

1 Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2023-860**

5 A RESOLUTION APPROPRIATING \$100,000 FROM THE
6 NORTHWEST JACKSONVILLE OED FUND/MISCELLANEOUS
7 SALES AND CHARGES FOR THE PURPOSE OF PROVIDING
8 A \$100,000 NORTHWEST JACKSONVILLE ECONOMIC
9 DEVELOPMENT FUND ("NWJEDF") BUSINESS
10 INFRASTRUCTURE GRANT TO TITAN FLORIDA, LLC
11 ("COMPANY") TO FUND CERTAIN INFRASTRUCTURE
12 IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION
13 AND EQUIPPING BY COMPANY OF A READY-MIX CONCRETE
14 PLANT ON THE PROPERTY LOCATED GENERALLY AT 1712
15 N. MCDUFF AVENUE, AS INITIATED BY B.T. 24-037;
16 APPROVING AND AUTHORIZING EXECUTION OF DOCUMENTS
17 BY THE MAYOR OR HER DESIGNEE AND CORPORATION
18 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
19 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE OED;
20 PROVIDING FOR CITY OVERSIGHT BY THE OED;
21 AFFIRMING THE PROJECT'S COMPLIANCE WITH THE
22 NWJEDF GUIDELINES APPROVED AND ADOPTED BY
23 ORDINANCE 2016-779-E, AS AMENDED; REQUESTING
24 TWO-READING PASSAGE PURSUANT TO COUNCIL RULE
25 3.305; PROVIDING AN EFFECTIVE DATE.

26
27 **WHEREAS,** Titan Florida, LLC (the "Company"), a subsidiary of
28 Titan Cement International, SA, is seeking public investment through
29 the Northwest Jacksonville Economic Development Fund in the amount
30 of \$100,000.00, which consists of a Northwest Business Infrastructure
31 Grant (the "BIG Grant"), in order to support certain infrastructure

1 improvements related to the construction of a new ready-mix concrete
2 plant (the "Project"); and

3 **WHEREAS,** the Company estimates capital investment of
4 approximately \$18,375,273 and anticipates the creation of twenty-four
5 new full-time equivalent job opportunities in Jacksonville with an
6 average wage of \$54,708, as further described in the Project Summary,
7 attached hereto as **Exhibit 1** and incorporated herein by this
8 reference; and

9 **WHEREAS,** for the reasons more fully described in the Project
10 Summary, the payment of the BIG Grant in the aforesaid amount serves
11 a paramount public purpose; and

12 **WHEREAS,** the recommended level of assistance is within Public
13 Investment Guidelines for a Northwest BIG Grant; and

14 **WHEREAS,** the Project will have a positive return of investment
15 of 14.76 : 1 for the City; and

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

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

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

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

31 The location of the Company's project in Jacksonville, Florida,

1 ("Project") is more particularly described in the Economic Development
2 Agreement. The Project will promote and further the public and
3 municipal purposes of the City.

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

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

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

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

30 This Resolution is adopted pursuant to the provisions of Chapters
31 163, 166 and 125, Florida Statutes, as amended, the City's Charter,

1 and other applicable provisions of law.

2 **Section 2. Appropriation.** For the 2023-2024 fiscal year,
3 within the City's budget, there are hereby appropriated the indicated
4 sum(s) from the account(s) listed in subsection (a) to the account(s)
5 listed in subsection (b):

6 (B.T. 24-037 attached hereto as **Exhibit 2** and incorporated herein by
7 this reference)

8 (a) Appropriated from:

9 See B.T. 24-037 \$100,000

10 (b) Appropriated to:

11 See B.T. 24-037 \$100,000

12 (c) Explanation of Appropriation: the appropriation above
13 is appropriating \$100,000 from the Northwest
14 Jacksonville Economic Development Fund to provide a
15 grant to the Company to assist in funding improvements
16 relating to the construction and equipping of a ready-
17 mix concrete plant.

18 **Section 3. Purpose of Appropriation.** The purpose of the
19 appropriation above is to assist the Company in making site
20 improvements as necessary to support the construction and equipping
21 of a ready-mix concrete plant on the project site.

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

29 The Agreement may include such additions, deletions and changes
30 as may be reasonable, necessary and incidental for carrying out the
31 purposes thereof, as may be acceptable to the Mayor, or her designee,

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

14 **Section 5. Designation of Authorized Official/OED Contract**

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

29 **Section 6. Further Authorizations.** The Mayor, or her

30 designee, and the Corporation Secretary, are hereby authorized to
31 execute the Agreement and all other contracts and documents and

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

12 **Section 7. Oversight Department.** The OED shall oversee
13 the project described herein.

14 **Section 8. NWJEDF Guidelines.** This Resolution conforms
15 to the NWJEDF Guidelines adopted by City Council Ordinance 2016-779-
16 E.

17 **Section 9. Requesting Two Reading Passage Pursuant to**
18 **Council Rule 3.305.** Two reading passage of this legislation is
19 requested pursuant to Council Rule 3.305.

20 **Section 10. Effective Date.** This Resolution shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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25 Form Approved:

26
27 /s/ John Sawyer

28 Office of General Counsel

29 Legislation prepared by: John Sawyer

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