

**Council Auditor's Office
2021-796: Times Union/Fuqua Redevelopment Agreement**

Project Summary:

Developer:

- Minimum private capital investment of \$163,993,465
 - Phase I minimums –
 - 35,330 sq. ft. of retail, including a grocery store of not less than 22,000 sq. ft.
 - 265 multifamily residential units
 - 2,500 sq. ft. enclosed and 500 sq. ft. outdoor space of full-service restaurant
 - 400 space structured parking facility
 - Phase II minimums –
 - 13,500 sq. ft. of retail, including two restaurants
 - 113 multifamily residential units
 - 180 parking spaces

City:

- Purchase of parcel for City Park and realigned McCoys Creek at a cost of \$6,040,680
- Additional \$1,719,320 supplemental purchase if easement on City Park parcel is terminated
- Realignment and widening of McCoys Creek
- \$4,600,000 reimbursement to Developer for demolition of building on City Park, if elected

City Incentives/Outflows:

- Three 20-year, 75% REV Grants totaling \$28,419,169
- \$750,000 Restaurant Completion Forgivable Loan
- Conveyance to Developer of City-owned ROW and drainage easement valued at \$574,000
- Conveyance to Developer of 0.84 acre City-owned Creek Parcel
- Mobility fee credit of \$160,651

Performance Schedule (condensed):

- City to complete construction of McCoys Creek Improvements by 9/30/23
- Developer to complete all Phase I Improvements by 9/30/25
- Developer to complete the Phase II Improvements within thirty (30) months of the Phase II Commencement of Construction Date, which follows completion of McCoys Creek Improvements
- Extensions greater than one year require City Council approval

Funding Mechanisms:

- REV Grants (\$28,419,169) – future CRA tax dollars
- City Park initial purchase (\$6,040,680) – McCoys Creek CIP project
- City Park supplemental purchase (\$1,719,320) – future General Fund appropriation
- Restaurant Completion Forgivable Loan (\$750,000) – Downtown Economic Development Fund
- Demolition Project (\$4,600,000) – McCoys Creek CIP project

Clawbacks:

- DIA can withhold any undisbursed amounts of REV Grants and Restaurant Completion Forgivable Loan if reporting requirements are not met
- REV Grants will be reduced/terminated if capital investment does not meet the defined minimums
- Restaurant Completion Forgivable Loan vests 10% annually based upon meeting performance measures. Any portion not vested by the 10th anniversary of the disbursement date shall be due to the City on the tenth anniversary date.

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Waivers:

- Waives Public Investment Policy to authorize the REV Grants and Restaurant Completion Forgivable Loan that are not authorized under the policy
- Authorizes a deviation to allow an increase in the maximum distance between the River View and Access Corridors from 250' to 352' to allow for development in the proposed location
- Waives provisions of the Zoning Code that require a 2/3 Council vote to approve deviations and prohibit City incentives on a project with a River View and access Corridor Deviation
- Waives the Procurement Code (except for the JSEB provisions) for the Demolition Project if undertaken by the Developer

ROI:

- DIA has prepared two ROI calculations:
 - 1.21 – inclusive of City incentives and additional costs of McCoys Creek project
 - 1.02 – inclusive of City incentives, additional costs of McCoys Creek and purchase price of City Park parcel
- Council Auditor's Office calculated the ROI at 1.18. The difference from DIA is inclusion of lost ad valorem taxes on the future City-owned Park Parcel.
- The ROI calculations do not include sales or payroll taxes as inflows since leases have not been executed at this time

Amendments:

In Bill:

1. Correct Phase I Retail square footage to 35,330
2. Correct Developer's Repurchase Right timeframe
3. Clarify minimum private capital investment
4. Include price of submerged lands for put option
5. Add language authorizing the conveyance of City-owned Creek Parcel
6. Place DDRB recommendation for Deviation 2021-014 on file
7. Correct scrivener's errors

In Redevelopment Agreement on file:

8. Revise maximum indebtedness to \$30,888,489
9. Clarify Developer's minimum capital investment is net of any payment received from the City
10. Correct acreage of Phase I Components
11. Clarify that extensions greater than 1 year require Council approval
12. Clarify base year values for REV Grants
13. Revise JSEB minimum to \$6,177,698
14. Exhibit G – Include maximum indebtedness of \$6,040,680
15. Exhibit P – Correct description of restaurant improvements
16. Correct scrivener's errors



Tree Planting Programs

ONE CITY. ONE JACKSONVILLE.

