

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-651**

5 AN ORDINANCE APPROPRIATING \$80,000 FROM THE
6 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
7 FUND - MISCELLANEOUS SALES TO SUBSIDIES &
8 CONTRIBUTIONS TO PRIVATE ORGANIZATIONS (IN THE
9 AMOUNT OF \$80,000) TO DPC JAX, LLC D/B/A
10 DRIVER PERFORMANCE CENTER ("COMPANY") FOR THE
11 PURPOSE OF PROVIDING AN \$80,000 NORTHWEST
12 JACKSONVILLE BUSINESS INFRASTRUCTURE GRANT TO
13 PROVIDE FUNDING TO THE COMPANY TO OFFSET A
14 PORTION OF THE INFRASTRUCTURE COSTS ATTENDANT
15 TO THE CONSTRUCTION BY COMPANY OF IMPROVEMENTS
16 ON ITS PROPERTY LOCATED GENERALLY AT THE
17 INTERSECTION OF BROWARD ROAD & INTERSTATE
18 CENTER DRIVE AS INITIATED BY B.T. 19-116;
19 APPROVING AND AUTHORIZING EXECUTION OF
20 DOCUMENTS BY THE MAYOR OR HIS DESIGNEE AND
21 CORPORATION SECRETARY; AUTHORIZING APPROVAL OF
22 TECHNICAL AMENDMENTS BY THE EXECUTIVE DIRECTOR
23 OF THE OED; PROVIDING FOR CITY OVERSIGHT BY
24 THE OED; AFFIRMING THE PROJECT'S COMPLIANCE
25 WITH THE NWJEDF GUIDELINES APPROVED AND
26 ADOPTED BY ORDINANCE 2016-779-E; PROVIDING AN
27 EFFECTIVE DATE.
28

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

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

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

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

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

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

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

31 This Ordinance is adopted pursuant to the provisions of

1 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
2 Charter, and other applicable provisions of law.

3 **Section 2. Appropriation.** For the 2018-2019 fiscal year,
4 within the City's budget, there are hereby appropriated the
5 indicated sum(s) from the account(s) listed in subsection (a) to
6 the account(s) listed in subsection (b):

7 (B.T. 19-116 attached hereto as **Exhibit 1** and incorporated herein
8 by this reference)

9 (a) Appropriated from:

10 See B.T. 19-116 \$80,000

11 (b) Appropriated to:

12 See B.T. 19-116 \$80,000

13 (c) Explanation of Appropriation: the appropriation
14 above is appropriating \$80,000 from the Northwest
15 Jacksonville Economic Development Fund to provide a
16 grant to the Company to assist in funding the storm
17 water infrastructure improvements for the automotive
18 training, handling and testing center on the project
19 site.

20 **Section 3. Purpose of Appropriation.** The purpose of the
21 appropriation above is to offset a portion of the storm water
22 retention and drainage improvement costs associated with the
23 construction of the auto training and testing center.

24 **Section 4. Economic Development Agreement Approved.** There
25 is hereby approved, and the Mayor or his designee and Corporation
26 Secretary are authorized to enter into an Economic Development
27 Agreement referenced therein (the "Agreement") between the City and
28 the Company, in substantially the same form as has been placed **On**
29 **File** with the Legislative Services Division (with such "technical"
30 changes as herein authorized).

31 The Agreement may include such additions, deletions and

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

17 **Section 5. Designation of Authorized Official/OED**
18 **Contract Monitor.** The Mayor is designated as the authorized
19 official of the City for the purpose of executing and delivering
20 any contracts, notes and documents and furnishing such information,
21 data and documents for the Agreement as may be required and
22 otherwise to act as the authorized official of the City in
23 connection with the Agreement, and is further authorized to
24 designate one or more other officials of the City to exercise any
25 of the foregoing authorizations and to furnish or cause to be
26 furnished such information and take or cause to be taken such
27 action as may be necessary to enable the City to implement the
28 Agreement according to its terms. The OED is hereby required to
29 administer and monitor the Agreement and to handle the City's
30 responsibilities thereunder, including the City's responsibilities
31 under the Agreement working with and supported by all relevant City

1 departments.

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

16 **Section 7. Oversight Department.** The OED shall
17 oversee the project described herein.

18 **Section 8. NWJEDF Guidelines.** This Ordinance conforms to
19 the NWJEDF Guidelines adopted by City Council Ordinance 2016-779-E.

20 **Section 9. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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24 Form Approved:

25
26 /s/ John Sawyer

27 Office of General Counsel

28 Legislation prepared by: John Sawyer

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