

**RESOLUTION 2017-03-08**

**A RESOLUTION SUPPORTING ORDINANCE 2017-198 (AUTHORIZING THE MAYOR AND CORPORATION SECRETARY TO EXECUTE THE REINSTATEMENT AND FIFTH AMENDMENT TO CONTRACT FOR THE OPERATION AND MANAGEMENT OF HEMMING PARK AND APPROPRIATING \$415,000 FOR OPERATIONS AND CAPITAL IMPROVEMENTS AT HEMMING PARK).**

**WHEREAS**, the City of Jacksonville ("City") and 13-Jax, Inc., d/b/a Friends of Hemming Park ("FOHP") entered into the Contract for the Operation and Management of Hemming Plaza dated September 1, 2014, as previously four times amended (collectively, the "Contract"); and

**WHEREAS**, the Contract will expire on March 31, 2017; and

**WHEREAS**, City has filed Ordinance 2017-198 which, among other things, authorizes the Mayor to execute the Reinstatement and Fifth Amendment to Contract for the Operation and Management of Hemming Park and appropriates \$415,000 to FHOP for operational and capital improvement expenses subject to City oversight and approval (the "Fifth Amendment"); and

**WHEREAS**, the City and the Downtown Investment Authority ("DIA") recognize that due to Hemming Park's centralized location downtown, Hemming Park is an important part of the downtown experience for tourists and local citizens; now therefore,

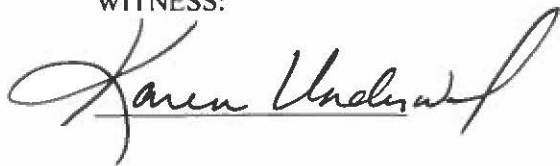
**BE IT RESOLVED**, by the Downtown Investment Authority:

**Section 1.** The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

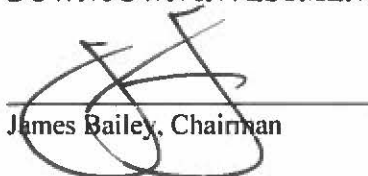
**Section 2.** The DIA supports the intent and purposes of the Fifth Amendment and Ordinance 2017-198.

**Section 3.** This Resolution, 2017-03-08, shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:



**DOWNTOWN INVESTMENT AUTHORITY**

  
James Bailey, Chairman

3/15/17  
Date

VOTE: In Favor: 9 Opposed: 0 Abstained: 0

FORM APPROVAL:

\_\_\_\_\_  
Office of General Counsel

**EXHIBIT A**

1 Introduced by the Council President at the request of the Mayor:  
2  
3

4 **ORDINANCE 2017-198**

5 AN ORDINANCE APPROPRIATING \$415,000 TO PROVIDE  
6 FUNDING FOR OPERATIONS AND CAPITAL  
7 IMPROVEMENTS AT HEMMING PARK, AS INITIATED BY  
8 B.T. 17-079; PROVIDING FOR A CARRYOVER OF  
9 FUNDS TO FISCAL YEAR 2017-2018; PURPOSE;  
10 AMENDING THE 2017-2021 FIVE-YEAR CAPITAL  
11 IMPROVEMENT PROGRAM APPROVED BY ORDINANCE  
12 2016-505-E TO INCREASE FUNDING FOR THE PROJECT  
13 ENTITLED "HEMMING PARK IMPROVEMENTS";  
14 APPROVING AND AUTHORIZING THE MAYOR, OR HIS  
15 DESIGNEE, AND CORPORATION SECRETARY TO EXECUTE  
16 AND DELIVER, FOR AND ON BEHALF OF THE CITY,  
17 THE REINSTATEMENT AND FIFTH AMENDMENT TO  
18 CONTRACT FOR THE OPERATION AND MANAGEMENT OF  
19 HEMMING PARK ("FIFTH AMENDMENT") BETWEEN THE  
20 CITY OF JACKSONVILLE AND 13-JAX, INC. D/B/A  
21 FRIENDS OF HEMMING PARK; PROVIDING FOR A  
22 RETROACTIVE FIFTH AMENDMENT EFFECTIVE DATE;  
23 WAIVING PROVISIONS OF CHAPTER 126,  
24 (PROCUREMENT CODE), *ORDINANCE CODE*; PROVIDING  
25 AN EFFECTIVE DATE.