1. Tree Replacement Program (Remove/Replace)

This program is specifically for the removal and replacement by the City of Jacksonville of damaged, dead, dying, or hazardous street trees located within the City of Jacksonville rights-of-ways and parks.

- a. Replacement tree must be:
 - i. installed within 6 months of the removal of the existing tree; and
 - ii. a tree species included on the Tree Commission approved Tree Planting List.
- b. A member of the Urban Forestry Unit will visit each site to determine the appropriate location and species of the replacement tree based upon the site conditions: such as locations of overhead/underground utilities, sidewalks, and driveways; planting space available; the amount of sun or shade; and soil type.
- c. The location of the replacement tree will be within the street right-of-way as close to the tree removal site as feasible. The replacement tree may be planted on either side of the street or within an existing street median so long as the replacement tree is no more than 100 feet away from the tree removal site.

2. 630-CITY Tree Planting Program (Level 1 Tree Planting Program)

This program allows the City to plant trees within public street rights-of-way in Duval County when a property owner requests the installation of trees in the street right-of-way adjacent to their property. The procedure for this program is as follows:

- a. Property owner requests, through the Care System (630-CITY), the installation of trees within the public street right-of-way adjacent to their property.
- b. A member of the Urban Forestry Unit visits the site to determine if each requested tree is appropriate for the site conditions, such as conflict with overhead/underground utilities, planting space available, the amount of sun or shade, and soil type. The particular site conditions may limit the trees species selected and the location of each tree.
- c. The City installs the selected trees at the approved locations during the next scheduled planting period.
- d. Division staff will counsel the property owner about the necessity for maintaining the tree(s) through proper irrigation, fertilization, and pruning.

3. Level 2 Tree Planting Program

This program provides funding for tree planting projects on public property, such as street rights-of-way, parks, and schools within Duval County suggested by citizens or organizations. Once the request is received, the City Arborist will work with the individual or group, and, on their behalf, develop a tree planting plan. The plan will then be submitted for review and approval by the Tree Commission and the Mayor's Budget Review Committee. Once approved, the City will install the project. The procedure for this program is as follows:

- a. A citizen or organization suggests the location for a tree planting project to the City Arborist for implementation by the City by completing the “Level 2 Community Organization Tree Planting Program” form. The form requires the following information:
 - i. Project title and location.
 - ii. Name and contact information of individual or organization making suggestion.
 - iii. Project written description.
 - iv. Rationale for project.
- b. If, after consultation with the applicant, the City Arborist determines that the proposed project can be designed to be in conformance with the site constraints and the City tree planting design standards, the City Arborist develops a final design for the project.
- c. The City Arborist provides a copy of each completed Level 2 tree planting program form and final design plan to the Tree Commission and to the Council Member in whose district each project is located.
- d. The Tree Commission reviews each project based upon established design criteria. If the project is approved by the Commission, the project is forwarded to the Mayor’s Budget Review Committee (MBRC) for its final approval.
- e. Once approved by the MBRC, the City Arborist will either bid out the project or utilize the City’s County Wide Tree Planting contractor to perform the work. The City Arborist shall also provide contractor oversight during project installation and during the maintenance period.

4. Level 3 Tree Planting Program

Organizations can request funding for a tree planting project (no limit on the number of trees) on public land within Duval County. In this program, the organization would be a “contractor” for the City and would be responsible for the design, putting the project out to bid, the installation of the landscaping, and irrigation if any, and for an agreed upon term of maintenance.

- a. The funding request will be made via an application which is available on the Tree Commission website, as well as instructions for filling out the application.
- b. Level 3 Planting Program applications will be reviewed by the Tree Commission, which will vote to recommend approval, approval with conditions, or denial to the Mayor’s Budget Review Committee (MBRC).
- c. The application will require disclosure of design consultant fees, construction (planting) costs and administrative fees.
- d. Upon approval, or approval with conditions by the MBRC, the organization will be responsible for procuring bids from tree planting contractors, managing the project, satisfying insurance/performance requirements established by the City as well as performing all other functions relating to the project.
- e. If the approval is “with conditions” then the organization will be responsible for providing the revised drawings, specifications, or other items that were revised as a part of the approval.
- f. In some instances, the organization may provide support for the project by providing funding or volunteer labor, or may be required to use the City’s tree planting contractor to provide, plant and warranty the trees, if using the City’s tree planting contract proves to be less expensive.
- g. Any trees planted (or removed) will be recorded in Plan-It GEO.

