

1 Introduced by the Council President at the request of the Mayor:  
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4 **RESOLUTION 2023-77**

5 A RESOLUTION MAKING CERTAIN FINDINGS AND  
6 APPROPRIATING \$500,000 FROM THE NORTHWEST OED  
7 FUND - TRANSFER FROM FUND BALANCE FOR THE  
8 PURPOSE OF PROVIDING A \$500,000 LARGE SCALE  
9 ECONOMIC DEVELOPMENT FUND (LSEDF) GRANT TO KAPPA  
10 ALPHA PSI JACKSONVILLE FOUNDATION, INCORPORATED  
11 ("COMPANY"), AS INITIATED BY B.T. 23-038, IN  
12 CONNECTION WITH THE INFRASTRUCTURE COSTS AND  
13 BUILDING IMPROVEMENTS TO BE MADE BY THE COMPANY  
14 AT THE PROJECT PARCEL ("PROJECT"); PURPOSE OF  
15 APPROPRIATION; APPROVING AND AUTHORIZING THE  
16 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION  
17 SECRETARY TO EXECUTE AND DELIVER, FOR AND ON  
18 BEHALF OF THE CITY OF JACKSONVILLE ("CITY"), THE  
19 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN COMPANY  
20 AND THE CITY; AUTHORIZING A LARGE SCALE ECONOMIC  
21 DEVELOPMENT FUND (LSEDF) GRANT TO THE COMPANY IN  
22 THE AMOUNT OF \$500,000; DESIGNATION OF  
23 AUTHORIZED OFFICIAL AND CONTRACT MONITOR;  
24 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY  
25 THE EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC  
26 DEVELOPMENT ("OED"); PROVIDING FOR CITY OF  
27 JACKSONVILLE OVERSIGHT BY THE OED; PROVIDING A  
28 DEADLINE FOR THE COMPANY TO EXECUTE THE  
29 AGREEMENT; AFFIRMING THE PROJECT'S COMPLIANCE  
30 WITH THE NWJEDF GUIDELINES APPROVED AND ADOPTED  
31 BY ORDINANCE 2016-779-E, AS AMENDED; WAIVER OF

1 THAT PORTION OF THE PUBLIC INVESTMENT POLICY  
2 ADOPTED BY ORDINANCE 2022-372-E, AS AMENDED, TO  
3 AUTHORIZE A LARGE SCALE ECONOMIC DEVELOPMENT  
4 FUND GRANT, WHICH REQUIRES A MINIMUM OF 50 NEW  
5 JOBS; REQUESTING TWO READING PASSAGE PURSUANT TO  
6 COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE DATE.

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8 **WHEREAS**, Kappa Alpha Psi Jacksonville Foundation, Incorporated  
9 (the "Company") is proposing to establish a community enrichment  
10 center and state-of-the-art healthcare facility to serve the  
11 Northwest Jacksonville community and make certain infrastructure and  
12 building improvements including demolition, site improvements,  
13 building construction, utility installation, and other improvements  
14 necessary to support the facility located at 3717 Moncrief Road,  
15 Jacksonville, Florida ("Project Parcel"), all as further described  
16 in the Project Summary attached hereto as **Exhibit 1**; and

17 **WHEREAS**, the Project Parcel is located in a Level 1 Economically  
18 Distressed Area in Northwest Jacksonville and is in Health Zone 1;

19 **WHEREAS**, for the reasons more fully described in the Project  
20 Summary attached hereto as **Exhibit 1**, the payment of the Large Scale  
21 Economic Development Fund (LSEDF) Grant in such amount serves a  
22 paramount public purpose; and

23 **WHEREAS**, the City's Office of Economic Development ("OED") has  
24 reviewed the application submitted by the Company for community  
25 development, and, together with representatives of the City,  
26 negotiated the Economic Development Agreement and, based upon the  
27 contents of the Economic Development Agreement, has determined the  
28 Economic Development Agreement and the uses contemplated therein to  
29 be in the public interest, and has determined that the public actions  
30 and financial assistance contemplated in the Economic Development  
31 Agreement take into account and give consideration to the long-term

1 public interests and public interest benefits to be achieved by the  
2 City; and

3 **WHEREAS**, the Company has requested the City to enter into the  
4 Economic Development Agreement in substantially the form placed **On**  
5 **File** with the Office of Legislative Services; now therefore,

6 **BE IT RESOLVED** by the Council of the City of Jacksonville:

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

9 (a) The recitals set forth herein are true and correct.

10 (b) The location of the Company's Project in northwest  
11 Jacksonville, Florida, is more particularly described in the Economic  
12 Development Agreement. The Project will promote and further the  
13 public and municipal purposes of the City.

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

24 (d) The provision of the City's assistance as identified in  
25 the Economic Development Agreement is necessary and appropriate to  
26 make the Project feasible; and the City's assistance is reasonable  
27 and not excessive, taking into account the needs of the Company to  
28 make the Project economically and financially feasible, and the extent  
29 of the public benefits expected to be derived from the Project, and  
30 taking into account all other forms of assistance available.

31 (e) The Company is qualified to carry out and complete the

1 construction and equipping of the Project, in accordance with the  
2 Economic Development Agreement.

3 (f) The authorizations provided by this Resolution are for  
4 public uses and purposes for which the City may use its powers as a  
5 county, municipality and as a political subdivision of the State of  
6 Florida and may expend public funds, and the necessity in the public  
7 interest for the provisions herein enacted is hereby declared as a  
8 matter of legislative determination.

9 (g) This Resolution is adopted pursuant to the provisions of  
10 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's  
11 Charter, and other applicable provisions of law.

