

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Finance Committee:

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5 **ORDINANCE 2019-651-E**

6 AN ORDINANCE APPROPRIATING \$80,000 FROM THE
7 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
8 FUND - MISCELLANEOUS SALES AND CHARGES TO
9 SUBSIDIES & CONTRIBUTIONS TO PRIVATE
10 ORGANIZATIONS (IN THE AMOUNT OF \$80,000) TO
11 DPC JAX, LLC D/B/A DRIVER PERFORMANCE CENTER
12 ("COMPANY") FOR THE PURPOSE OF PROVIDING AN
13 \$80,000 NORTHWEST JACKSONVILLE BUSINESS
14 INFRASTRUCTURE GRANT TO PROVIDE FUNDING TO THE
15 COMPANY TO OFFSET A PORTION OF THE
16 INFRASTRUCTURE COSTS ATTENDANT TO THE
17 CONSTRUCTION BY COMPANY OF IMPROVEMENTS ON ITS
18 PROPERTY LOCATED GENERALLY AT THE INTERSECTION
19 OF BROWARD ROAD & INTERSTATE CENTER DRIVE AS
20 INITIATED BY B.T. 19-116; APPROVING AND
21 AUTHORIZING EXECUTION OF DOCUMENTS BY THE
22 MAYOR OR HIS DESIGNEE AND CORPORATION
23 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
24 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE
25 OED; PROVIDING FOR CITY OVERSIGHT BY THE OED;
26 AFFIRMING THE PROJECT'S COMPLIANCE WITH THE
27 NWJEDF GUIDELINES APPROVED AND ADOPTED BY
28 ORDINANCE 2016-779-E; PROVIDING AN EFFECTIVE
29 DATE.
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1 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

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

8 Enhancement of the City's tax base and revenues, are matters of
9 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 The provision of the City's assistance as identified in the
19 Economic Development Agreement is necessary and appropriate to make
20 the Project feasible; and the City's assistance is reasonable and
21 not excessive, taking into account the needs of the Company to make
22 the Project economically and financially feasible, and the extent of
23 the public benefits expected to be derived from the Project, and
24 taking into account all other forms of assistance available.

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

28 The authorizations provided by this Ordinance are for public
29 uses and purposes for which the City may use its powers as a county,
30 municipality and as a political subdivision of the State of Florida
31 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 This Ordinance 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 2018-2019 fiscal year,
7 within the City's budget, there are hereby appropriated the
8 indicated sum(s) from the account(s) listed in subsection (a) to
9 the account(s) listed in subsection (b):

10 (B.T. 19-116 attached hereto as **Exhibit 1** and incorporated herein
11 by this reference)

12 (a) Appropriated from:

13 See B.T. 19-116 \$80,000

14 (b) Appropriated to:

15 See B.T. 19-116 \$80,000

16 (c) Explanation of Appropriation: the appropriation
17 above is appropriating \$80,000 from miscellaneous
18 services and charges within the Northwest
19 Jacksonville Economic Development Fund to subsidies
20 and contributions to private organizations to
21 provide a grant to the Company to assist in funding
22 the storm water infrastructure improvements for the
23 automotive training, handling and testing center on
24 the project site.

25 **Section 3. Purpose of Appropriation.** The purpose of the
26 appropriation above is to offset a portion of the storm water
27 retention and drainage improvement costs associated with the
28 construction of the auto training and testing center.

29 **Section 4. Economic Development Agreement Approved.** There
30 is hereby approved, and the Mayor or his designee and Corporation
31 Secretary are authorized to enter into an Economic Development

1 Agreement referenced therein (the "Agreement") between the City and
2 the Company, in substantially the same form as has been placed
3 **Revised On File** with the Legislative Services Division (with such
4 "technical" changes as herein authorized). A copy of the Project
5 Summary is attached hereto as **Exhibit 2**.

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

23 **Section 5. Designation of Authorized Official/OED**
24 **Contract Monitor.** The Mayor is designated as the authorized
25 official of the City for the purpose of executing and delivering
26 any contracts, notes and documents and furnishing such information,
27 data and documents for the Agreement as may be required and
28 otherwise to act as the authorized official of the City in
29 connection with the Agreement, and is further authorized to
30 designate one or more other officials of the City to exercise any
31 of the foregoing authorizations and to furnish or cause to be

1 furnished such information and take or cause to be taken such
2 action as may be necessary to enable the City to implement the
3 Agreement according to its terms. The OED is hereby required to
4 administer and monitor the Agreement and to handle the City's
5 responsibilities thereunder, including the City's responsibilities
6 under the Agreement working with and supported by all relevant City
7 departments.

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

22 **Section 7. Oversight Department.** The OED shall
23 oversee the project described herein.

24 **Section 8. NWJEDF Guidelines.** This Ordinance conforms to
25 the NWJEDF Guidelines adopted by City Council Ordinance 2016-779-E.

26 **Section 9. Effective Date.** This Ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.
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Form Approved:

 /s/ Paige Hobbs Johnston

Office of General Counsel

Legislation prepared by: John Sawyer

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