

1 Introduced by the Council President at the request of the Mayor:  
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4 **RESOLUTION 2022-277**

5 A RESOLUTION APPROPRIATING \$500,000 FROM THE  
6 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT  
7 FUND FOR THE PURPOSE OF PROVIDING A \$500,000  
8 LARGE SCALE ECONOMIC DEVELOPMENT FUND GRANT TO  
9 FLORIDA MECHANICAL SYSTEMS, INC. ("COMPANY"), AS  
10 INITIATED BY B.T. 22-063, IN CONNECTION WITH THE  
11 COMPANY'S CONSTRUCTION OF A NEW OFFICE AND  
12 ADMINISTRATIVE FACILITY, LOCATED GENERALLY AT  
13 524 STOCKTON STREET, JACKSONVILLE, FLORIDA  
14 ("PROJECT"); PURPOSE OF APPROPRIATION;  
15 APPROVING AND AUTHORIZING THE EXECUTION OF AN  
16 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")  
17 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND  
18 THE COMPANY; AUTHORIZING A LARGE SCALE ECONOMIC  
19 DEVELOPMENT FUND GRANT TO THE COMPANY IN THE  
20 AMOUNT OF \$500,000; AUTHORIZING A \$700,000  
21 RECAPTURE ENHANCED VALUE PROGRAM GRANT ("REV  
22 GRANT"); AUTHORIZING APPROVAL OF TECHNICAL  
23 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE  
24 OFFICE OF ECONOMIC DEVELOPMENT ("OED");  
25 PROVIDING FOR OVERSIGHT BY THE OED; PROVIDING A  
26 DEADLINE FOR THE COMPANY TO EXECUTE THE  
27 AGREEMENT; AFFIRMING THE PROJECT'S COMPLIANCE  
28 WITH THE NWJEDF GUIDELINES APPROVED AND ADOPTED  
29 BY ORDINANCE 2016-779-E; AFFIRMING THE PROJECT'S  
30 COMPLIANCE WITH THE PUBLIC INVESTMENT POLICY  
31 ADOPTED BY ORDINANCE 2016-382-E, AS AMENDED;

1           REQUESTING TWO-READING PASSAGE PURSUANT TO  
2           COUNCIL RULE 3.305; PROVIDING AN EFFECTIVE DATE.

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4           **WHEREAS**, Florida Mechanical Systems, Inc. (the "Company") is  
5 proposing to construct a new office and administrative building for  
6 its tenant, W.W. Gay Mechanical Contractor, Inc. ("Tenant"), and  
7 Tenant intends to create 60 permanent full-time equivalent new jobs  
8 in northwest Jacksonville with an average salary, exclusive of  
9 benefits, of at least \$74,000 per annum by December 31, 2028, with  
10 an estimated new capital investment of \$15,313,339, all as further  
11 described in the Project Summary attached hereto as **Exhibit 1** and  
12 incorporated 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 Large Scale Economic Development Fund  
17 (LSEDF) Grant and REV Grant in such amounts serves a paramount public  
18 purpose; and

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

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

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

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

2 found and declared as follows:

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

4           (b) The location of the Company's Project in northwest  
5 Jacksonville, Florida, is more particularly described in the  
6 Agreement. The Project will promote and further the public and  
7 municipal purposes of the City.

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

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

25           (e) The Company is qualified to carry out and complete the  
26 construction and equipping of the Project, in accordance with the  
27 Agreement.

28           (f) The authorizations provided by this Resolution are for  
29 public uses and purposes for which the City may use its powers as a  
30 county, municipality and as a political subdivision of the State of  
31 Florida and may expend public funds, and the necessity in the public

1 interest for the provisions herein enacted is hereby declared as a  
2 matter of legislative determination.

3 (g) This Resolution is adopted pursuant to the provisions of  
4 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's  
5 Charter, and other applicable provisions of law.

6 **Section 2. Appropriation.** For the 2021-2022 fiscal year,  
7 within the City's budget, there are hereby appropriated the indicated  
8 sum(s) from the account(s) listed in subsection (a) to the account(s)  
9 listed in subsection (b):

10 (B.T. 22-063, attached hereto as **Exhibit 2** and incorporated herein  
11 by this reference):

12 (a) Appropriated from:

13 See B.T. 22-063 \$500,000

14 (b) Appropriated to:

15 See B.T. 22-063 \$500,000

16 (c) **Explanation of Appropriation**

17 The funding above appropriates \$500,000 from the Northwest  
18 Jacksonville Economic Development Fund - Fund Balance, to  
19 provide a \$500,000 Large Scale Economic Development Fund  
20 Grant to the Company.

21 **Section 3. Purpose.** The purpose of the appropriation in  
22 Section 2 is to provide a \$500,000 Large Scale Economic Development  
23 Fund Grant to the Company. The Company provides property management,  
24 fleet management, and crane and mechanical equipment rental and is  
25 investing approximately \$15,313,339 in the construction of a new  
26 facility for its Tenant, and Tenant proposes to create 60 new full-  
27 time jobs at an average wage of \$74,000.00 per year. The NWJEDF  
28 Advisory Board recommended City Council's approval of the Company's  
29 grant application at its March 22, 2022 meeting.

