

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Members R. Gaffney, Diamond, Carlucci,
3 Newby, Dennis, Bowman, Salem, Freeman, Hazouri, Pittman, Morgan,
4 and Ferraro:

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7 **ORDINANCE 2019-870**

8 AN ORDINANCE APPROPRIATING \$850,000 FROM THE
9 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
10 FUND - SUPERMARKET INCENTIVE PROGRAM TO
11 SUBSIDIES & CONTRIBUTIONS TO PRIVATE
12 ORGANIZATIONS TO WINN-DIXIE STORES, INC.
13 ("COMPANY") FOR THE PURPOSE OF PROVIDING AN
14 \$850,000 FULL SERVICE GROCERY STORE
15 IMPROVEMENTS PROGRAM GRANT IN CONNECTION WITH
16 THE RENOVATION OF AN EXISTING, SOON TO BE
17 VACATED, 28,000 SQ. FT. GROCERY STORE LOCATED
18 AT 5210 NORWOOD AVENUE, TO BE LEASED TO
19 COMPANY OR ITS AFFILIATE TO SERVE AS A FULL-
20 SERVICE GROCERY STORE, AS INITIATED BY B.T.
21 20-034; APPROVING AND AUTHORIZING EXECUTION OF
22 DOCUMENTS BY THE MAYOR OR HIS DESIGNEE AND
23 CORPORATION SECRETARY; AUTHORIZING APPROVAL OF
24 TECHNICAL AMENDMENTS BY THE EXECUTIVE DIRECTOR
25 OF THE OED; PROVIDING FOR CITY OVERSIGHT BY
26 THE OED; AFFIRMING THE PROJECT'S COMPLIANCE
27 WITH THE FULL SERVICE GROCERY STORE
28 IMPROVEMENT PROGRAM CRITERIA APPROVED AND
29 ADOPTED BY ORDINANCE 2019-245-E; REQUESTING
30 ONE CYCLE EMERGENCY PASSAGE; PROVIDING AN
31 EFFECTIVE DATE.

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

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

5 The location of the Company's project in Jacksonville, Florida,
6 ("Project") is more particularly described in the Economic
7 Development Agreement. The Project will promote and further the
8 public and municipal purposes of the City.

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

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

26 The Company is qualified to carry out and complete the
27 construction and equipping of the Project, in accordance with the
28 Economic Development Agreement.

29 The authorizations provided by this Ordinance are for public
30 uses and purposes for which the City may use its powers as a county,
31 municipality and as a political subdivision of the State of Florida

1 and may expend public funds, and the necessity in the public
2 interest for the provisions herein enacted is hereby declared as a
3 matter of legislative determination.

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

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

11 (B.T. 20-034 attached hereto as **Exhibit 1** and incorporated herein
12 by this reference)

13 (a) Appropriated from:

14 See B.T. 20-034 \$850,000

15 (b) Appropriated to:

16 See B.T. 20-034 \$850,000

17 (c) Explanation of Appropriation: the appropriation
18 above is appropriating \$850,000 from the Northwest
19 Jacksonville Economic Development Fund to provide a
20 grant to the Company to assist in funding
21 renovations to a soon to be vacant grocery store to
22 allow for the lease of the premises to the Company
23 as a full-service grocery store.

24 **Section 3. Purpose of Appropriation.** The purpose of the
25 appropriation above is to assist the Company in making renovations
26 and site improvements to an existing 28,000 sq. ft. building as
27 necessary to support the leasing of the premises to Company to
28 serve as a full-service grocery store in what would otherwise be a
29 food desert area. Improvements include interior remodeling, point
30 of sale equipment and technology, refrigerated cases, parking lot
31 paving and striping, lighting enhancements, landscaping and other

1 improvements to ensure safe and efficient use of the site. A copy
2 of the Project Summary is attached hereto as **Exhibit 2**.

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

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

27 **Section 5. Designation of Authorized Official/OED**
28 **Contract Monitor.** The Mayor is designated as the authorized
29 official of the City for the purpose of executing and delivering
30 any contracts, notes and documents and furnishing such information,
31 data and documents for the Agreement as may be required and

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

12 **Section 6. Further Authorizations.** The Mayor, or his
13 designee, and the Corporation Secretary, are hereby authorized to
14 execute the Agreement and all other contracts and documents and
15 otherwise take all necessary action in connection therewith and
16 herewith. The Executive Director of the OED, as contract
17 administrator, is authorized to negotiate and execute all necessary
18 changes and amendments to the Agreement and other contracts and
19 documents, to effectuate the purposes of this Ordinance, without
20 further Council action, provided such changes and amendments are
21 limited to amendments that are technical in nature (as described in
22 Section 4 hereof), and further provided that all such amendments
23 shall be subject to appropriate legal review and approval by the
24 General Counsel, or his or her designee, and all other appropriate
25 official action required by law.

26 **Section 7. Oversight Department.** The OED shall
27 oversee the project described herein.

28 **Section 8. Full Service Grocery Store Improvement**
29 **Program.** This Ordinance conforms to the Full Service Grocery Store
30 Program criteria adopted by City Council Ordinance 2019-245-E.

31 **Section 9. Requesting one cycle emergency passage**

1 **pursuant to Council Rules 4.901 Emergency.** One Cycle Emergency
2 passage of this legislation is requested. The nature of the
3 emergency is to allow the Company to commence improvements to the
4 premises as soon as possible so as to minimize the length of time
5 the surrounding area will be without a full-service grocery store
6 and access to fresh foods.

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

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11 Form Approved:

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13 /s/ John Sawyer

14 Office of General Counsel

15 Legislation prepared by: John Sawyer

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