

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

5  
6  
7 **ORDINANCE 2019-767-E**

8 AN ORDINANCE APPROPRIATING \$750,000 FROM THE  
9 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT  
10 FUND - SUPERMARKET INCENTIVE PROGRAM TO  
11 SUBSIDIES & CONTRIBUTIONS TO PRIVATE  
12 ORGANIZATIONS TO COMMONWEALTH SDC, LLC  
13 ("COMPANY") FOR THE PURPOSE OF PROVIDING A  
14 \$750,000 FULL SERVICE GROCERY STORE  
15 IMPROVEMENTS PROGRAM GRANT IN CONNECTION WITH  
16 THE RENOVATION OF AN EXISTING, VACANT, 49,000  
17 SQ. FT. GROCERY STORE LOCATED AT 1020 N.  
18 EDGEWOOD AVENUE IN A FOOD DESERT AREA TO BE  
19 LEASED TO A NEW FULL-SERVICE GROCERY STORE  
20 TENANT, AS INITIATED BY B.T. 20-018; APPROVING  
21 AND AUTHORIZING EXECUTION OF DOCUMENTS BY THE  
22 MAYOR OR HIS DESIGNEE AND CORPORATION  
23 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL  
24 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE  
25 OED; PROVIDING FOR CITY OVERSIGHT BY THE OED;  
26 AFFIRMING THE PROJECT'S COMPLIANCE WITH THE  
27 FULL SERVICE GROCERY STORE IMPROVEMENT PROGRAM  
28 CRITERIA APPROVED AND ADOPTED BY ORDINANCE  
29 2019-245-E; PROVIDING AN EFFECTIVE DATE.

30  
31 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

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

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

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

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

27           The authorizations provided by this Ordinance are for public  
28 uses and purposes for which the City may use its powers as a county,  
29 municipality and as a political subdivision of the State of Florida  
30 and may expend public funds, and the necessity in the public  
31 interest for the provisions herein enacted is hereby declared as a

1 matter of legislative determination.

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

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

9 (B.T. 20-018 attached hereto as **Exhibit 1** and incorporated herein  
10 by this reference)

11 (a) Appropriated from:

12 See B.T. 20-018 \$750,000

13 (b) Appropriated to:

14 See B.T. 20-018 \$750,000

15 (c) Explanation of Appropriation: the appropriation  
16 above is appropriating \$750,000 from the Northwest  
17 Jacksonville Economic Development Fund to provide a  
18 grant to the Company to assist in funding  
19 renovations to a vacant grocery store to allow for  
20 the lease of the premises to a new full-service  
21 grocery store tenant.

22 **Section 3. Purpose of Appropriation.** The purpose of the  
23 appropriation above is to assist the Company in making renovations  
24 and site improvements to an existing 49,000 sq. ft. building as  
25 necessary to support the leasing of the premises to a new, full-  
26 service grocery store tenant in a current food desert area.  
27 Improvements include interior remodeling, point of sale equipment  
28 and technology, refrigerated cases, parking lot paving and  
29 striping, lighting enhancements, landscaping and other improvements  
30 to ensure safe and efficient use of the site. A copy of the  
31 Project Summary is attached hereto as **Exhibit 2**.

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

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

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

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

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

24 **Section 7. Oversight Department.** The OED shall  
25 oversee the project described herein.

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

30 **Section 9. Effective Date.** This Ordinance shall become  
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3 Form Approved:

4

5 */s/ Margaret M. Sidman*

6 Office of General Counsel

7 Legislation prepared by: John Sawyer

8 GC-#1324678-v1-2019-767-E\_Scriv\_Corr.docx