

1 Introduced by Council President Freeman at the request of the Mayor
2 and Co-Introduced by Council Vice President Salem:

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5 **ORDINANCE 2022-849-E**

6 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND
7 CORPORATION SECRETARY TO NEGOTIATE, EXECUTE AND
8 DELIVER, ON BEHALF OF THE CITY, A COSTS
9 DISBURSEMENT AGREEMENT ("AGREEMENT") BETWEEN
10 THE CITY OF JACKSONVILLE ("CITY") AND
11 JACKSONVILLE BASEBALL, LLC ("CLUB"),
12 AUTHORIZING THE CLUB TO MAKE CERTAIN
13 IMPROVEMENTS TO THE BASEBALL GROUNDS OF
14 JACKSONVILLE OVER A THREE YEAR TERM TO BE FUNDED
15 BY THE CITY, CONSISTENT WITH THE CIP PROJECT
16 ENTITLED "BASEBALL GROUNDS - MLB REQUIREMENTS"
17 AND CONSISTENT WITH THE TERM SHEET ATTACHED
18 HERETO AS EXHIBIT 1; INVOKING THE EXCEPTION OF
19 126.107(G) (EXEMPTIONS), CHAPTER 126
20 (PROCUREMENT CODE), *ORDINANCE CODE*, TO DIRECT
21 CONTRACT WITH JACKSONVILLE BASEBALL, LLC FOR THE
22 PROJECT; WAIVING PROVISIONS OF CHAPTER 126
23 (PROCUREMENT CODE), *ORDINANCE CODE*, WITH RESPECT
24 TO THE PROJECT, AND TO ALLOW THE CITY TO DIRECTLY
25 PURCHASE CERTAIN MATERIALS TO BE INCORPORATED
26 INTO THE PROJECT; INVOKING THE EXCEPTION TO
27 CHAPTER 126.107(G), TO ALLOW THE CITY TO
28 DIRECTLY CONTRACT WITH VENDORS FOR THE PURCHASE
29 OF SUPPLIES AND MATERIALS TO BE INCORPORATED
30 INTO THE PROJECT; ESTABLISHING REQUIREMENTS FOR
31 ITEMS TO BE PURCHASED; WAIVING SECTION

1 122.811(A), (SALES OF TANGIBLE PERSONAL
2 PROPERTY; PROHIBITION OF SALES TO CERTAIN
3 PERSONS), *ORDINANCE CODE*, TO ALLOW SALE OF ANY
4 SURPLUS TANGIBLE PROPERTY OF THE CITY LOCATED ON
5 THE PROJECT PARCEL BY DEVELOPER; PROVIDING FOR
6 OVERSIGHT BY THE DEPARTMENT OF PUBLIC WORKS;
7 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;
8 PROVIDING AN EFFECTIVE DATE.
9

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

11 **Section 1. Approval and authorization.** There is hereby
12 approved, and the Mayor, or his designee, and Corporation Secretary
13 are hereby authorized to negotiate, execute and deliver, a Costs
14 Disbursement Agreement ("Agreement") between the City of
15 Jacksonville and Jacksonville Baseball, LLC ("Club"), consistent
16 with the terms and conditions of the term sheet attached hereto as
17 **Exhibit 1.** The Agreement authorizes the Club to construct certain
18 improvements to the Baseball Grounds of Jacksonville over a three-
19 year period, in an aggregate amount of \$24,800,000, consistent with
20 the CIP Project entitled "Baseball Grounds - MLB Requirements."

21 **Section 2. Invoking the Exception to Section 126.107(g),**
22 **Ordinance Code.** The City is hereby authorized to procure the use of
23 the services of Jacksonville Baseball, LLC to conduct the Project.
24 Pursuant to Section 126.107(g) (Exemptions), Part 1 (General
25 Regulations), Chapter 126 (Procurement Code), *Ordinance Code*, such
26 procurement is exempted from competitive solicitation because the
27 supplies or services are to be provided by those specifically
28 prescribed within authorizing legislation that appropriates the same.

29 **Section 3. Waiving Provisions of Chapter 126 (Procurement**
30 **Code).** The provisions of Chapter 126, *Ordinance Code*, are hereby
31 waived for the Project, except that this section shall not waive any

1 portion of Chapter 126, *Ordinance Code*, pertaining to the Jacksonville
2 Small Emerging Business Program. Further, the City is authorized to
3 purchase directly certain items specified in the pricing proposals
4 for the construction materials and improvements for the Project. Said
5 items to be purchased shall be determined by the Chief of Procurement
6 with the advice of the Director of Public Works in accordance with
7 Section 4 of this Ordinance.

8 **Section 4. Establishing requirements for items to be**
9 **purchased.** Whenever items to be used in such construction projects
10 are to be purchased directly by the City pursuant to this Ordinance,
11 the following requirements shall be met:

12 (a) The purchase shall be in the City's name with ownership of
13 such items upon receipt vested in the City; and

14 (b) The purchase shall be by a City Purchase Order or other
15 City document and shall be directly funded by the City; and

16 (c) The vendor/supplier shall invoice the City directly for
17 payment which shall be made directly by the City to the
18 vendor/supplier; and

19 (d) The City's Purchase Order or other document shall clearly
20 state the purchase is exempt from Sales Tax pursuant to the City's
21 Sale and Use Tax Exemption Certificate; and

22 (e) The City may provide Builders Risk Insurance to protect
23 against the loss of such items and to evidence the City's liability
24 therefore, or alternatively may require Developer's contractor to
25 provide insurance naming the City as the additional insured and direct
26 loss payee; and

27 (f) Acknowledgement of receipt of the item and approval of
28 payment shall be documented by an official of the City or an
29 authorized agent of the City.

30 **Section 5. Waiving Section 122.811(A) (Sales of tangible**
31 **personal property; prohibition of sales to certain persons.),**

1 **Ordinance Code, Waived.** The City hereby waives the provisions of
2 Section 122.811(a), *Ordinance Code*, to allow Club to coordinate the
3 sale of any surplus City property in coordination with the
4 construction of the improvements. Any such revenues shall be applied
5 toward the cost of the improvements.

6 **Section 6. Oversight.** The Department of Public Works
7 shall oversee the project described herein.

8 **Section 7. Requesting Emergency Passage Upon Introduction**
9 **Pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
10 introduction of this legislation is requested. The nature of the
11 emergency is that due to the Club's promotion to Triple-A baseball,
12 the initial phase of the Project must be completed prior to
13 commencement of the 2023 Club baseball season.

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

17
18 Form Approved:

19
20 /s/ John Sawyer

21 Office of General Counsel

22 Legislation Prepared By: John Sawyer

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