing structures, addressing underground utilities, and  
14 grading on the site. A copy of the Grant Award Agreement between the  
15 State of Florida, Department of State, and City of Jacksonville  
16 4076998 23.s.aa.900.142 providing the terms and conditions relative  
17 to receipt and expenditure of the grant funds has been placed **On File**  
18 with the Legislative Services Division.

19 **Section 3. Authorization to Execute Contract Amendment.**  
20 There is hereby approved, and the Mayor, or his designee, and the  
21 Corporation Secretary are hereby authorized to execute and deliver  
22 an amendment to the Design-Build Services Contract Between City of  
23 Jacksonville and ACON Construction Company, Inc. for Design-Build  
24 Services for Small Active and Passive Parks Design-Build Projects  
25 (the "Contract") authorizing ACON Construction Co., Inc. (the  
26 "Contractor") to prepare a concept and initial design for the Project  
27 in accordance with the Proposal attached hereto as **Exhibit 2** and  
28 incorporated herein by this reference, and to increase the maximum  
29 indebtedness of the Contract by \$576,002.20 for these additional  
30 services for the Project. A copy of the Contract has been placed **On**  
31 **File** with the Legislative Services Division.

1           **Section 4.           Invoking the Exemption in Section 126.107(g),**  
2 **Ordinance Code.**   The City is hereby authorized to procure the  
3 professional services of the Contractor to prepare a concept and  
4 initial design for the Project as described in **Exhibit 2.** Pursuant  
5 to Section 126.107(g) (Exemptions), Part 1 (General Regulations),  
6 Chapter 126 (Procurement Code), *Ordinance Code*, such procurement is  
7 exempted from competitive solicitation because the supplies or  
8 services are to be provided by those specifically prescribed within  
9 the authorizing legislation that appropriates the same. With the  
10 exception of the foregoing, all other provisions of Chapter 126,  
11 *Ordinance Code*, shall remain in full force and effect.

12           **Section 5.           Capital Improvement Plan Amendment.** Ordinance  
13 2022-505-E, adopting the 2023-2027 Five-Year Capital Improvement Plan  
14 (the "CIP") for the City and certain of its independent agencies, is  
15 hereby amended to reflect this appropriation of grant funding for the  
16 James Weldon Johnson Park (Redesign) Project in fiscal year 2022-2023  
17 and the transfer of previously appropriated City funds in the amount  
18 of \$50,000 as provided herein and as more fully described in the  
19 Project Information Sheet attached hereto as **Exhibit 3** and  
20 incorporated herein by this reference. The City Council finds that  
21 the deferral of this amendment of the CIP until the next annual budget  
22 and CIP review will be detrimental to the best interests of the  
23 community because such deferral will unnecessarily delay construction  
24 of this recreational infrastructure.

25           Pursuant to Section 122.605(c), *Ordinance Code*, enactment of  
26 this Ordinance requires the affirmative vote of two-thirds of the  
27 City Council members present at the meeting because of the CIP  
28 amendment set forth in this section. This Ordinance shall constitute  
29 an amendment to Ordinance 2022-505-E. In all other respects, the  
30 Five-Year Capital Improvement Plan approved by Ordinance 2022-505-E  
31 shall remain unchanged and continue in full force and effect.

1           **Section 6.           Oversight and Reporting.** The Parks, Recreation  
2 and Community Services Department shall oversee the Project and  
3 administration of the grant described herein, including preparing and  
4 submitting all required reports to the Florida Department of State  
5 for the grant.

6           **Section 7.           Requesting One Cycle Emergency Passage Pursuant**  
7 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this  
8 legislation is requested. The nature of the emergency is that the  
9 grant provides a required project completion deadline of June 30,  
10 2023 unless extensions are authorized by the Florida Department of  
11 State's grant administrator. The Parks, Recreation and Community  
12 Services Department would like to commence the Project as soon as  
13 possible with the intent that a minimal extension to the grant, if  
14 any, would need to be requested.

15           **Section 8.           Effective Date.** This Ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's signature.

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19 Form Approved:

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21           /s/ Mary E. Staffopoulos          

22 Office of General Counsel

23 Legislation prepared by: Mary E. Staffopoulos

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