

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Members Priestly Jackson, Newby, Carrico,
3 Bowman, White, Pittman, Salem, and Clark-Murray and amended by the
4 Rules Committee:
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7 **RESOLUTION 2023-77-A**

8 A RESOLUTION MAKING CERTAIN FINDINGS AND
9 APPROPRIATING \$500,000 FROM THE NORTHWEST OED
10 FUND - MISCELLANEOUS SALES AND CHARGES ACCOUNT
11 FOR THE PURPOSE OF PROVIDING A \$500,000 LARGE
12 SCALE ECONOMIC DEVELOPMENT FUND (LSEDF) GRANT TO
13 KAPPA ALPHA PSI JACKSONVILLE FOUNDATION,
14 INCORPORATED ("COMPANY"), AS INITIATED BY
15 REVISED B.T. 23-038, IN CONNECTION WITH THE
16 INFRASTRUCTURE COSTS AND BUILDING IMPROVEMENTS
17 TO BE MADE BY THE COMPANY AT THE PROJECT PARCEL
18 ("PROJECT"); PURPOSE OF APPROPRIATION;
19 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
20 DESIGNEE, AND THE CORPORATION SECRETARY TO
21 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
22 CITY OF JACKSONVILLE ("CITY"), THE ECONOMIC
23 DEVELOPMENT AGREEMENT BETWEEN COMPANY AND THE
24 CITY; AUTHORIZING A LARGE SCALE ECONOMIC
25 DEVELOPMENT FUND (LSEDF) GRANT TO THE COMPANY IN
26 THE AMOUNT OF \$500,000; DESIGNATION OF
27 AUTHORIZED OFFICIAL AND CONTRACT MONITOR;
28 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY
29 THE EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC
30 DEVELOPMENT ("OED"); PROVIDING FOR CITY OF
31 JACKSONVILLE OVERSIGHT BY THE OED; PROVIDING A

1 DEADLINE FOR THE COMPANY TO EXECUTE THE
2 AGREEMENT; AFFIRMING THE PROJECT'S COMPLIANCE
3 WITH THE NWJEDF GUIDELINES APPROVED AND ADOPTED
4 BY ORDINANCE 2016-779-E, AS AMENDED; WAIVER OF
5 THAT PORTION OF THE PUBLIC INVESTMENT POLICY
6 ADOPTED BY ORDINANCE 2022-372-E, AS AMENDED, TO
7 AUTHORIZE A LARGE SCALE ECONOMIC DEVELOPMENT
8 FUND GRANT, WHICH REQUIRES A MINIMUM OF 50 NEW
9 JOBS; REQUESTING TWO READING PASSAGE PURSUANT TO
10 COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE DATE.

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

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

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

27 **WHEREAS**, the City's Office of Economic Development ("OED") has
28 reviewed the application submitted by the Company for community
29 development, and, together with representatives of the City,
30 negotiated the Economic Development Agreement and, based upon the
31 contents of the Economic Development Agreement, has determined the

1 Economic Development Agreement and the uses contemplated therein to
2 be in the public interest, and has determined that the public actions
3 and financial assistance contemplated in the Economic Development
4 Agreement take into account and give consideration to the long-term
5 public interests and public interest benefits to be achieved by the
6 City; and

7 **WHEREAS**, the Company has requested the City to enter into the
8 Economic Development Agreement in substantially the form placed
9 **Revised On File** with the Office of Legislative Services; now
10 therefore,

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

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

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

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

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

29 (d) The provision of the City's assistance as identified in
30 the Economic Development Agreement is necessary and appropriate to
31 make the Project feasible; and the City's assistance is reasonable

1 and not excessive, taking into account the needs of the Company to
2 make the Project economically and financially feasible, and the extent
3 of the public benefits expected to be derived from the Project, and
4 taking into account all other forms of assistance available.

5 (e) The Company is qualified to carry out and complete the
6 construction and equipping of the Project, in accordance with the
7 Economic Development Agreement.

