

1 Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2020-312**

5 A RESOLUTION APPROPRIATING \$100,000 FROM THE
6 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
7 FUND ("NWJEDF"), INTEREST INCOME TO SUBSIDIES
8 AND CONTRIBUTIONS TO PRIVATE ORGANIZATIONS, TO
9 FLYING W PLASTICS FL, INC. ("COMPANY") FOR THE
10 PURPOSE OF PROVIDING A NORTHWEST JACKSONVILLE
11 BUSINESS INFRASTRUCTURE GRANT (THE "BIG
12 GRANT") AS INITIATED BY B.T. 20-078 TO SUPPORT
13 THE CREATION OF THE COMPANY'S MANUFACTURING
14 FACILITY LOCATED AT 109 STEVENS STREET IN
15 JACKSONVILLE, FLORIDA IN NORTHWEST
16 JACKSONVILLE (THE "PROJECT"); MAKING CERTAIN
17 FINDINGS, AND AUTHORIZING THE MAYOR, OR HIS
18 DESIGNEE, AND THE CORPORATION SECRETARY TO
19 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
20 CITY, THE ECONOMIC DEVELOPMENT AGREEMENT
21 ("EDA") BETWEEN THE CITY AND COMPANY;
22 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
23 BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF
24 ECONOMIC DEVELOPMENT ("OED"); PROVIDING FOR
25 CITY OVERSIGHT BY THE OED; AFFIRMING THE
26 PROJECT'S COMPLIANCE WITH THE NWJEDF
27 GUIDELINES APPROVED AND ADOPTED BY ORDINANCE
28 2016-779-E; REQUESTING TWO-READING PASSAGE
29 PURSUANT TO COUNCIL RULE 3.305; PROVIDING AN
30 EFFECTIVE DATE.
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (g) This Resolution 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 2019-2020 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. 20-078, attached hereto as **Exhibit 2** and incorporated herein
8 by this reference):

9 (a) Appropriated from:

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

11 (b) Appropriated to:

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

13 (c) **Explanation of Appropriation**

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

23 **Section 3. Purpose.** The purpose of the appropriation in
24 Section 2 is to provide Company funding in the form of a Northwest
25 Jacksonville Business Infrastructure Grant in an amount not to
26 exceed \$100,000 to fund infrastructure improvements on the project
27 parcel, inclusive of bringing the onsite rail spur back on line,
28 and increasing the capacity of the building's electrical system.
29 The Company is a national manufacturer of piping products and
30 proposes to create at least 28 new full-time jobs within two years
31 of operation at an average wage of \$45,429.00 per year, plus

1 benefits.

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

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

28 **Section 5. Designation of Authorized Official/OED**
29 **Contract Monitor.** The Mayor is designated as the authorized
30 official of the City for the purpose of executing and delivering
31 any contracts, notes and documents and furnishing such information,

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

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

26 **Section 7. Oversight Department.** The OED shall oversee
27 the Project described herein.

28 **Section 8. Execution of the Economic Development**
29 **Agreement.** If the EDA approved by this Resolution has not been
30 signed by the Company within ninety (90) days after the OED
31 delivers or mails the unexecuted EDA to the Company for execution,

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

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

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

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

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16 Form Approved:

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18 /s/ John C. Sawyer, Jr.

19 Office of General Counsel

20 Legislation prepared by: John Sawyer

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