

1 Introduced by Council Member DeFoor & Co-Sponsored by Council
2 Members Gaffney, Newby, Hazouri, Pittman, Bowman, Freeman, Salem and
3 Morgan:

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6 **ORDINANCE 2019-888-E**

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

JACKSONVILLE AND THE FLORIDA DEPARTMENT OF
TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.

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

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

CHAPTER 126. PROCUREMENT CODE.

* * *

PART 9. ART IN PUBLIC PLACES.

Sec. 126.901. Definitions.

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

* * *

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

* * *

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

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

3 (a) Appropriated from:

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

5 (b) Appropriated to:

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

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

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

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

1 responsible for the implementation and maintenance of the Project
2 consistent with Sections 126.904(d) and 126.907, Ordinance Code.
3 Funds shall be disbursed only after invoices for the listed items
4 have been delivered to the Public Works Department. The Cultural
5 Council of Greater Jacksonville, Inc. shall provide the Public
6 Works Department with periodic updates regarding the status of the
7 project. Any funds not utilized for the purposes set forth in this
8 ordinance shall be returned to the fund of origin by September 30,
9 2021.

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

17 **Section 6. Waiving the Requirement that Bond funds be**
18 **used on City Property.** The provisions of the Autumn Bond,
19 Ordinances 2004-998-E, as amended by 2005-1044-E, and Section
20 106.315, *Ordinance Code*, requiring that bond funds be used on City
21 property, and open to the public, is hereby waived. The property
22 is owned by the Florida Department of Transportation but is a
23 public road and the public art will be viewable to the public using
24 this thoroughfare.

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

1 renewals and amendments thereto, with FDOT, and such other
2 ancillary documents or agreements necessary to consummate the use
3 of the Roosevelt Boulevard Overpass for the display and
4 installation of the mural and artwork, including lighting, on such
5 terms mutually agreeable between the parties; provided, however,
6 the City shall not be responsible to pay any license or user fee
7 costs under any such license or use agreement.

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

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12 Form Approved:

13
14 /s/ Paige H. Johnston

15 Office of General Counsel

16 Legislation prepared by: Paige H. Johnston

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