2021-706
NCSAHS

County	Members	Population	City	Members
Alachua	5	271,588	Gainesville	6
Baker	5	28,532	Maclenny	4
Bay	5	174,410	Panama City	5
Bradford	5	28,725	Starke	3
Brevard	5	606,671	Cocoa Beach	5
Broward	9	1,932,212	Fort Lauderdale	4
Calhoun	5	14,489	Blountstown	4
Charlotte	5	187,904	Punta Gorda	5
Citrus	5	149,383	Crystal River	4
Clay	5	219,575	Orange Park	3
Collier	5	387,450	Naples	5
Columbia	5	70,617	Lake City	3
DeSoto	5	37,082	Arcadia	3
Dixie	5	16,663	Cross City	3
Duval	19	982,080	Jacksonville	19
Escambia	5	323,714	Pensacola	7
Flagler	5	114,173	Palm Coast	4
Franklin	5	11,864	Apalachicola	4
Gadsden	5	46,226	Quincy	3
Gilchrist	5	18,269	Trenton	4
Glades	5	13,609	Moore Haven	3
Gulf	5	14,724	Port St. Joe	5
Hamilton	5	14,570	Jasper	3
Hardee	5	27,443	Wauchula	5
Hendry	5	40,953	LaBelle	4
Hernando	5	192,186	Brooksville	5
Highlands	5	104,834	Sebring	5
Hillsborough	7	1,478,759	Tampa	7
Holmes	5	20,001	Bonifay	4
Indian River	5	158,834	Vero Beach	3
Jackson	5	46,587	Marianna	5
Jefferson	5	14,394	Monticello	5
Lafayette	5	8,690	Mayo	0
Lake	5	366,742	Tavares	5
Lee	5	750,493	Fort Myers	7
Leon	7	299,484	Tallahassee	4
Levy	5	41,699	Bronson	3
Liberty	5	8,575	Bristol	4
Madison	5	18,954	Madison	5
Manatee	7	398,503	Bradenton	5
Marion	5	368,135	Ocala	5
Martin	5	161,301	Stuart	5
Miami-Dade	13	2,832,794	Miami	5
Monroe	5	77,823	Key West	6
Nassau	5	89,258	Fernandina Beach	5
Okaloosa	5	203,951	Crestview	5

Okeechobee	5	42,112	Okeechobee	5
Orange	6	1,415,260	Orlando	7
Osceola	5	387,055	Kissimmee	5
Palm Beach	7	1,466,494	West Palm Beach	5
Pasco	5	542,638	Dade City	5
Pinellas	7	984,054	Clearwater	5
Polk	5	715,090	Bartow	5
Putnam	5	73,723	Palatka	5
Santa Rosa	5	184,653	Milton	8
Sarasota	5	438,816	Sarasota	5
Seminole	5	476,727	Sanford	5
St. Johns	5	261,900	St. Augustine	5
St. Lucie	5	322,265	Fort Pierce	4
Sumter	5	141,422	Bushnell	5
Suwannee	5	45,463	Live Oak	5
Taylor	5	22,436	Perry	5
Union	5	15,410	Lake Butler	5
Volusia	7	551,588	DeLand	5
Wakulla	5	33,981	Crawfordville	0
Walton	5	74,724	DeFuniak Springs	5
Washington	5	25,334	Chipley	5

Colleen Hampsey, Council Research
10.6.21

2021-706
NCSMBS

**Summary of Council Member Costs
(At-Large Members)**

	Council Member	Executive Council Assistant
Salary	\$ 53,322	\$ 64,956
FICA	3,306	-
Medicare	773	942
Florida Retirement System	27,418	-
Defined Contribution Plan	-	7,795
Dental	180	180
Life Insurance	188	224
Health Insurance (Member Only)	7,744	7,744
Parking Allowance	645	-
Communication Allowance	1,200	-
Total Salary and Benefits	<u>\$ 94,776</u>	<u>\$ 81,841</u>

	Salary and Benefits
Council Member	\$ 94,776
Executive Council Assistant	81,841
Total Annual Costs per Council Member	<u>\$ 176,616</u>
Number of Council Members	<u>5</u>
Total Annual Costs for At-Large Council Members	<u>\$ 883,082</u>

Amounts are based on estimated budget amounts for CM if they take full amount and for ECA's at top of range after 3% increase. Health insurance is at base amount.

This does not include any costs of supplies, office space, or office equipment.

