

1 Introduced by the Council President at the request of the Mayor &
2 Co-Sponsored by Council Members Gaffney, Newby, Diamond, Carlucci,
3 Dennis, Ferraro, Freeman, Bowman, Salem, Hazouri and Pittman:
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6 **ORDINANCE 2019-870-E**

7 AN ORDINANCE APPROPRIATING \$850,000 FROM THE
8 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
9 FUND - SUPERMARKET INCENTIVE PROGRAM TO
10 SUBSIDIES & CONTRIBUTIONS TO PRIVATE
11 ORGANIZATIONS TO WINN-DIXIE STORES, INC.
12 ("COMPANY") FOR THE PURPOSE OF PROVIDING AN
13 \$850,000 FULL SERVICE GROCERY STORE
14 IMPROVEMENTS PROGRAM GRANT IN CONNECTION WITH
15 THE RENOVATION OF AN EXISTING, SOON TO BE
16 VACATED, 28,000 SQ. FT. GROCERY STORE LOCATED
17 AT 5210 NORWOOD AVENUE, TO BE LEASED TO
18 COMPANY OR ITS AFFILIATE TO SERVE AS A FULL-
19 SERVICE GROCERY STORE, AS INITIATED BY REVISED
20 B.T. 20-034; WAIVING THE CRITERIA FOR USE OF
21 FUNDING FOR "FULL-SERVICE GROCERY STORE
22 PROGRAM" AS ADOPTED BY 2019-245-E; APPROVING
23 AND AUTHORIZING EXECUTION OF DOCUMENTS BY THE
24 MAYOR OR HIS DESIGNEE AND CORPORATION
25 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
26 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE
27 OED; PROVIDING FOR CITY OVERSIGHT BY THE OED;
28 AFFIRMING THE PROJECT'S COMPLIANCE WITH THE
29 FULL SERVICE GROCERY STORE IMPROVEMENT PROGRAM
30 CRITERIA APPROVED AND ADOPTED BY ORDINANCE

1 2019-245-E; REQUESTING ONE CYCLE EMERGENCY
2 PASSAGE; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

28 The Company is qualified to carry out and complete the
29 construction and equipping of the Project, in accordance with the
30 Economic Development Agreement.

31 The authorizations provided by this Ordinance are for public

1 uses and purposes for which the City may use its powers as a county,
2 municipality and as a political subdivision of the State of Florida
3 and may expend public funds, and the necessity in the public
4 interest for the provisions herein enacted is hereby declared as a
5 matter of legislative determination.

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

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

13 (Revised B.T. 20-034 attached hereto as **Revised Exhibit 1**, labeled
14 as "Revised Exhibit 1, Revised B.T. 20-034, December 2, 2019 -
15 NCSPHS" and incorporated herein by this reference)

16 (a) Appropriated from:

17 See Revised B.T. 20-034 \$850,000

18 (b) Appropriated to:

19 See Revised B.T. 20-034 \$850,000

20 (c) Explanation of Appropriation: the appropriation
21 above is appropriating \$850,000 from the Northwest
22 Jacksonville Economic Development Fund to provide a
23 grant to the Company to assist in funding
24 renovations to a soon to be vacant grocery store to
25 allow for the lease of the premises to the Company
26 as a full-service grocery store.

27 **Section 3. Purpose of Appropriation.** The purpose of the
28 appropriation above is to assist the Company in making renovations
29 and site improvements to an existing 28,000 sq. ft. building as
30 necessary to support the leasing of the premises to Company to
31 serve as a full-service grocery store in what would otherwise be a

1 food desert area. Improvements include interior remodeling, point
2 of sale equipment and technology, refrigerated cases, parking lot
3 paving and striping, lighting enhancements, landscaping and other
4 improvements to ensure safe and efficient use of the site. A copy
5 of the Project Summary is attached hereto as **Exhibit 2**.

6 **Section 4. Waiver of Criteria for Use of Funding for**
7 **"Full-Service Grocery Store Program" as Adopted by Ordinance 2019-**
8 **245-E.** Ordinance 2019-245-E established criteria for use of funds
9 for the "Full-Service Grocery Store Program." Exhibit 2 of the
10 Ordinance contained criteria which required that funding be used in
11 a food desert or immediately adjacent to a food desert. The grant
12 funding provided for herein is for renovation of an existing
13 grocery store by a new tenant. The existing grocery store has given
14 notice that it will not renew its lease and will close on December
15 28, 2019. If no action is taken by the Council, the location will
16 become a food desert after that date. The Council finds that
17 waiving this provision of the criteria is in the best interest of
18 the city to expedite a new grocery store at this location and to
19 shorten the time that the location is a food desert while the new
20 grocery store is renovated prior to reopening.

21 **Section 5. Economic Development Agreement Approved.** There
22 is hereby approved, and the Mayor or his designee and Corporation
23 Secretary are authorized to enter into an Economic Development
24 Agreement (the "Agreement") between the City and the Company, in
25 substantially the same form as has been placed **On File** with the
26 Legislative Services Division (with such "technical" changes as
27 herein authorized).

28 The Agreement may include such additions, deletions and
29 changes as may be reasonable, necessary and incidental for carrying
30 out the purposes thereof, as may be acceptable to the Mayor, or his
31 designee, with such inclusion and acceptance being evidenced by

1 execution of the Agreement by the Mayor or his designee. No
2 modification to the Agreement may increase the financial obligations
3 or the liability of the City and any such modification shall be
4 technical only and shall be subject to appropriate legal review and
5 approval of the General Counsel, or his or her designee, and all
6 other appropriate action required by law. "Technical" is herein
7 defined as including, but not limited to, changes in legal
8 descriptions and surveys, descriptions of infrastructure
9 improvements and/or any road project, ingress and egress, easements
10 and rights of way, performance schedules (provided that no
11 performance schedule may be extended for more than one year without
12 Council approval), design standards, access and site plan, which
13 have no financial impact.

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

30 **Section 7. Further Authorizations.** The Mayor, or his
31 designee, and the Corporation Secretary, are hereby authorized to

1 execute the Agreement and all other contracts and documents and
2 otherwise take all necessary action in connection therewith and
3 herewith. The Executive Director of the OED, as contract
4 administrator, is authorized to negotiate and execute all necessary
5 changes and amendments to the Agreement and other contracts and
6 documents, to effectuate the purposes of this Ordinance, without
7 further Council action, provided such changes and amendments are
8 limited to amendments that are technical in nature (as described in
9 Section 4 hereof), and further provided that all such amendments
10 shall be subject to appropriate legal review and approval by the
11 General Counsel, or his or her designee, and all other appropriate
12 official action required by law.

13 **Section 8. Oversight Department.** The OED shall
14 oversee the project described herein.

15 **Section 9. Full Service Grocery Store Improvement**
16 **Program.** This Ordinance conforms to the Full Service Grocery Store
17 Program criteria adopted by City Council Ordinance 2019-245-E.

18 **Section 10. Requesting one cycle emergency passage**
19 **pursuant to Council Rules 4.901 Emergency.** One Cycle Emergency
20 passage of this legislation is requested. The nature of the
21 emergency is to allow the Company to commence improvements to the
22 premises as soon as possible so as to minimize the length of time
23 the surrounding area will be without a full-service grocery store
24 and access to fresh foods.

25 **Section 11. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

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Form Approved:

 /s/ Paige H. Johnston

Office of General Counsel

Legislation prepared by: John Sawyer

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