

11/9/21

Amended  
Enacted 11/9/21

1 Introduced by Council Member White & Co-Sponsored by Council Members  
2 Ferraro, Diamond, and Bowman and amended by the Transportation, Energy  
3 & Utilities Committee:

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6 **ORDINANCE 2021-755-E**

7 AN ORDINANCE APPROPRIATING \$100,000.00 FROM  
8 TRAIL RIDGE LANDFILL MITIGATION FUNDS TO PROVIDE  
9 FUNDING TO CECIL FIELD POW/MIA MEMORIAL, INC.  
10 FOR COSTS RELATED TO IMPROVEMENTS FOR A POW/MIA  
11 MEMORIAL AT CECIL COMMERCE CENTER, 6112 POW-MIA  
12 MEMORIAL PARKWAY, JACKSONVILLE, FLORIDA 32221;  
13 APPROVING AND AUTHORIZING EXECUTION OF AMENDMENT  
14 THREE TO CECIL COMMERCE CENTER LEASE AGREEMENT  
15 TO SET FORTH PAYMENT BY CITY FOR SITE WORK  
16 OBLIGATED BY CECIL FIELD POW/MIA MEMORIAL, INC.;  
17 PROVIDING FOR OVERSIGHT BY THE OFFICE OF  
18 ECONOMIC DEVELOPMENT, DISBURSEMENT OF FUNDS AND  
19 CARRYOVER/REVERTER OF ANY UNSPENT FUNDS;  
20 INVOKING THE EXCEPTION OF 126.107(G)  
21 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS),  
22 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,  
23 TO ALLOW FOR PAYMENT TO CECIL FIELD POW/MIA  
24 MEMORIAL, INC. FOR WORK PERFORMED AND  
25 IMPROVEMENTS MADE TO THE POW/MIA MEMORIAL;  
26 WAIVING SECTION 110.112 (ADVANCE OF CITY FUNDS;  
27 PROHIBITION AGAINST), PART 1 (THE CITY  
28 TREASURY), CHAPTER 110 (CITY TREASURY),  
29 *ORDINANCE CODE*, TO ALLOW FOR ADVANCE PAYMENT BY  
30 THE CITY; PROVIDING AN EFFECTIVE DATE.

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

**Section 1. Appropriation.** For the 2021-2022 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):

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

(a) Appropriated from:

See attached **Exhibit 1** \$100,000.00

(b) Appropriated to:

See attached **Exhibit 1** \$100,000.00

(c) **Explanation of Appropriation** - The funding above is appropriating \$100,000 from Trail Ridge Landfill Mitigation funds for improvements to Cecil Commerce Center, particularly at property leased by Cecil Field POW/MIA Memorial, Inc. at 6112 POW-MIA Memorial Parkway, Jacksonville, Florida 32221, for improvements related to a POW/MIA Memorial.

**Section 2. Purpose.** The purpose of this appropriation is to provide funding from the Trail Ridge Landfill Mitigation Fund for improvements for a POW/MIA Memorial for property located at 6112 POW-MIA Memorial Parkway, Jacksonville, Florida 32221 and leased by the City of Jacksonville to Cecil Field POW/MIA Memorial, Inc. A copy of the quotation for installation and services is as identified in **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev 3<sup>rd</sup> Amd to Agmt, November 1, 2021 - TEU", attached hereto.

**Section 3. Approval and Authorization of Amendment Three to Cecil Commerce Center Lease Agreement.** There is hereby approved, and the Mayor, or his designee, and the Corporation Secretary are hereby authorized, to execute and deliver, for and on behalf of the City,

1 that certain Amendment Three to Cecil Commerce Center Lease Agreement  
2 (the "Agreement"), substantially in the form as attached hereto as  
3 **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev 3<sup>rd</sup> Amd to Agmt,  
4 November 1, 2021 - TEU", and incorporated by reference herein.

5 **Section 4. Oversight/Carryover/Reverter.** The Mayor is  
6 requested to appoint the Office of Economic Development to oversee  
7 the installation of the improvements by Cecil Field POW/MIA Memorial,  
8 Inc. The Office of Economic Development may allocate funding for any  
9 of the line items listed in **Revised Exhibit 2**, labeled as "Revised  
10 Exhibit 2, Rev 3<sup>rd</sup> Amd to Agmt, November 1, 2021 - TEU" in an amount  
11 more or less than the projected costs shown in **Revised Exhibit 2**,  
12 labeled as "Revised Exhibit 2, Rev 3<sup>rd</sup> Amd to Agmt, November 1, 2021  
13 - TEU" so long as the total costs of the project do not exceed the  
14 appropriated amount of \$100,000.00. Any funds not utilized for the  
15 purposes set forth in this ordinance shall be returned to the fund  
16 of origin after September 30, 2022.

17 **Section 5. Invoking the exception to Sec. 126.107(g),**  
18 **Ordinance Code.** The City is hereby authorized to pay Cecil Field  
19 MIA/POW Memorial, Inc. for installation and improvements related to  
20 the Cecil Field POW/MIA Memorial, as described in **Revised Exhibit 2**,  
21 labeled as "Revised Exhibit 2, Rev 3<sup>rd</sup> Amd to Agmt, November 1, 2021  
22 - TEU". 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. Waiving Section 110.112, Ordinance Code.** Section  
30 110.112 (Advance of City funds; prohibition against), Part 1 (The  
31 City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is hereby

1 waived to allow for the advance payment in the full amount of \$100,000  
2 as described in the Agreement.

3       **Section 7.       Effective Date.** This ordinance shall become  
4 effective upon signature by the Mayor or upon becoming effective  
5 without the Mayor's signature.

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7 Form Approved:

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9             /s/ Margaret M. Sidman      

10 Office of General Counsel

11 Legislation Prepared By: Paige Hobbs Johnston

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