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

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

17 **Section 2. Appropriation.** For the 2022-2023 fiscal year, within
18 the City's budget, there are hereby appropriated the indicated sum(s)
19 from the account(s) listed in subsection (a) to the account(s) listed
20 in subsection (b): (Revised B.T. 23-038, attached hereto as **Revised**
21 **Exhibit 2**, labeled as "Revised Exhibit 2, Rev B.T. 23-038, February
22 21, 2023 - Rules" and incorporated herein by this reference):

23 (a) Appropriated from:

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

25 (b) Appropriated to:

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

27 (c) **Explanation of Appropriation**

28 The funding above appropriates \$500,000 from the Northwest
29 OED Fund - Miscellaneous Sales and Charges account, to
30 provide a \$500,000 Large Scale Economic Development Fund
31 Grant to the Company to assist with costs associated with

1 infrastructure and building construction needed to
2 complete the Project.

3 **Section 3. Purpose.** The purpose of the appropriation in
4 Section 2 is to provide a \$500,000 Large Scale Economic Development
5 Fund Grant to the Company. The Company, together with Wolfson's
6 Children's Hospital of Jacksonville, proposes to establish a
7 community enrichment center and state-of-the-art healthcare facility
8 to serve the Northwest Jacksonville community at the Project Parcel,
9 and cause private capital investment in the estimated amount of
10 \$8,300,000. The NWJEDF Advisory Board recommended City Council's
11 approval of the Company's grant application at its January 19, 2023
12 meeting.

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

21 The Economic Development Agreement may include such additions,
22 deletions, and changes as may be reasonable, necessary, and incidental
23 for carrying out the purposes thereof, as may be acceptable to the
24 Mayor or his designee, with such inclusion and acceptance being
25 evidenced by execution of the Economic Development Agreement by the
26 Mayor or his designee. No modification of the Economic Development
27 Agreement may increase the financial obligations or the liability of
28 the City and any such modification shall be technical only and shall
29 be subject to appropriate legal review and approval of the General
30 Counsel or his or her designee and all other appropriate action
31 required by law. "Technical" is herein defined as including, but not

1 limited to, changes in legal descriptions and surveys, descriptions
2 of infrastructure improvements and/or any road project, ingress and
3 egress, easements and rights of way, performance schedules (provided
4 that no performance schedule may be extended for more than one year
5 without City Council approval), design standards, access and site
6 plans which have no financial impact.

7 **Section 5. Payment of Large Scale Economic Development Fund**
8 **(LSEDF) Grant.** The Mayor, or his designee, is hereby authorized to
9 and shall disburse the LSEDF Grant in accordance with this Resolution
10 and the Agreement.

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

26 **Section 7. Further Authorizations.** The Mayor, or his
27 designee, and the Corporation Secretary, are hereby authorized to
28 execute the Economic Development Agreement and all other contracts
29 and documents and otherwise take all necessary action in connection
30 therewith and herewith. The Executive Director of the OED, as contract
31 administrator, is authorized to negotiate and execute all necessary

1 changes and amendments to the Economic Development Agreement and
2 other contracts and documents, to effectuate the purposes of this
3 Resolution, without further Council action, provided such changes and
4 amendments are limited to amendments that are technical in nature (as
5 described in Section 4 hereof), and further provided that all such
6 amendments shall be subject to appropriate legal review and approval
7 by the General Counsel, or his or her designee, and all other
8 appropriate official action required by law.

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

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

21 **Section 10. NWJEDF Guidelines.** This Resolution
22 conforms to the NWJEDF Guidelines adopted by City Council Ordinance
23 2016-779-E, as amended.

24 **Section 11. Waiver of Public Investment Policy.** The
25 requirements of the Public Investment Policy adopted by City Council
26 Ordinance 2022-372-E, as amended, are waived to authorize an LSEDF
27 Grant that requires a minimum of 50 new jobs. The waiver is justified
28 due to the fact that the Company will cause significant private
29 capital investment of approximately \$8,300,000 in Northwest
30 Jacksonville, and the Company will further the Mayor's stated
31 priorities of health, wellness and youth development by establishing

1 a community enrichment center and state-of-the-art healthcare
2 facility to serve the Northwest Jacksonville community in a Health
3 Zone 1 area, which is deemed to have the highest level of health
4 disparities in Duval County, Florida.

5 **Section 12. Requesting two reading passage pursuant to**
6 **Council Rule 3.305.** Two reading passage of this legislation is
7 requested pursuant to Council Rule 3.305.

8 **Section 13. Effective Date.** This Resolution shall become
9 effective upon signature by the Mayor or upon becoming effective
10 without the Mayor's signature.

11
12 Form Approved:

13
14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation prepared by: Joelle J. Dillard

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