12 **Section 2. Appropriation.** For the 2022-2023 fiscal year, within  
13 the City's budget, there are hereby appropriated the indicated sum(s)  
14 from the account(s) listed in subsection (a) to the account(s) listed  
15 in subsection (b): (B.T. 23-038, attached hereto as **Exhibit 2** and  
16 incorporated herein by this reference):

17 (a) Appropriated from:

18 See B.T. 23-038 \$500,000

19 (b) Appropriated to:

20 See B.T. 23-038 \$500,000

21 (c) **Explanation of Appropriation**

22 The funding above appropriates \$500,000 from the Northwest  
23 OED Fund - Fund Balance, to provide a \$500,000 Large Scale  
24 Economic Development Fund Grant to the Company to assist  
25 with costs associated with infrastructure and building  
26 construction needed to complete the Project.

27 **Section 3. Purpose.** The purpose of the appropriation in  
28 Section 2 is to provide a \$500,000 Large Scale Economic Development  
29 Fund Grant to the Company. The Company, together with Wolfson's  
30 Children's Hospital of Jacksonville, proposes to establish a  
31 community enrichment center and state-of-the-art healthcare facility

1 to serve the Northwest Jacksonville community at the Project Parcel,  
2 and cause private capital investment in the estimated amount of  
3 \$8,300,000. The NWJEDF Advisory Board recommended City Council's  
4 approval of the Company's grant application at its January 19, 2023  
5 meeting.

6 **Section 4. Economic Development Agreement Approved.** The  
7 Mayor, or his designee, and the Corporation Secretary are hereby  
8 authorized to execute and deliver, for and on behalf of the City, the  
9 Economic Development Agreement substantially in the form placed **On**  
10 **File** with the Office of Legislative Services (with such "technical"  
11 changes as herein authorized), for the purpose of implementing the  
12 recommendations of the OED, as are further described in the Project  
13 Summary attached hereto as **Exhibit 1**.

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

31 **Section 5. Payment of Large Scale Economic Development Fund**

1 **(LSEDF) Grant.** The Mayor, or his designee, is hereby authorized to  
2 and shall disburse the LSEDF Grant in accordance with this Resolution  
3 and the Agreement.

4 **Section 6. Designation of Authorized Official/OED Contract**  
5 **Monitor.** The Mayor is designated as the authorized official of the  
6 City for the purpose of executing and delivering any contracts and  
7 documents and furnishing such information, data and documents for the  
8 Agreement and related documents as may be required and otherwise to  
9 act as the authorized official of the City in connection with the  
10 Agreement, and is further authorized to designate one or more other  
11 officials of the City to exercise any of the foregoing authorizations  
12 and to furnish or cause to be furnished such information and take or  
13 cause to be taken such action as may be necessary to enable the City  
14 to implement the Agreement according to its terms. The OED is hereby  
15 required to administer and monitor the Agreement and to handle the  
16 City's responsibilities thereunder, including the City's  
17 responsibilities under such Agreement working with and supported by  
18 all relevant City departments.

19 **Section 7. Further Authorizations.** The Mayor, or his  
20 designee, and the Corporation Secretary, are hereby authorized to  
21 execute the Economic Development Agreement and all other contracts  
22 and documents and otherwise take all necessary action in connection  
23 therewith and herewith. The Executive Director of the OED, as contract  
24 administrator, is authorized to negotiate and execute all necessary  
25 changes and amendments to the Economic Development Agreement and  
26 other contracts and documents, to effectuate the purposes of this  
27 Resolution, without further Council action, provided such changes and  
28 amendments are limited to amendments that are technical in nature (as  
29 described in Section 4 hereof), and further provided that all such  
30 amendments shall be subject to appropriate legal review and approval  
31 by the General Counsel, or his or her designee, and all other

1 appropriate official action required by law.

2       **Section 8. Oversight Department.** The Office of Economic  
3 Development shall oversee the Project described herein.

4       **Section 9. Execution of the Economic Development Agreement.**  
5 If the Economic Development Agreement approved by this Resolution has  
6 not been signed by the Company within ninety (90) days after the OED  
7 delivers or mails the unexecuted Economic Development Agreement to  
8 the Company for execution, then the City Council approvals in this  
9 Resolution and authorization for the Mayor to execute the Agreement  
10 are automatically revoked; provided, however, that the Executive  
11 Director of the OED shall have the authority to extend such ninety  
12 (90) day period in writing at his discretion for up to an additional  
13 ninety (90) days.

14       **Section 10. NWJEDF Guidelines.** This Resolution  
15 conforms to the NWJEDF Guidelines adopted by City Council Ordinance  
16 2016-779-E, as amended.

17       **Section 11. Waiver of Public Investment Policy.** The  
18 requirements of the Public Investment Policy adopted by City Council  
19 Ordinance 2022-372-E, as amended, are waived to authorize an LSEDF  
20 Grant that requires a minimum of 50 new jobs. The waiver is justified  
21 due to the fact that the Company will cause significant private  
22 capital investment of approximately \$8,300,000 in Northwest  
23 Jacksonville, and the Company will further the Mayor's stated  
24 priorities of health, wellness and youth development by establishing  
25 a community enrichment center and state-of-the-art healthcare  
26 facility to serve the Northwest Jacksonville community in a Health  
27 Zone 1 area, which is deemed to have the highest level of health  
28 disparities in Duval County, Florida.

29       **Section 12. Requesting two reading passage pursuant to**  
30 **Council Rule 3.305.** Two reading passage of this legislation is  
31 requested pursuant to Council Rule 3.305.

1 **Section 13. Effective Date.** This Resolution shall become  
2 effective upon signature by the Mayor or upon becoming effective  
3 without the Mayor's signature.

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5 Form Approved:

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7 /s/Joelle J. Dillard

8 Office of General Counsel

9 Legislation prepared by: Joelle J. Dillard

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