

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:

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6 **ORDINANCE 2021-380-E**

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

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

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17 **WHEREAS**, as authorized by Ordinance 2019-468-E, the City
18 entered into a Development Agreement ("Prior Agreement") with
19 Southern Baptist Hospital of Florida, Inc. ("Developer") for the
20 reconstruction of Palm Avenue (the "Project") pursuant to which
21 funding was previously appropriated in the aggregate amount of
22 \$4,900,000; and

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

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

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

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

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

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

13 (a) Appropriated from:

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

15 (b) Appropriated to:

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

17 (c) Explanation of Appropriation:

18 The appropriation authorizes the borrowing of \$1,500,000
19 from the City's Commercial Paper Facility and/or the
20 issuance of debt in the cumulative, maximum amount of
21 \$1,500,000 and appropriates the funds to the Project.

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

26 **Section 4. CIP Amendment.** Ordinance 2020-505-E, being
27 the 2021-2025 Five-Year Capital Improvement Program for the City
28 and certain of its independent agencies ("CIP"), is hereby amended
29 to add funding to the project entitled "Palm Avenue Improvements".
30 The project is more fully described in the Project Information

1 Sheet attached hereto as **Exhibit 2** and incorporated herein. The
2 Council finds that the deferral of this amendment of the CIP until
3 the next annual budget and CIP review will be detrimental to the
4 best interests of the community because such deferral will result
5 in an unnecessary delay in the reconstruction of Palm Avenue and
6 delay an adjacent, related private development. Pursuant to
7 Section 122.605(c), Ordinance Code, enactment of this ordinance
8 requires approval by a two-thirds vote of the Council members
9 present at the meeting because of the CIP amendment set forth in
10 this section. Except as amended herein, the Five-Year Capital
11 Improvement Program approved by Ordinance 2020-505-E shall continue
12 in full force and effect.

13 **Section 5. Amending 2020-504-E, the FY 2020-2021 Budget**
14 **Ordinance, to replace Second Revised Schedule B4 and Revised**
15 **Schedule B4b to provide additional funding for the Project.** 2020-
16 504-E, the FY 2020-2021 Budget Ordinance, is hereby amended to
17 replace Second Revised Schedule B4, entitled "FY 20-21 Debt
18 Management Fund Detail", and Revised Schedule B4b, entitled "FY 20-
19 21 Capital Improvement Projects Funded via Borrowing", to provide
20 an additional \$1,500,000 in funding to the project entitled "Palm
21 Avenue Improvements". The Third Revised Schedule B4 and Second
22 Revised Schedule B4b are attached hereto as **Revised Exhibit 3**,
23 labeled as "Revised Exhibit 3, 3rd Rev Schedule B4, August 2, 2021 -
24 NCSPHS" and **Revised Exhibit 4**, labeled as "Revised Exhibit 4, 2nd
25 Rev Schedule B4b, August 2, 2021 - NCSPHS", respectively."

26 **Section 6. Authorizing the Borrowing and Appropriation of**
27 **Funds.** The City is hereby authorized to borrow under its
28 Commercial Paper Program and/or issue fixed-rate debt in the
29 cumulative, maximum amount of \$1,500,000 and such funds are hereby
30 appropriated to fund the Palm Avenue Improvements project. The

1 authorization set forth in this Section is subject to the
2 requirements and prerequisites of the Commercial Paper Program
3 and/or bond programs.

4 **Section 7. Execution of Public Infrastructure Capital**
5 **Improvements Costs Disbursement Agreement authorized.** The Mayor,
6 or his designee, and the Corporation Secretary are hereby
7 authorized to execute and deliver, for and on behalf of the City,
8 the Public Infrastructure Capital Improvements Costs Disbursement
9 Agreement (the "Agreement") between the City and Southern Baptist
10 Hospital of Florida, Inc. (the "Developer") for the reconstruction
11 of Palm Avenue, in substantially the form placed **Revised On File**
12 with the Legislative Services Division. The Agreement will
13 facilitate the reconstruction of Palm Avenue and the development of
14 the Developer's property, which is adjacent to City-owned right-of-
15 way on Palm Avenue located between Prudential Drive and Gary
16 Street. Such improvements will include an increase in the width of
17 Palm Avenue from 60 feet to 100 feet, for which the right-of-way
18 has been donated by Developer to the City. City funding in the
19 amount of \$4,900,000 has previously been appropriated for the
20 project, which in addition to the funding authorized hereby
21 provides for total City funding under the Agreement of
22 \$6,400,000.00, with cost overruns the responsibility of the
23 Developer.

24 **Section 8. Oversight.** Oversight of the Project and
25 Agreement shall be provided by the Public Works Department.

26 **Section 9. Effective Date.** This Ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

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30 Form Approved:

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 /s/ Paige H. Johnston
Office of General Counsel
Legislation prepared by: Harry M. Wilson, IV
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