

1 Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2021-704**

5 A RESOLUTION MAKING CERTAIN FINDINGS AND
6 APPROPRIATING \$300,000 FROM THE NORTHWEST OED
7 FUND/TRANSFER FROM FUND BALANCE FOR THE PURPOSE
8 OF PROVIDING A \$300,000 NORTHWEST JACKSONVILLE
9 ECONOMIC DEVELOPMENT FUND BUSINESS
10 INFRASTRUCTURE GRANT TO CONCEPT DEVELOPMENT,
11 INC. ("COMPANY"), AS INITIATED BY B.T. 21-129,
12 IN CONNECTION WITH THE COMPANY'S ENVIRONMENTAL
13 REMEDIATION OF A BROWNFIELD SITE AND
14 CONSTRUCTION OF AN APPROXIMATELY 10,640 RETAIL
15 FACILITY LOCATED GENERALLY AT 1040 E. 8TH STREET
16 IN NORTHWEST JACKSONVILLE, FLORIDA ("PROJECT");
17 AUTHORIZING LOAN FORGIVENESS OF THE REMAINING
18 \$47,500 BALANCE OF THAT CERTAIN BROWNFIELDS
19 CLEANUP REVOLVING LOAN MADE BY THE CITY TO
20 DESTINED FOR A CHANGE, INC. IN CONNECTION WITH
21 THE PROJECT PARCEL; APPROVING AND AUTHORIZING
22 THE EXECUTION OF AN ECONOMIC DEVELOPMENT
23 AGREEMENT ("AGREEMENT") BETWEEN THE CITY OF
24 JACKSONVILLE ("CITY") AND THE COMPANY TO SUPPORT
25 THE PROJECT; APPROVING AND AUTHORIZING THE
26 EXECUTION OF DOCUMENTS BY THE MAYOR, OR HIS
27 DESIGNEE, AND CORPORATION SECRETARY;
28 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY
29 THE EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC
30 DEVELOPMENT ("OED"); PROVIDING FOR OVERSIGHT BY
31 THE OED; PROVIDING A DEADLINE FOR THE COMPANY TO

1 EXECUTE THE AGREEMENT; WAIVER OF THE PUBLIC
2 INVESTMENT POLICY ADOPTED BY ORDINANCE 2016-382-
3 E, AS AMENDED; REQUESTING TWO-READING PASSAGE
4 PURSUANT TO COUNCIL RULE 3.305; PROVIDING AN
5 EFFECTIVE DATE.
6

7 **WHEREAS**, Concept Development, Inc. (the "Company") has committed
8 to remediate an approximately 3.5 acre Brownfields Superfund Site in
9 Northwest Jacksonville and construct on a portion thereof an
10 approximately 10,640 sq. ft. retail building, all as further described
11 in the Project Summary attached hereto as **Exhibit 1** and incorporated
12 herein by this reference; and

13 **WHEREAS**, the project parcel is located in a level 2 distressed
14 area; and

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

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

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

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

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

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

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

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 public
31 interest for the provisions herein enacted is hereby declared as a

1 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 2021-2022 fiscal year,
6 within the City's budget, there are hereby appropriated the indicated
7 sum(s) from the account(s) listed in subsection (a) to the account(s)
8 listed in subsection (b):

9 (B.T. 21-129, attached hereto as **Exhibit 2** and incorporated herein
10 by this reference):

11 (a) Appropriated from:

12 See B.T. 21-129 \$300,000

13 (b) Appropriated to:

14 See B.T. 21-129 \$300,000

15 (c) **Explanation of Appropriation**

16 The funding above appropriates \$300,000 from the Northwest
17 Jacksonville Economic Development Fund - Fund Balance, to
18 provide a \$300,000 BIG Grant to the Company.

19 **Section 3. Purpose.** The purpose of the appropriation in
20 Section 2 is to provide funding to the Company in the form of a
21 \$300,000 Northwest Jacksonville Business Infrastructure Grant to the
22 Company to partially offset the costs of environmental remediation
23 of the project parcel and construction of an approximately 10,640 sq.
24 ft. retail facility on a portion thereof. The NWJEDF Advisory Board
25 recommended City Council's approval of the Company's grant
26 application at its August 24, 2021 meeting.

27 **Section 4. Loan Forgiveness and Termination.** The City
28 hereby forgives the remaining \$47,500 outstanding balance under that
29 certain Brownfields Cleanup Revolving Loan Agreement dated August 18,
30 2011, as amended, and related loan documents from the City to Destined
31 for a Change, Inc., in the original principal amount of \$60,000 (the

1 "Loan"). The Mayor, or his designee, and corporation secretary are
2 hereby authorized to execute such documents as necessary to forgive
3 and terminate the Loan.

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

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

28 **Section 6. Designation of Authorized Official/OED Contract**
29 **Monitor.** The Mayor is designated as the authorized official of the
30 City for the purpose of executing and delivering any contracts and
31 documents and furnishing such information, data and documents for the

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

13 **Section 7. Further Authorizations.** The Mayor, or his
14 designee, and the Corporation Secretary, are hereby authorized to
15 execute and deliver the Agreement and all other contracts and
16 documents and otherwise take all necessary action in connection
17 therewith and herewith. The Executive Director of the OED, as contract
18 administrator, is authorized to negotiate and execute all necessary
19 changes and amendments to the Agreement and other contracts and
20 documents, to effectuate the purposes of this Resolution, without
21 further Council action, provided such changes and amendments are
22 limited to amendments that are technical in nature (as described in
23 Section 5 hereof), and further provided that all such amendments
24 shall be subject to appropriate legal review and approval by the
25 General Counsel, or his or her designee, and all other appropriate
26 official action required by law.

27 **Section 8. Oversight Department.** The OED shall oversee the
28 Project described herein.

29 **Section 9. Execution of Agreement.** If the Agreement
30 approved by this Resolution has not been signed by the Company within
31 ninety (90) days after the OED delivers or mails the unexecuted

1 Agreement to the Company for execution, then the City Council
2 approvals in this Resolution and authorization for the Mayor to
3 execute the Agreement are automatically revoked; provided, however,
4 that the Executive Director of the OED shall have the authority to
5 extend such ninety (90) day period in writing at his discretion for
6 up to an additional ninety (90) days.

7 **Section 10. Waiver of Public Investment Policy.** The
8 requirements of the Public Investment Policy adopted by City Council
9 Ordinance 2016-382-E, as amended, are waived to authorize a BIG Grant
10 in excess of \$100,000 and to authorize NWJEDF BIG funding in excess
11 of \$250,000 in the aggregate. The waiver is justified due to the
12 fact that the Project will result in environmental remediation of a
13 Brownfield Superfund site located within a Level 2 Distress Area and
14 cause private capital investment in the Project in the estimated
15 amount of \$2,119,864.

16 **Section 11. Requesting Two Reading Passage Pursuant to**
17 **Council Rule 3.305.** Two reading passage of this legislation is
18 requested pursuant to Council Rule 3.305.

19 **Section 12. Effective Date.** This Resolution shall become
20 effective upon signature by the Mayor or upon becoming effective
21 without the Mayor's signature.

22
23 Form Approved:

24
25 /s/ John Sawyer

26 Office of General Counsel

27 Legislation Prepared By: John Sawyer

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