

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Finance Committee:

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5 **RESOLUTION 2020-312-A**

6 A RESOLUTION APPROPRIATING \$100,000 FROM THE  
7 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT  
8 FUND ("NWJEDF"), INTEREST INCOME TO SUBSIDIES  
9 AND CONTRIBUTIONS TO PRIVATE ORGANIZATIONS, TO  
10 FLYING W PLASTICS FL, INC. ("COMPANY") FOR THE  
11 PURPOSE OF PROVIDING A NORTHWEST JACKSONVILLE  
12 BUSINESS INFRASTRUCTURE GRANT (THE "BIG  
13 GRANT") AS INITIATED BY B.T. 20-078 TO SUPPORT  
14 THE CREATION OF THE COMPANY'S MANUFACTURING  
15 FACILITY LOCATED AT 109 STEVENS STREET IN  
16 JACKSONVILLE, FLORIDA IN NORTHWEST  
17 JACKSONVILLE (THE "PROJECT"); MAKING CERTAIN  
18 FINDINGS, AND AUTHORIZING THE MAYOR, OR HIS  
19 DESIGNEE, AND THE CORPORATION SECRETARY TO  
20 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE  
21 CITY, THE ECONOMIC DEVELOPMENT AGREEMENT  
22 ("EDA") BETWEEN THE CITY AND COMPANY;  
23 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS  
24 BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF  
25 ECONOMIC DEVELOPMENT ("OED"); PROVIDING FOR  
26 CITY OVERSIGHT BY THE OED; AFFIRMING THE  
27 PROJECT'S COMPLIANCE WITH THE NWJEDF  
28 GUIDELINES APPROVED AND ADOPTED BY ORDINANCE  
29 2016-779-E; REQUESTING TWO-READING PASSAGE  
30 PURSUANT TO COUNCIL RULE 3.305; PROVIDING AN

1           EFFECTIVE DATE.

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3           **WHEREAS**, by virtue of the Project, Company has committed to  
4 create a total of at least 28 new permanent full-time equivalent  
5 jobs in Jacksonville with an average salary, exclusive of benefits,  
6 of \$45,429 per annum by December 31, 2021, as further described in  
7 the Project Summary attached hereto as **Exhibit 1** and incorporated  
8 herein by this reference; and

9           **WHEREAS**, such average salary is equal to 91% of the State of  
10 Florida average wage as determined by the Florida Department of  
11 Economic Opportunity effective as of January 1, 2020; and

12           **WHEREAS**, the Project is expected to include private capital  
13 investments of \$8,000,000, comprised of real estate and  
14 infrastructure improvements and new equipment; and

15           **WHEREAS**, for the reasons more fully described in the Project  
16 Summary, the payment of the BIG Grant in the aforesaid amounts  
17 serve a paramount public purpose; and

18           **WHEREAS**, the OED has reviewed the application submitted by the  
19 Company for community development, and, together with  
20 representatives of the City, negotiated the EDA and, based upon the  
21 contents of the EDA, has determined the EDA and the uses  
22 contemplated therein to be in the public interest, and has  
23 determined that the public actions and financial assistance  
24 contemplated in the EDA take into account and give consideration to  
25 the long-term public interests and public interest benefits to be  
26 achieved by the City; and

27           **WHEREAS**, the Company has requested the City to enter into an  
28 EDA in substantially the form placed **Revised On File** with the  
29 Legislative Services Division; now therefore,

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

31           **Section 1. Findings.** It is hereby ascertained,

1 determined, found and declared as follows:

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

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

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

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

24 (e) The Company is qualified to carry out and complete the  
25 construction and equipping of the Project, in accordance with the  
26 EDA.

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

1 declared as a matter of legislative determination.

2 (g) This Resolution 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. 20-078, attached hereto as **Exhibit 2** and incorporated herein  
10 by this reference):

11 (a) Appropriated from:

12 See B.T. 20-078 \$100,000

13 (b) Appropriated to:

14 See B.T. 20-078 \$100,000

15 (c) **Explanation of Appropriation**

16 The funding above appropriates \$100,000 from the  
17 Northwest Jacksonville Economic Development Fund,  
18 Interest Income, to the Northwest Jacksonville Economic  
19 Development Fund, Subsidies and Contributions to Private  
20 Organizations, to provide a Northwest Jacksonville  
21 Economic Development Fund Business Infrastructure Grant  
22 to the Company to assist in funding for exterior  
23 infrastructure upgrades and increasing the building's  
24 electrical system capacity.

25 **Section 3. Purpose.** The purpose of the appropriation in  
26 Section 2 is to provide Company funding in the form of a Northwest  
27 Jacksonville Business Infrastructure Grant in an amount not to  
28 exceed \$100,000 to fund infrastructure improvements on the project  
29 parcel, inclusive of bringing the onsite rail spur back on line,  
30 and increasing the capacity of the building's electrical system.  
31 The Company is a national manufacturer of piping products and

1 proposes to create at least 28 new full-time jobs within two years  
2 of operation at an average wage of \$45,429.00 per year, plus  
3 benefits.

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

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

30       **Section 5. Designation of Authorized Official/OED**  
31 **Contract Monitor.** The Mayor is designated as the authorized

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

14 **Section 6. Further Authorizations.** The Mayor, or his  
15 designee, and the Corporation Secretary, are hereby authorized to  
16 execute the EDA and all other contracts and documents and otherwise  
17 take all necessary action in connection therewith and herewith. The  
18 Executive Director of the OED, as contract administrator, is  
19 authorized to negotiate and execute all necessary changes and  
20 amendments to the EDA and other contracts and documents, to  
21 effectuate the purposes of this Resolution, without further Council  
22 action, provided such changes and amendments are limited to  
23 amendments that are technical in nature (as described in Section 5  
24 hereof), and further provided that all such amendments shall be  
25 subject to appropriate legal review and approval by the General  
26 Counsel, or his or her designee, and all other appropriate official  
27 action required by law.

28 **Section 7. Oversight Department.** The OED shall oversee  
29 the Project described herein.

30 **Section 8. Execution of the Economic Development**  
31 **Agreement.** If the EDA approved by this Resolution has not been

1 signed by the Company within ninety (90) days after the OED  
2 delivers or mails the unexecuted EDA to the Company for execution,  
3 then the City Council approval of the Project and authorization for  
4 the Mayor to execute the EDA is automatically revoked; provided  
5 however, that the Executive Director of the OED shall have the  
6 authority to extend such ninety (90) day period in writing at his  
7 discretion for up to an additional ninety (90) days.

8 **Section 9. NWJEDF Guidelines.** This Resolution conforms  
9 to the NWJEDF Guidelines adopted by City Council Ordinance 2016-  
10 779-E.

11 **Section 10. Requesting Two-Reading Passage Pursuant to**  
12 **Council Rule 3.305.** Two-reading passage of this legislation is  
13 requested pursuant to Council Rule 3.305.

14 **Section 11. Effective Date.** This Resolution shall become  
15 effective upon signature by the Mayor or upon becoming effective  
16 without the Mayor's signature.

17  
18 Form Approved:

19  
20 /s/ Paige H. Johnston

21 Office of General Counsel

22 Legislation prepared by: John Sawyer

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