

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Members Dennis, Pittman, Newby, White,
3 Carlucci, Diamond, Morgan, Freeman and Salem:
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6 **ORDINANCE 2019-813**

7 AN ORDINANCE APPROPRIATING \$200,000 FROM THE
8 MOBILE MARKETS PROGRAM/RESERVES TO SUBSIDIES
9 AND CONTRIBUTIONS TO PRIVATE ORGANIZATIONS TO
10 REGIONAL FOOD BANK OF NORTHEAST FLORIDA, INC.
11 D/B/A FEEDING NORTHEAST FLORIDA (THE
12 "COMPANY") FOR THE PURPOSE OF PROVIDING A
13 MOBILE MARKET PROGRAM GRANT TO COMPANY IN THE
14 UP-TO AMOUNT OF \$200,000 TO PROVIDE FUNDING
15 FOR THE PURCHASE OF A TOWING VEHICLE, TRAILER
16 AND RELATED EQUIPMENT AS NECESSARY FOR THE
17 OPERATION OF A MOBILE FOOD MARKET TO SERVE THE
18 NORTHWEST JACKSONVILLE AREA AS INITIATED BY
19 B.T. 20-31; PROVIDING A CARRYOVER OF FUNDS
20 FROM YEAR TO YEAR UNTIL SUCH FUNDS ARE
21 EXPENDED OR LAPSE ACCORDING TO THE AGREEMENT;
22 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS
23 DESIGNEE, AND CORPORATION SECRETARY TO EXECUTE
24 AND DELIVER THAT CERTAIN MOBILE MARKET PROGRAM
25 AGREEMENT ("AGREEMENT") BETWEEN THE CITY OF
26 JACKSONVILLE ("CITY") AND THE COMPANY;
27 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
28 BY THE EXECUTIVE DIRECTOR OF THE OED;
29 PROVIDING FOR CITY OVERSIGHT BY THE OED;
30 PROVIDING AN EFFECTIVE DATE.
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1 **BE IT ORDAINED** by the Council of the City of Jacksonville:

2 **Section 1. Findings.** It is hereby ascertained,
3 determined, found and declared as follows:

4 The provisions of mobile food markets in food desert areas
5 within Jacksonville, Florida, ("Project") is more particularly
6 described in the Mobile Market Program Agreement. The Project will
7 promote and further the public and municipal purposes of the City.

8 Enhancement of the City's tax base and revenues, are matters of
9 State and City policy and State and City concern in order that the
10 State and its counties and municipalities, including the City, shall
11 not continue to be endangered by unemployment, underemployment,
12 economic recession, poverty, crime and disease, and consume an
13 excessive proportion of the State and City revenues because of the
14 extra services required for police, fire, accident, health care,
15 elderly care, charity care, hospitalization, public housing and
16 housing assistance, and other forms of public protection, services
17 and facilities.

18 The provision of the City's assistance as identified in the
19 Agreement is necessary and appropriate to make the Project feasible;
20 and the City's assistance is reasonable and not excessive, taking
21 into account the needs of the Company to make the Project
22 economically and financially feasible, and the extent of the public
23 benefits expected to be derived from the Project, and taking into
24 account all other forms of assistance available.

25 The Company is qualified to carry out and complete the
26 equipping of the Project, in accordance with the Agreement.

27 The authorizations provided by this Ordinance are for public
28 uses and purposes for which the City may use its powers as a county,
29 municipality and as a political subdivision of the State of Florida
30 and may expend public funds, and the necessity in the public
31 interest for the provisions herein enacted is hereby declared as a

1 matter of legislative determination.

2 This Ordinance is adopted pursuant to the provisions of
3 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
4 Charter, and other applicable provisions of law.

