

1 Introduced by Council Member DeFoor and Co-Sponsored by Council
2 Members R. Gaffney, Newby, Salem and Morgan:

3
4 **ORDINANCE 2019-888**

5 AN ORDINANCE AMENDING SECTION 126.901
6 (DEFINITIONS), PART 9 (ART IN PUBLIC PLACES),
7 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE*
8 *CODE*, TO INCLUDE CITY-CONTROLLED BUILDINGS OR
9 PROPERTY IN THE DEFINITION FOR USE OF THE ART
10 IN PUBLIC PLACES PROGRAM; APPROPRIATING
11 \$50,000.00 (\$45,000.00 FROM THE COUNCIL
12 DISTRICT 14 AUTUMN BOND ACCOUNT TO THE PUBLIC
13 ART ACCOUNT AND \$5,000.00 FROM COUNCIL
14 OPERATING CONTINGENCY TO THE ART IN PUBLIC
15 PLACES TRUST FUND) TO PROVIDE FUNDING FOR THE
16 PROJECT ENTITLED "ROOSEVELT/EDGEWOOD- ARTWORK
17 & LIGHTING" PROJECT; PROVIDING FOR OVERSIGHT
18 BY THE PUBLIC WORKS DEPARTMENT AND CULTURAL
19 COUNCIL OF JACKSONVILLE, INC. AND DISBURSEMENT
20 OF FUNDS UPON INVOICES AND ACCOUNTING/REVERTER
21 OF ANY UNSPENT FUNDS; FINDING A MUNICIPAL
22 PUBLIC PURPOSE; WAIVING THE REQUIREMENTS OF
23 THE AUTUMN BOND, ORDINANCE 2004-998-E, AS
24 AMENDED BY 2005-1044-E, AND SECTION 106.315,
25 *ORDINANCE CODE*, THAT BOND FUNDS BE USED ON
26 CITY PROPERTY AND BE OPEN TO THE PUBLIC;
27 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND THE
28 CORPORATE SECRETARY TO EXECUTE AN AGREEMENT
29 BETWEEN THE CITY OF JACKSONVILLE AND THE WITH
30 FLORIDA DEPARTMENT OF TRANSPORTATION;
31 PROVIDING AN EFFECTIVE DATE.

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

3 **Section 1. Amending Section 126.901 (Definitions), Part 9**
4 **(Art in Public Places), Chapter 126 (Procurement Code), Ordinance**
5 **Code.** Section 126.901 (Definitions), Part 9 (Art in Public Places),
6 Chapter 126 (Procurement Code), *Ordinance Code*, is hereby amended
7 to read as follows:

8 **CHAPTER 126. PROCUREMENT CODE.**

9 * * *

10 **PART 9. ART IN PUBLIC PLACES.**

11 **Sec. 126.901. Definitions.**

12 For the purposes of this part, the following terms shall have
13 the following meanings:

14 * * *

15 (d) Public facility means any City-owned or controlled building or
16 facility intended for habitation where public employees work on a
17 regular basis or which the general public uses on a regular basis.
18 Public facility includes, but is not limited to, office buildings,
19 recreation and community centers, libraries, firehouses, police
20 substations, vertical construction within parks and recreation
21 spaces. Public facility specifically excludes water and sewer pump
22 stations, electrical and communications substations and switching
23 houses, and similar unoccupied structures except in designated
24 Urban Art and Streetscaping Areas.