30 **Section 4. Economic Development Agreement Approved.** There  
31 is hereby approved, and the Mayor and Corporation Secretary are

1 authorized to execute and deliver, for and on behalf of the City, an  
2 agreement between the City and the Company, substantially in the form  
3 placed **On File** with the Office of Legislative Services (with such  
4 "technical" changes as herein authorized), for the purpose of  
5 implementing the recommendations of the OED, as are further described  
6 in the Project Summary attached hereto as **Exhibit 1**.

7 The Agreement may include such additions, deletions and changes  
8 as may be reasonable, necessary and incidental for carrying out the  
9 purposes thereof, as may be acceptable to the Mayor, or his designee,  
10 with such inclusion and acceptance being evidenced by execution of  
11 the Agreement by the Mayor or his designee. No modification to the  
12 Agreement may increase the financial obligations or the liability of  
13 the City and any such modification shall be technical only and shall  
14 be subject to appropriate legal review and approval of the General  
15 Counsel, or his or her designee, and all other appropriate action  
16 required by law. "Technical" is herein defined as including, but not  
17 limited to, changes in legal descriptions and surveys, descriptions  
18 of infrastructure improvements and/or any road project, ingress and  
19 egress, easements and rights of way, design standards, access and  
20 site plan, which have no financial impact.

21 **Section 5. Payment of Large Scale Economic Development Fund**  
22 **(LSEDF) Grant.** The Mayor, or his designee, is hereby authorized to  
23 and shall disburse the LSEDF Grant in accordance with this Resolution  
24 and the Agreement.

25 **Section 6. Payment of REV Grant.**

26 (a) The REV Grant shall not be deemed to constitute a debt,  
27 liability, or obligation of the City or of the State of Florida or  
28 any political subdivision thereof within the meaning of any  
29 constitutional or statutory limitation, or a pledge of the faith and  
30 credit or taxing power of the City or of the State of Florida or any  
31 constitutional or any political subdivision thereof but shall be

1 payable solely from the funds provided therefor as provided in this  
2 Section. The Agreement shall contain a statement of the effect that  
3 the City shall not be obligated to pay any installment of its  
4 financial assistance to the Company except from the non-ad valorem  
5 revenues or other legally available funds provided for that purpose,  
6 that neither the faith and credit nor the taxing power of the City  
7 or of the State of Florida or any political subdivision thereof is  
8 pledged to the payment of any portion of such financial assistance,  
9 and that the Company, or any person, firm or entity claiming by,  
10 through or under the Company, or any other person whomsoever, shall  
11 never have any right, directly or indirectly, to compel the exercise  
12 of the ad valorem taxing power of the City or of the State of Florida  
13 or any political subdivision thereof for the payment of any portion  
14 of such financial assistance.

15 (b) The Mayor, or his designee, is hereby authorized to and  
16 shall disburse the annual installments of the REV Grant as provided  
17 in this Section in accordance with this Ordinance and the Agreement.

18 **Section 7. Designation of Authorized Official/OED Contract**  
19 **Monitor.** The Mayor is designated as the authorized official of the  
20 City for the purpose of executing and delivering any contracts and  
21 documents and furnishing such information, data and documents for the  
22 Agreement and related documents as may be required and otherwise to  
23 act as the authorized official of the City in connection with the  
24 Agreement, and is further authorized to designate one or more other  
25 officials of the City to exercise any of the foregoing authorizations  
26 and to furnish or cause to be furnished such information and take or  
27 cause to be taken such action as may be necessary to enable the City  
28 to implement the Agreement according to its terms. The OED is hereby  
29 required to administer and monitor the Agreement and to handle the  
30 City's responsibilities thereunder, including the City's  
31 responsibilities under such Agreement working with and supported by

1 all relevant City departments.

2       **Section 8. Further Authorizations.** The Mayor, or his  
3 designee, and the Corporation Secretary, are hereby authorized to  
4 execute and deliver the Agreement and all other contracts and  
5 documents and otherwise take all necessary action in connection  
6 therewith and 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 Resolution, 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 4 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 9. Oversight Department.** The OED shall oversee the  
17 Project described herein.

18       **Section 10. Execution of Agreement.** If the Agreement  
19 approved by this Resolution has not been signed by the Company within  
20 ninety (90) days after the OED delivers or mails the unexecuted  
21 Agreement to the Company for execution, then the City Council  
22 approvals in this Resolution and authorization for the Mayor to  
23 execute the Agreement are automatically revoked; provided, however,  
24 that the Executive Director of the OED shall have the authority to  
25 extend such ninety (90) day period in writing at his discretion for  
26 up to an additional ninety (90) days.

27       **Section 11. NWJEDF Guidelines.** This Resolution conforms to  
28 the NWJEDF Guidelines adopted by City Council Ordinance 2016-779-E.

29       **Section 12. Public Investment Policy.** This Resolution  
30 conforms to the guidelines provided in the Public Investment Policy  
31 adopted by City Council Ordinance 2016-382-E, as amended.