2021 - 707
NCSAHS

Current Estimated Cost of Unitary Elections
(Based on Budget Office Spreadsheet used to Calculate Cost)

Description	Estimate Based on 21/22 Rates
Part-Time Hours	\$ 1,218,640
Overtime	55,821
Medicare	18,480
Guard Service - Library	11,886
Janitorial Service - Library	2,600
Postage	165,979
Other Rent	51,250
Miscellaneous Services and Charges	151,505
Other Operating Supplies and Postage	378,510

Cost Per Unitary Election	\$ 2,054,671
Number of Elections	2
Total Cost	<u>\$ 4,109,342</u>

Current Estimated Cost of Unitary Elections
 (Based on Budget Office Spreadsheet used to Calculate Cost)

Description	Estimate Based on 2012 Rates
Part-Time Hours	\$ 1,218,840
Overtime	58,821
Medicare	12,480
Guard Service - Library	11,888
Janitorial Service - Library	2,900
Postage	158,878
Other Rent	81,250
Miscellaneous Services and Charges	171,505
Other Operating Supplies and Postage	378,810
Total Cost	\$ 4,109,842
Number of Elections	2
Cost Per Unitary Election	\$ 2,054,921

1 Introduced by Council Members Diamond, Ferraro and Carlucci:

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ORDINANCE 2021- 761

AN ORDINANCE REGARDING CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION 118.107 (NONPROFITS TO RECEIVE FUNDING THROUGH A COMPETITIVE EVALUATED AWARD PROCESS), PART 1 (GENERAL PROVISIONS), TO CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*; CREATING A NEW SECTION 602.413 (ADDITIONAL DISCLOSURE REQUIREMENTS FOR COUNCIL MEMBERS THEIR SPOUSES AND CHILDREN EMPLOYED BY NONPROFIT ORGANIZATIONS RECEIVING FUNDING FROM CITY), PART 4 (CONFLICTS OF INTEREST), CHAPTER 602 (JACKSONVILLE ETHICS CODE), *ORDINANCE CODE*; PROVIDING A DIRECTIVE TO THE COUNCIL DIRECTOR/SECRETARY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council recognizes that the citizens of Jacksonville have an expectation that the City of Jacksonville will expend public funds in a fair and equitable manner and will follow the processes set forth in the *Ordinance Code*; and

WHEREAS, it is in the public interest to ensure that public funds are distributed in a fair and transparent manner; and

WHEREAS, the Council desires to enact requirements to ensure that fairness and transparency in the allocation of City funding to nonprofit organizations is standard for all such organizations; now therefore

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

Section 1. Creating new Section 118.107 (Nonprofits to

1 receive funding through a competitive evaluated award process), Part
2 1 (General Provisions), Chapter 118 (City Grants), Ordinance Code.
3 Part 1 (General Provisions), Chapter 118 (City Grants), Ordinance
4 Code, is hereby amended to create a new Section 118.107 to read as
5 follows:

6 CHAPTER 118. CITY GRANTS

7 PART 1. GENERAL PROVISIONS

8 * * *

9 Sec. 118.107. Nonprofits to receive funding through a
10 competitive evaluated award process.

11 ~~Notwithstanding the provisions of~~ Except as provided for in
12 Section 118.106 above, all City funds appropriated to nonprofit
13 organizations shall be subject to a competitive evaluated award
14 process under Chapters 118 or Chapter 126, Ordinance Code, as
15 applicable. ~~A "competitive evaluated award process" means that~~
16 ~~funding shall be competitively procured under the procedures set~~
17 ~~forth in Parts 6 or 8, Chapter 118, or Part 3, Chapter 126, Ordinance~~
18 ~~Code, via an evaluated bid process as outlined therein. This~~
19 ~~provision is specifically not intended to prevent the use of Section~~
20 ~~126.107 (a), (b), (c), (d), (e), (f) or (h), Ordinance Code, or single~~
21 ~~source procurement or noncompetitive purchases under Sections 126.206~~
22 ~~and 126.312, Ordinance Code. However, the use of Section 126.107(g),~~
23 ~~Ordinance Code, to direct contract with nonprofits would require a~~
24 ~~waiver of this Section 118.107 with a detailed explanation as to why~~
25 ~~the direct contract with the nonprofit is necessary.~~

26 * * *

27 Section 2. Creating new Section 602.413. (Additional disclosure
28 requirements for council members employed by nonprofit organizations
29 receiving funding ~~throughfrom~~ City), Part 4 (Conflicts of Interest),
30 Chapter 602 (Jacksonville Ethics Code), Ordinance Code. Part 4
31 (Conflicts of Interest), Chapter 602 (Jacksonville Ethics Code),

1 Ordinance Code, is hereby amended to create a new Section 602.413 to
2 read as follows:

3 CHAPTER 602. JACKSONVILLE ETHICS CODE

4 * * *

5 PART 4. CONFLICTS OF INTEREST

6 SUBPART A ~~CONFLICT.~~ CONFLICTING RELATIONSHIPS

7 * * *

8 Sec. 602.413. Additional disclosure requirements for council
9 members and their spouses or children employed by nonprofit
10 organizations receiving funding from City.

