

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

4 **ORDINANCE 2021-380**

5 AN ORDINANCE AUTHORIZING THE BORROWING FROM
6 THE CITY'S COMMERCIAL PAPER FACILITY AND/OR
7 ISSUANCE OF FIXED-RATE DEBT IN THE CUMULATIVE,
8 NOT-TO-EXCEED AMOUNT OF \$1,500,000, OR SUCH
9 LESSER AMOUNT AS DETERMINED PURSUANT TO THE
10 AGREEMENT (DEFINED BELOW), AND APPROPRIATION
11 THEREOF TO PROVIDE FUNDING FOR THE PALM AVENUE
12 IMPROVEMENTS AS INITIATED BY B.T. 21-085;
13 PURPOSE OF APPROPRIATION; AMENDING THE 2021-
14 2025 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM
15 APPROVED BY ORDINANCE 2020-505-E TO PROVIDE
16 ADDITIONAL FUNDING FOR THE PROJECT ENTITLED
17 "PALM AVENUE IMPROVEMENTS" (THE "PROJECT");
18 AMENDING 2020-504-E, THE FY 2021 BUDGET
19 ORDINANCE, TO REPLACE THE THIRD REVISED
20 SCHEDULE B4, THE FY 20-21 DEBT MANAGEMENT FUND
21 DETAIL, AND SECOND REVISED SCHEDULE B4B, THE
22 FY 2020-2021 CAPITAL IMPROVEMENTS PROJECTS
23 FUNDED VIA BORROWING, TO AUTHORIZE THE
24 BORROWING AND/OR THE ISSUANCE OF DEBT FOR THE
25 PROJECT; AUTHORIZING THE BORROWING AND
26 APPROPRIATION OF FUNDS; AUTHORIZING THE MAYOR,
27 OR HIS DESIGNEE, AND CORPORATION SECRETARY TO
28 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
29 CITY, A PUBLIC INFRASTRUCUTRE CAPITAL
30 IMPROVEMENTS COSTS DISBURSEMENT AGREEMENT
31 ("AGREEMENT") FOR THE RECONSTRUCTION OF PALM

1 AVENUE BETWEEN THE CITY AND SOUTHERN BAPTIST
2 HOSPITAL OF FLORIDA, INC. (THE "DEVELOPER"),
3 WHICH AGREEMENT AUTHORIZES THE DEVELOPER TO
4 PROVIDE FOR THE DESIGN, ENGINEERING,
5 PERMITTING, CONSTRUCTION, ENGINEERING AND
6 INSPECTION SERVICES, AND CONSTRUCTION OF
7 CERTAIN IMPROVEMENTS TO PALM AVENUE ON BEHALF
8 OF THE CITY, TO BE FUNDED BY THE CITY AS SET
9 FORTH IN THE AGREEMENT, WITH COST OVERRUNS THE
10 RESPONSIBILITY OF THE DEVELOPER; PROVIDING FOR
11 OVERSIGHT BY THE PUBLIC WORKS DEPARTMENT;
12 PROVIDING AN EFFECTIVE DATE.

13
14 **WHEREAS**, as authorized by Ordinance 2019-468-E, the City
15 entered into a Development Agreement ("Prior Agreement") with
16 Southern Baptist Hospital of Florida, Inc. ("Developer") for the
17 reconstruction of Palm Avenue (the "Project") pursuant to which
18 funding was previously appropriated in the aggregate amount of
19 \$4,900,000; and

20 **WHEREAS**, due to unanticipated increased costs for the Project
21 and associated delays, City has proposed and Developer has agreed
22 to terminate the Prior Agreement and enter into a new Public
23 Infrastructure Capital Improvements Agreement for the
24 reconstruction of Palm Avenue (the "Agreement"), for the purpose of
25 providing funds to the Developer for the design, engineering,
26 permitting, CEI, and construction of the Palm Avenue improvements
27 to be owned by the City; and

