

1 Introduced by Council Member Bowman and amended on the Floor of
2 Council:

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4
5 **ORDINANCE 2023-377-E**

6 AN ORDINANCE APPROPRIATING \$2,845,370.37 FROM 12
7 PUBLIC WORKS PROJECTS AT OR NEAR COMPLETION TO
8 THE "HODGES BLVD & GLEN KERNAN BLVD IMPROVEMENTS
9 PROJECT" FOR THE PURPOSE OF FUNDING INTERSECTION
10 IMPROVEMENTS AND TRAFFIC SIGNAL IMPROVEMENTS
11 ALONG HODGES BOULEVARD NEAR ITS INTERSECTION
12 WITH J. TURNER BUTLER BOULEVARD; APPROVING AND
13 AUTHORIZING THE MAYOR AND CORPORATION SECRETARY
14 TO EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
15 CITY, THE "GLEN KERNAN PARK COST SHARING
16 AGREEMENT" BETWEEN THE CITY AND HODGES
17 PROPERTIES I, LLC ("DEVELOPER") TO AUTHORIZE
18 DEVELOPER TO DESIGN, CONSTRUCT, AND ENGINEER
19 SUCH INTERSECTION AND TRAFFIC SIGNAL
20 IMPROVEMENTS, WITH CITY TO REIMBURSE DEVELOPER
21 FOR PORTIONS OF SAME; AMENDING THE 2023-2027
22 FIVE-YEAR CAPITAL IMPROVEMENT PLAN APPROVED BY
23 ORDINANCE 2022-505-E TO REFLECT THIS
24 APPROPRIATION OF FUNDS; REQUESTING EMERGENCY
25 PASSAGE UPON INTRODUCTION; PROVIDING FOR
26 OVERSIGHT BY THE ENGINEERING AND CONSTRUCTION
27 MANAGEMENT DIVISION OF THE PUBLIC WORKS
28 DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

29
30 **WHEREAS,** the City has experienced continued residential and
31 commercial growth, and resulting vehicular traffic, in and around

1 the area where Hodges Boulevard joins J. Turner Butler Boulevard
2 (the "Hodges/JTB Junction"), and, in particular, at the
3 intersection of Hodges Boulevard and Glen Kernan Parkway (the "Glen
4 Kernan Intersection"); and

5 **WHEREAS**, Developer, along with Glen Kernan Park, LLC, a
6 Florida limited liability company ("GKP"), and Gate Petroleum
7 Company, a Florida corporation ("Gate"), intend to develop a 50 ±
8 acre parcel at the western corner of the Hodges/JTB Junction into a
9 full-service residential community, with retail and commercial uses
10 (the "Development"); and

11 **WHEREAS**, the primary entrance into the Development shall be
12 at the intersection of Hodges Boulevard and the existing median
13 opening opposite Windsor Commons (the "Windsor Commons
14 Intersection"), which currently lacks a traffic signal; and

15 **WHEREAS**, City has previously identified a need to construct a
16 traffic signal at the Windsor Commons Intersection for traffic flow
17 and safety purposes (the "Traffic Signal Improvements"); and

18 **WHEREAS**, build out of the Development will also add a new leg
19 to the Windsor Commons Intersection and increase vehicular traffic
20 in and around the Glen Kernan Intersection; and

21 **WHEREAS**, City has previously identified a need to construct
22 certain intersection improvements at the Glen Kernan Intersection
23 (the "Intersection Improvements") to accommodate existing traffic
24 flow; and

25 **WHEREAS**, in connection with its pending build-out of the
26 Development, Developer's engineers have already conducted various
27 design and engineering analysis related to traffic signal and
28 intersection improvements; and

29 **WHEREAS**, given the above, City has determined that the
30 construction and inspection of the Traffic Signal Improvements and
31 the Intersection Improvements (collectively, the "Improvements")

1 can most efficiently and cost effectively be completed by the
2 Developer in connection with the build out of the Development; and

3 **WHEREAS**, City has agreed to reimburse Developer fifty percent
4 (50%) of the costs of the design, engineering, permitting,
5 construction and inspection of the Traffic Signal Improvements
6 based on the Engineer's Opinion of Probable Cost prepared for the
7 Improvements work ("EOPC"); and