11 Pursuant to Section 118.107, Ordinance Code, all nonprofit
12 organizations receiving funds appropriated by the City pursuant to
13 Chapter 118 (~~Public~~City Grants) or Chapter 126 (Procurement Code)
14 shall be subject to a competitive evaluated award process. A
15 "competitive evaluated award process" means that funding shall be
16 competitively procured under the procedures set forth in Parts 6 or
17 8, Chapter 118, or Part 3, Chapter 126, Ordinance Code, via an
18 evaluated bid process as outlined therein.

19 In addition to the requirements of Sections 126.110 (Public
20 official bid and contract disclosure and prohibition) and 602.406
21 (Public official bid and contract disclosure), Ordinance Code, in the
22 event that a council member, or his or her spouse or child, is
23 employed by a nonprofit organization, defined herein as a registered
24 tax-exempt organization under 501(c) of the Internal Revenue Code,
25 the council member shall complete and provide on or before the award
26 application or solicitation deadline submission date, the following
27 supplemental information to the ~~Office of Ethics Oversight and~~,
28 Compliance ~~Office~~and Oversight:

- 29 1) a copy of the nonprofit organization's most recent annual
30 audit;
31 2) a copy of the nonprofit organization's most current IRS 990

1 or 990EZ form;

2 3) provide evidence that the council member is employed by the
3 nonprofit organization and a narrative explanation of the duties and
4 services that the council member provides for the nonprofit
5 organization; and

6 4) an affidavit executed and completed by the council member
7 that attests to the following: that

8 i) the council member is an employee of the nonprofit
9 applying for funding and the employment position of the council member
10 with the nonprofit;

11 ii) the nonprofit applying for funding is a 501(c) entity
12 under the Internal Revenue Code;

13 iii) the council member is/is not an officer, director,
14 ~~proprietor, partner and/or owner of more than 5% interest or board~~
15 ~~member~~ of the nonprofit applying for funding;

16 iv) the council ~~member's nonprofit salary is not and will~~
17 ~~not be paid by any funding from the City and the council~~ member will
18 not receive any ~~direct or additional~~ financial gain from the City's
19 funding of the nonprofit, ~~(in addition to their ordinary salary or~~
20 ~~compensation as an employee of the nonprofit);~~

21 v) the council member has not in any way participated
22 directly or indirectly or been personally involved in the City's
23 decision to fund the nonprofit, and will continue to not participate
24 or be personally involved in the funding for the nonprofit.
25 Participating or being personally involved includes, but is not
26 limited to, participating in discussions at any City meetings or
27 communicating with officers or employees of the funding agency; ~~and~~

28 vi) that to the council member's knowledge, no funding
29 received by the nonprofit organization from the City will go to ~~ana~~
30 ~~for profit~~ entity to which the council member has a majority or
31 controlling interest. ~~_____~~; ~~and~~

1 vii) the council member did not disclose or use any
2 confidential City information in the nonprofits' application for City
3 funding of the nonprofit organization.

4 The affidavit form shall be ~~provided~~prepared by the Office of
5 Ethics ~~Oversight and~~, Compliance ~~Office and Oversight~~ in conjunction
6 with Office of General Counsel. The affidavit form shall be provided
7 and maintained by Ethics Oversight and Compliance Office. The
8 supplemental disclosure information provided pursuant to this section
9 will be maintained as a public record and available to the public for
10 viewing consistent with Chapter 119, *Florida Statutes*. The disclosure
11 requirements created herein do not negate the obligation of a council
12 member to determine whether a conflict of interest exists in any
13 individual circumstance under Chapter 112, *Florida Statutes*, and
14 Chapter 602, *Ordinance Code*, and to vet that potential conflict with
15 the Office of Ethics ~~Oversight and~~, Compliance ~~Office and Oversight~~
16 or the Office of General Counsel.

17 * * *

18 ~~Section 3.~~ Section 3. Directive to Council Director/Secretary
19 regarding supplemental disclosure information. The Council Director/
20 Secretary is directed to coordinate with the Office of Ethics,
21 Compliance and Oversight to receive copies of and publish the
22 supplemental disclosure information required by Section 602.413,
23 Ordinance Code, on the City Council website.

24 Section 4. Effective Date. This ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

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31 Form Approved:

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Office of General Counsel

Legislation Prepared By: Paige H. Johnston

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