

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2022-409-E**

5 AN ORDINANCE APPROPRIATING FUND BALANCE FROM THE
6 ENVIRONMENTAL PROTECTION FUND (THE "FUND") IN
7 THE AMOUNT OF \$274,000.00 FOR INSTALLATION OF A
8 NUTRIENT SEPARATING BAFFLE BOX PILOT PROJECT BY
9 CENTRAL PIPE REHAB LLC, TO TREAT STORMWATER
10 PRIOR TO ITS DISCHARGE INTO THE ST. JOHNS RIVER
11 (THE "PROJECT"), AS INITIATED BY B.T. 22-073;
12 PURPOSE OF APPROPRIATION; PROVIDING FOR
13 CARRYOVER OF FUNDS THROUGH SEPTEMBER 30, 2024;
14 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS
15 DESIGNEE, AND THE CORPORATION SECRETARY TO
16 EXECUTE AND DELIVER AN AGREEMENT BETWEEN THE
17 CITY OF JACKSONVILLE AND CENTRAL PIPE REHAB LLC
18 FOR THE PROJECT; INVOKING THE EXCEPTION OF
19 126.107(G) (EXEMPTIONS), CHAPTER 126
20 (PROCUREMENT CODE), *ORDINANCE CODE*, TO DIRECT
21 CONTRACT WITH CENTRAL PIPE REHAB LLC FOR THE
22 PROJECT; WAIVING SECTION 110.112 (ADVANCE OF
23 CITY FUNDS; PROHIBITION AGAINST), PART 1 (THE
24 CITY TREASURY), CHAPTER 110 (CITY TREASURY),
25 *ORDINANCE CODE*, TO ALLOW FOR ADVANCE PAYMENT BY
26 THE CITY; PROVIDING FOR OVERSIGHT BY THE
27 NEIGHBORHOODS DEPARTMENT, ENVIRONMENTAL QUALITY
28 DIVISION; REQUIRING REPORTS ON MONITORING
29 ACTIVITIES; PROVIDING AN EFFECTIVE DATE.
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31 **BE IT ORDAINED** by the Council of the City of Jacksonville:

1 **Section 1. Appropriation.** For the 2021-2022 fiscal year,
2 within the City's budget, there are hereby appropriated the indicated
3 sum(s) from the account(s) listed in subsection (a) to the account(s)
4 listed in subsection (b):

5 (B.T. 22-073 attached hereto as **Exhibit 1** and incorporated herein by
6 this reference)

7 (a) Appropriated from:

8 See B.T. 22-073 \$274,000.00

9 (b) Appropriated to:

10 See B.T. 22-073 \$274,000.00

11 (c) Explanation of Appropriation:

12 The appropriation above is fund balance from the
13 Environmental Protection Trust Fund (the "Fund") to procure
14 the professional services of Central Pipe Rehab LLC for
15 the installation of a pilot project for stormwater
16 treatment as described herein.

17 **Section 2. Purpose.** The purpose of the appropriation in
18 Section 1 is to provide funding for installation of baffle boxes to
19 treat stormwater prior to its direct discharge to the St. Johns River
20 (the "Project"). This Project arises from a directive from the State
21 of Florida to various municipalities throughout the state requesting
22 they undertake measures to reduce nutrient and pollutant loading into
23 impaired water bodies. The City's existing infrastructure allows
24 pollutants to be carried miles away from their origin, resulting in
25 unnatural pollutant concentrations. The baffle boxes to be installed
26 as part of the Project are intended to prevent solid pollutants from
27 moving through waterways to these collection points. The Project
28 also entails monitoring and testing to determine and confirm that
29 nutrient and other pollutant removal is occurring.

30 During its meeting on March 21, 2022, the Jacksonville
31 Environmental Protection Board (the "Board") approved this

1 expenditure, as reflected in the Monthly Meeting Summary attached
2 hereto as **Exhibit 2** and incorporated herein by this reference.

3 **Section 3. Carryover.** The funds appropriated in this
4 Ordinance shall not lapse but shall carryover through September 30,
5 2024.

6 **Section 4. Agreement Approved and Execution Authorized.**
7 There is hereby approved, and the Mayor, or his designee, and the
8 Corporation Secretary are hereby authorized to execute and deliver,
9 the Agreement between the City of Jacksonville and Central Pipe Rehab
10 LLC for Services Relating to the NSBB Project, in substantially the
11 same form as attached hereto as **Exhibit 3** and incorporated herein by
12 this reference (the "Agreement"). The Agreement may include any
13 respective extensions or amendments thereto as necessary and
14 appropriate to effectuate the intent of this Ordinance; provided,
15 however, no modifications to the Agreement may increase the financial
16 obligations or the liability of the City to an amount in excess of
17 the amount stated in the Agreement or decrease the duties and
18 obligations of Central Pipe Rehab LLC as stated in the Agreement.

19 **Section 5. Invoking the Exception to Section 126.107(g),**
20 **Ordinance Code.** The City is hereby authorized to procure the use of
21 the professional services of Central Pipe Rehab LLC to conduct the
22 Project. Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
23 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
24 procurement is exempted from competitive solicitation because the
25 supplies or services are to be provided by those specifically
26 prescribed within authorizing legislation that appropriates the same.
27 With the exception of the foregoing, all other provisions of Chapter
28 126, *Ordinance Code*, shall remain in full force and effect.

29 **Section 6. Waiver of Section 110.112, Ordinance Code.**
30 Section 110.112 (Advance of City funds; prohibition against), Part 1
31 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is

1 hereby waived to allow for advance payment to Central Pipe Rehab LLC
2 as described in the Agreement.

3 **Section 7. Oversight.** The Neighborhoods Department,
4 Environmental Quality Division, shall provide oversight of the
5 Agreement and Project described herein.

6 **Section 8. Monitoring Reports.** Central Pipe Rehab LLC is
7 required to provide a six-month and final report on monitoring
8 activities to the Neighborhoods Department, Environmental Quality
9 Division.

10 **Section 9. Effective Date.** This Ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

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14 Form Approved:

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16 _____/s/ Paige H. Johnston

17 Office of General Counsel

18 Legislation prepared by: Mary E. Staffopoulos

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