8 **WHEREAS**, City has agreed to reimburse Developer one hundred
9 percent (100%) of the costs of the design, engineering, permitting,
10 construction and inspection of the Intersection Improvements based
11 on the EOPC; now, therefore

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

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

17 (The account information is attached hereto as **Revised Exhibit 1**,
18 labeled as "Revised Exhibit 1, Rev B.T., June 13, 2023 - Floor",
19 and incorporated herein by this reference)

20 (a) Appropriated from:

21 See attached **Revised Exhibit 1** \$2,845,370.37

22 (b) Appropriated to:

23 See attached **Revised Exhibit 1** \$2,845,370.37

24 Explanation of Appropriation: This legislation appropriates
25 funds from 12 existing Capital Improvement Plan projects that
26 are at or near completion to the Hodges Boulevard and Glen
27 Kernan Boulevard Improvements Project for Intersection and
28 Signal Improvements along Hodges Boulevard at the median
29 opening opposite Windsor Commons and at Glen Kernan Parkway.
30 This transfer represents a reappropriation of funds and no
31 additional debt is being incurred by City.

1 **Section 2. Purpose of Appropriation.** The purpose of the
2 appropriation is for funding the City's portion of the Improvements
3 at the intersection located on Hodges Boulevard.

4 **Section 3. Authority to execute the Glen Kernan Park Cost**
5 **Sharing Agreement.** The Mayor, or his designee, and the Corporation
6 Secretary are hereby authorized to execute and deliver the Glen
7 Kernan Park Cost Sharing Agreement (the "Agreement") between the
8 City and the Developer, in substantially the same form as **Revised**
9 **Exhibit 2**, labeled as "Revised Exhibit 2, Rev Agmt, June 13, 2023 -
10 Floor", attached hereto. The Agreement may include such additions,
11 deletions, and change as may be reasonable, necessary, and
12 incidental for carrying out the purpose thereof, as may be
13 acceptable to the Mayor or his designee, with such inclusion and
14 acceptance being evidenced by execution of the Agreement by the
15 Mayor or his designee. No modification of the Agreement may
16 increase the financial obligations or the liability of City and any
17 such modification shall be technical only and shall be subject to
18 appropriate legal review and approval of the General Counsel or his
19 or her designee and all other appropriate action required by law.
20 For the purposes of this Ordinance, "technical changes" is defined
21 as those changes having no financial impact to the City; including,
22 but not limited to, changes in legal descriptions or surveys,
23 resolution of title defects (if any), descriptions of
24 infrastructure improvements and/or any road project, ingress and
25 egress, easements and rights-of-way, performance schedules
26 (provided that no performance schedule may be extended for more
27 than one year without City Council approval), design standards,
28 access and site plans, and other non-substantive changes that do no
29 substantively increase the duties and responsibilities of the City
30 under the provisions of the Agreement.

31 **Section 4. Capital Improvement Plan Amendment.** Ordinance

1 2022-505-E, adopting the 2023-2027 Five-Year Capital Improvement
2 Plan (the "CIP") for the City and certain of its independent
3 agencies, is hereby amended to reflect this reallocation of funds
4 from 12 CIP projects to the Hodges Blvd & Glen Kernan Blvd
5 Improvements project as more fully described in the Project
6 Information Sheets attached hereto as **Exhibit 3** and incorporated
7 herein by this reference. The City Council finds that the deferral
8 of this amendment of the CIP until the next annual budget and CIP
9 review will be detrimental to the best interests of the community
10 because such deferral will delay the urgent need to alleviate
11 traffic congestion and promote safety at the intersection.

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

20 **Section 5. Requesting Emergency Passage Upon Introduction**
21 **pursuant to Council Rule 4.901.** Emergency passage upon introduction
22 of this ordinance is requested to secure the City's funding
23 commitment at the prices upon which the EOPC relies. The price of
24 construction materials and services required to build the
25 Improvements continues to escalate rapidly and the City should move
26 expeditiously to lock in the price of the Improvements per the EOPC
27 before further price escalation occurs.

28 **Section 6. Oversight of Improvements.** Oversight of
29 the Improvements and the Agreement shall be provided by the
30 Engineering and Construction Management Division of the Public
31 Works Department.

1 **Section 7. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

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5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation prepared by: Harry M. Wilson, IV

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