26  
27 **WHEREAS**, the City of Jacksonville ("City") and 13-Jax,  
28 Inc., d/b/a Friends of Hemming Park, a Florida non-profit  
29 corporation ("FOHP") entered into that certain Contract for the  
30 Operation and Management of Hemming Plaza dated September 1, 2014  
31 to provide operation and management services for "Hemming Park", as

**EXHIBIT A**

1 amended by the First Amendment to Contract for the Operation and  
2 Management of Hemming Plaza dated September 8, 2015 ("*First*  
3 *Amendment*"), as further amended by the Second Amendment to Contract  
4 for the Operation and Management of Hemming Plaza dated September  
5 8, 2015 ("*Second Amendment*"), as further amended by the Third  
6 Amendment to Contract for the Operation and Management of Hemming  
7 Plaza dated September 9, 2016 ("*Third Amendment*"), and as further  
8 amended by the Fourth Amendment to Contract for the Operation and  
9 Management of Hemming Plaza dated November 30, 2016 ("*Fourth*  
10 *Amendment*") (collectively, the "*Contract*"); and

11 **WHEREAS**, pursuant to the terms of the Fourth Amendment, City  
12 and FOHP agreed to terminate the Contract effective on March 31,  
13 2017; and

14 **WHEREAS**, the parties recognize that due to its centralized  
15 location, Hemming Park is an important part of the downtown  
16 experience for both tourists and local citizens; and

17 **WHEREAS**, City and FOHP mutually desire to reinstate the  
18 Contract effective as of March 31, 2017 and further amend the  
19 Contract to provide for additional City funding in the aggregate  
20 amount of \$415,000, of which FOHP will use \$240,000 for City  
21 approved operational expenses and \$175,000 for City approved  
22 capital improvement expenses; and

23 **WHEREAS**, the parties desire to enter into the Reinstatement  
24 and Fifth Amendment to Contract for the Operation and Management of  
25 Hemming Park (the "*Fifth Amendment*") for the mutual advantages of  
26 the parties contemplated therein; now therefore

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

28 **Section 1. Recitals.** The recitals above are true and  
29 correct and incorporated herein by reference.

30 **Section 2. Appropriation.** For the 2016-2017 fiscal year,  
31 within the City's budget, there is hereby appropriated the

**EXHIBIT A**

1 indicated sum from the account listed in subsection (a) to the  
2 account listed in subsection (b):

3 (B.T. 17-079, attached hereto as **Exhibit 1** and incorporated herein  
4 by this reference):

5 (a) Appropriated from:

6 See B.T. 17-079 \$415,000.00

7 (b) Appropriated to:

8 See B.T. 17-079 \$415,000.00

9 **Section 3. Carryover.** The funds appropriated in this  
10 ordinance shall not lapse but shall carryover into fiscal year  
11 2017-2018.

12 **Section 4. Purpose.** The purpose of the appropriation in  
13 Section 2 is to provide funding to FOHP for City approved  
14 operational and capital improvement expenses at Hemming Park in  
15 accordance with the terms of the Fifth Amendment.

16 **Section 5. CIP Amendment.** Ordinance 2016-505-E, being  
17 the 2017-2021 Five-Year Capital Improvement Program for the City  
18 and certain of its independent agencies, is hereby amended to  
19 decrease funding for the project entitled "Countywide Parks  
20 Upgrades/Maintenance/Repairs" and increase funding for the project  
21 entitled "Hemming Park Improvements." This project is more fully  
22 described in the Project Information Sheets attached hereto as  
23 **Exhibit 2** and incorporated herein by this reference. The Council  
24 finds that the deferral of this amendment of the CIP until the next  
25 annual budget and CIP review will be detrimental to the best  
26 interests of the community because the City's funding for capital  
27 improvements at Hemming Park will be leveraged with FOHP's private  
28 contributions. Pursuant to Section 122.605(c), *Ordinance Code*,  
29 enactment of this ordinance requires the affirmative vote of two-  
30 thirds of the Council members present at the meeting because of the  
31 CIP amendment set forth in this section. This ordinance shall

**EXHIBIT A**

1 constitute an amendment to Ordinance 2016-505-E. In all other  
2 respects, the Five-Year Capital Improvement Program approved by  
3 Ordinance 2016-505-E shall continue in full force and effect.

4 **Section 6. Fifth Amendment approved and execution**  
5 **authorized.** There is hereby approved, and the Mayor, or his  
6 designee, and Corporation Secretary are hereby authorized to  
7 execute and deliver, the Fifth Amendment between the City and FOHP,  
8 in substantially the same form as is attached hereto and labeled as  
9 **Exhibit 3**, and incorporated herein by this reference.

10 **Section 7. Retroactive Fifth Amendment Effective Date.**  
11 The effective date of the Fifth Amendment shall be retroactive to  
12 March 31, 2017.

13 **Section 8. Chapter 126 (Procurement Code), Ordinance**  
14 **Code, Waived.** The provisions of Chapter 126, Ordinance Code, are  
15 hereby waived with respect to any goods, services or capital  
16 improvements purchased by FOHP pursuant to the Fifth Amendment  
17 terms.

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

21  
22 Form Approved:

23  
24 \_\_\_/s/ Lawsikia J. Hodges

25 Office of General Counsel

26 Legislation Prepared By: Lawsikia J. Hodges

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