25 * * *

26 **Section 2. Appropriation.** For the 2019-2020 fiscal year,
27 within the City's budget, there are hereby appropriated the
28 indicated sum(s) from the account(s) listed in subsection (a) to
29 the account(s) listed in subsection (b):

30 (The account information is attached hereto as **Exhibit 1** and
31 incorporated herein by this reference)

1 (a) Appropriated from:

2 See **Exhibit 1** \$50,000.00

3 (b) Appropriated to:

4 See **Exhibit 1** \$50,000.00

5 (c) **Explanation of Appropriation** - Appropriating funding in
6 the amount of \$50,000.00 (\$45,000.00 from the Council
7 District 14 Autumn Bond Account to the Public Art account
8 and \$5,000.00 from the Council Operating Contingency to
9 the Art in Public Places Trust Fund for maintenance) for
10 design of a mural, purchase of materials and installation
11 of a mural, including lighting, and maintenance costs
12 associated with the project entitled Roosevelt/Edgewood
13 Artwork & Lighting project.

14 **Section 3. Purpose.** The purpose of the appropriation in
15 Section 2 above is to provide a total of \$50,000.00 in funding,
16 which includes \$45,000.00 from District 14 Autumn Bond account to
17 the Public Art account for the artist fees and materials associated
18 with the Roosevelt/Edgewood Artwork & Lighting project, and
19 \$5,000.00 from the Council Operating Contingency to the Art in
20 Public Places Trust Fund for maintenance of the project as required
21 by Section 126.904, Ordinance Code. The project is more
22 particularly described in **Exhibit 2** attached hereto.

23 **Section 4. Oversight/Disbursement of Funds upon Invoice/
24 Accounting/Reverter.** The Roosevelt/Edgewood Artwork & Lighting
25 project shall be implemented and managed by the Cultural Council of
26 Jacksonville, Inc. pursuant to the authority set forth in Part 9,
27 Chapter 126, Ordinance Code. The Mayor is requested to appoint the
28 Public Works Department to oversee the Cultural Council of Greater
29 Jacksonville, Inc., who will be the project manager responsible
30 for the implementation and maintenance of the Project consistent
31 with Sections 126.904(d) and 126.907, Ordinance Code. Funds shall

1 be disbursed only after invoices for the listed items have been
2 delivered to the Public Works Department. The Cultural Council of
3 Greater Jacksonville, Inc. shall provide the Public Works
4 Department with periodic updates regarding the status of the
5 project. Any funds not utilized for the purposes set forth in this
6 ordinance shall be returned to the fund of origin by September 30,
7 2021.

8 **Section 5. Finding of Public Purpose.** The City finds that
9 the contribution of Autumn Bond discretionary funds to support
10 public art, specifically by funding a lighting and art project on
11 the Roosevelt Boulevard Overpass, a public thoroughfare,
12 accomplishes a public benefit by providing the public with access
13 to an aesthetic visual art feature and is a valid public purpose
14 and in the best interests of the City.

15 **Section 6. Waiving the Requirement that Bond funds be**
16 **used on City Property.** The provisions of the Autumn Bond,
17 Ordinances 2004-998-E, as amended by 2005-1094-E, and Section
18 106.315, *Ordinance Code*, requiring that bond funds be used on City
19 property, and open to the public, is hereby waived. The property
20 is owned by the Florida Department of Transportation but is a
21 public road and the public art will be viewable to the public using
22 this thoroughfare.

23 **Section 7. Authorization.** The City intends to use the
24 side wall of the Roosevelt Boulevard Overpass at for the
25 "Roosevelt/Edgewood Artwork & Lighting" project which is state
26 property maintained by the Florida Department of Transportation
27 ("FDOT"). The Mayor, or his designee, and the Corporation
28 Secretary, are authorized to execute community aesthetic
29 enhancement agreements, licenses or use agreements, including
30 renewals and amendments thereto, with FDOT, and such other
31 ancillary documents or agreements necessary to consummate the use

1 of the Roosevelt Boulevard Overpass for the display and
2 installation of the mural and artwork, including lighting, on such
3 terms mutually agreeable between the parties; provided, however,
4 the City shall not be responsible to pay any license or user fee
5 costs under any such license or use agreement.

6 **Section 8. Effective Date.** This ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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10 Form Approved:

11
12 /s/ Paige H. Johnston

13 Office of General Counsel

14 Legislation prepared by: Paige H. Johnston

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