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

9 (B.T. 20-31 attached hereto as **Exhibit 1** and incorporated herein by
10 this reference)

11 (a) Appropriated from:

12 See B.T. 20-31 \$200,000

13 (b) Appropriated to:

14 See B.T. 20-31 \$200,000

15 (c) Explanation of Appropriation: the appropriation
16 above is appropriating \$200,000 from Mobile Markets
17 Program/Reserves to provide a Mobile Market Program
18 Grant to the Company to assist the Company in the
19 purchase of a towing vehicle and trailer for the
20 purposes of providing a mobile food market in the
21 Northwest Jacksonville Boundary area.

22 **Section 3. Purpose of Appropriation.** The purpose of the
23 appropriation above is to provide a Mobile Market Program Grant to
24 the Company for the purchase by the Company of a towing vehicle,
25 trailer, and related equipment to serve as a mobile food market
26 within the Northwest Jacksonville Boundary Area, to be operated in
27 accordance with the Mobile Market Program Agreement authorized
28 hereby. A copy of the Project Summary is attached hereto as
29 **Exhibit 2.**

30 **Section 4. Carryover.** The funds appropriated by this
31 Ordinance shall not lapse but shall carry over to subsequent fiscal

1 years.

2 **Section 5. Mobile Market Program Agreement Approved.** There
3 is hereby approved, and the Mayor or his designee and Corporation
4 Secretary are authorized to enter into a Mobile Market Program
5 Agreement (the "Agreement") between the City and the Company, in
6 substantially the same form as has been placed **On File** with the
7 Legislative Services Division (with such "technical" changes as
8 herein authorized).

9 The Agreement may include such additions, deletions and
10 changes as may be reasonable, necessary and incidental for carrying
11 out the purposes thereof, as may be acceptable to the Mayor, or his
12 designee, with such inclusion and acceptance being evidenced by
13 execution of the Agreement by the Mayor or his designee. No
14 modification to the Agreement may increase the financial obligations
15 or the liability of the City and any such modification shall be
16 technical only and shall be subject to appropriate legal review and
17 approval of the General Counsel, or his or her designee, and all
18 other appropriate action required by law. "Technical" is herein
19 defined as including, but not limited to, changes in legal
20 descriptions and surveys, descriptions of infrastructure
21 improvements and/or any road project, ingress and egress, easements
22 and rights of way, performance schedules (provided that no
23 performance schedule may be extended for more than one year without
24 Council approval), design standards, access and site plan, which
25 have no financial impact.

26 **Section 6. Designation of Authorized Official/OED**
27 **Contract Monitor.** The Mayor is designated as the authorized
28 official of the City for the purpose of executing and delivering
29 any contracts, notes and documents and furnishing such information,
30 data and documents for the Agreement as may be required and
31 otherwise to act as the authorized official of the City in

1 connection with the Agreement, and is further authorized to
2 designate one or more other officials of the City to exercise any
3 of the foregoing authorizations and to furnish or cause to be
4 furnished such information and take or cause to be taken such
5 action as may be necessary to enable the City to implement the
6 Agreement according to its terms. The OED is hereby required to
7 administer and monitor the Agreement and to handle the City's
8 responsibilities thereunder, including the City's responsibilities
9 under the Agreement working with and supported by all relevant City
10 departments.

11 **Section 7. Further Authorizations.** The Mayor, or his
12 designee, and the Corporation Secretary, are hereby authorized to
13 execute the Agreement and all other contracts and documents and
14 otherwise take all necessary action in connection therewith and
15 herewith. The Executive Director of the OED, as contract
16 administrator, is authorized to negotiate and execute all necessary
17 changes and amendments to the Agreement and other contracts and
18 documents, to effectuate the purposes of this Ordinance, without
19 further Council action, provided such changes and amendments are
20 limited to amendments that are technical in nature (as described in
21 Section 2 hereof), and further provided that all such amendments
22 shall be subject to appropriate legal review and approval by the
23 General Counsel, or his or her designee, and all other appropriate
24 official action required by law.

25 **Section 8. Oversight Department.** The OED shall
26 oversee the project described herein.

27 **Section 9. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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Form Approved:

/s/ John Sawyer

Office of General Counsel

Legislation prepared by: John Sawyer

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