

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Members Clark-Murray and Gaffney, Jr. and
3 amended by the Neighborhoods, Community Services, Public Health and
4 Safety Committee:
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7 **ORDINANCE 2022-876-E**

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

1 ADDITIONAL SERVICES; INVOKING THE EXEMPTION IN
 2 SECTION 126.107(G) (EXEMPTIONS), PART 1 (GENERAL
 3 REGULATIONS), CHAPTER 126 (PROCUREMENT CODE),
 4 ORDINANCE CODE, TO DIRECT CONTRACT WITH ACON
 5 CONSTRUCTION CO. FOR PREPARATION OF A CONCEPT
 6 AND INITIAL DESIGN FOR THE PROJECT; AMENDING THE
 7 2023-2027 FIVE-YEAR CAPITAL IMPROVEMENT PLAN
 8 APPROVED BY ORDINANCE 2022-505-E TO REFLECT THIS
 9 APPROPRIATION OF FUNDS TO THE PROJECT; PROVIDING
 10 FOR OVERSIGHT AND REPORTING BY PARKS, RECREATION
 11 AND COMMUNITY SERVICES DEPARTMENT; REQUESTING
 12 ONE CYCLE EMERGENCY PASSAGE; PROVIDING AN
 13 EFFECTIVE DATE.

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

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

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

22 (a) Appropriated from:

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

24 (b) Appropriated to:

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

26 (c) Explanation of Appropriation:

27 The funding above represents an appropriation of \$1,000,000
 28 in grant funding from the Florida Department of State
 29 through its African-American Cultural and Historical Grant
 30 program and an appropriation of \$50,000 from the James
 31 Weldon Johnson Park - DM Engineering & Design account to

1 the James Weldon Johnson Park - DM Other Construction Costs
2 account (\$50,000), Other Construction Costs account
3 (\$700,000), and Engineering & Design account (\$300,000),
4 to be used toward the design and first phase of
5 construction of the James Weldon Johnson Park Redesign
6 project (the "Project"). The grant is funded by federal
7 dollars provided to the State of Florida through the
8 American Rescue Plan Act of 2021. The grant period of
9 performance commenced July 1, 2021 and ends June 30, 2023
10 with opportunities to seek extensions from the grant
11 administrator through at least June 1, 2024.

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

26 **Section 3. Authorization to Execute Contract Amendment.**
27 There is hereby approved, and the Mayor, or his designee, and the
28 Corporation Secretary are hereby authorized to execute and deliver
29 an amendment to the Design-Build Services Contract Between City of
30 Jacksonville and ACON Construction Company, Inc. for Design-Build
31 Services for Small Active and Passive Parks Design-Build Projects

1 (the "Contract") authorizing ACON Construction Co., Inc. (the
2 "Contractor") to prepare a concept and initial design for the Project
3 in accordance with the Proposal attached hereto as **Revised Exhibit**
4 **2**, labeled as "Revised Exhibit 2, Rev Proposal, December 5, 2022 -
5 NCSPHS" and incorporated herein by this reference, and to increase
6 the maximum indebtedness of the Contract by \$576,002.20 for these
7 additional services for the Project. A copy of the Contract has been
8 placed **On File** with the Legislative Services Division.

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

20 **Section 5. Capital Improvement Plan Amendment.** Ordinance
21 2022-505-E, adopting the 2023-2027 Five-Year Capital Improvement Plan
22 (the "CIP") for the City and certain of its independent agencies, is
23 hereby amended to reflect this appropriation of grant funding for the
24 James Weldon Johnson Park (Redesign) Project in fiscal year 2022-2023
25 and the transfer of previously appropriated City funds in the amount
26 of \$50,000 as provided herein and as more fully described in the
27 Project Information Sheet attached hereto as **Revised Exhibit 3**,
28 labeled as "Revised Exhibit 3, Rev CIP Sheet, December 5, 2022 -
29 NCSPHS" and incorporated herein by this reference. The City Council
30 finds that the deferral of this amendment of the CIP until the next
31 annual budget and CIP review will be detrimental to the best interests

1 of the community because such deferral will unnecessarily delay
2 construction of this recreational infrastructure.

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

10 **Section 6. Oversight and Reporting.** The Parks, Recreation
11 and Community Services Department shall oversee the Project and
12 administration of the grant described herein, including preparing and
13 submitting all required reports to the Florida Department of State
14 for the grant.

15 **Section 7. Requesting One Cycle Emergency Passage Pursuant**
16 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
17 legislation is requested. The nature of the emergency is that the
18 grant provides a required project completion deadline of June 30,
19 2023 unless extensions are authorized by the Florida Department of
20 State's grant administrator. The Parks, Recreation and Community
21 Services Department would like to commence the Project as soon as
22 possible with the intent that a minimal extension to the grant, if
23 any, would need to be requested.

24 **Section 8. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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