28 **WHEREAS**, due to increased construction costs, the City hereby
29 is appropriating an additional \$1,500,000 from the City's
30 commercial paper facility to the Project for fiscal year 2021-2022
31 for total City funding of \$6,400,000 for the Project; now therefore

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

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

4 **Section 2. Appropriation.** For the 2020-2021 fiscal year,
5 within the City's budget, there are hereby appropriated the
6 indicated sum(s) from the account(s) listed in subsection (a) to
7 the account(s) listed in subsection (b):

8 (B.T. 21-085 attached hereto as **Exhibit 1** and incorporated herein)

9 (a) Appropriated from:

10 See B.T. 21-085 \$1,500,000

11 (b) Appropriated to:

12 See B.T. 21-085 \$1,500,000

13 (c) Explanation of Appropriation:

14 The appropriation authorizes the borrowing of \$1,500,000
15 from the City's Commercial Paper Facility and/or the
16 issuance of debt in the cumulative, maximum amount of
17 \$1,500,000 and appropriates the funds to the Project.

18 **Section 3. Purpose.** The purpose of the appropriation in
19 Section 2 is to authorize an additional \$1,500,000 in funding to
20 the Project that in combination with \$4,900,000 of City funds
21 already appropriated fully funds the Project.

22 **Section 4. CIP Amendment.** Ordinance 2020-505-E, being
23 the 2020-2024 Five-Year Capital Improvement Program for the City
24 and certain of its independent agencies ("CIP"), is hereby amended
25 to add funding to the project entitled "Palm Avenue Improvements".
26 The project is more fully described in the Project Information
27 Sheet attached hereto as **Exhibit 2** and incorporated herein. The
28 Council finds that the deferral of this amendment of the CIP until
29 the next annual budget and CIP review will be detrimental to the
30 best interests of the community because such deferral will result
31 in an unnecessary delay in the reconstruction of Palm Avenue and

1 delay an adjacent, related private development. Pursuant to
2 Section 122.605(c), Ordinance Code, enactment of this ordinance
3 requires approval by a two-thirds vote of the Council members
4 present at the meeting because of the CIP amendment set forth in
5 this section. Except as amended herein, the Five-Year Capital
6 Improvement Program approved by Ordinance 2020-505-E shall continue
7 in full force and effect.

8 **Section 5. Amending 2020-504-E, the FY 2020-2021 Budget**
9 **Ordinance, to replace Third Revised Schedule B4 and Second Revised**
10 **Schedule B4b to provide additional funding for the Project.** 2020-
11 504-E, the FY 2020-2021 Budget Ordinance, is hereby amended to
12 replaced Third Revised Schedule B4, entitled "FY 20-21 Debt
13 Management Fund Detail", and Second Revised Schedule B4b, entitled
14 "FY 20-21 Capital Improvement Projects Funded via Borrowing", to
15 provide an additional \$1,500,000 in funding to the project entitled
16 "Palm Avenue Improvements". The Fourth Revised Schedule B4 and
17 Third Revised Schedule B4b are attached hereto as **Exhibit 3** and
18 **Exhibit 4**, respectively.

19 **Section 6. Authorizing the Borrowing and Appropriation of**
20 **Funds.** The City is hereby authorized to borrow under its
21 Commercial Paper Program and/or issue fixed-rate debt in the
22 cumulative, maximum amount of \$1,500,000 and such funds are hereby
23 appropriated to fund the Palm Avenue Improvements project. The
24 authorization set forth in this Section is subject to the
25 requirements and prerequisites of the Commercial Paper Program
26 and/or bond programs.

27 **Section 7. Execution of Public Infrastructure Capital**
28 **Improvements Costs Disbursement Agreement authorized.** The Mayor,
29 or his designee, and the Corporation Secretary are hereby
30 authorized to execute and deliver, for and on behalf of the City,
31 the Public Infrastructure Capital Improvements Costs Disbursement

