

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 2019-652-E**

6 AN ORDINANCE APPROPRIATING \$250,000 FROM THE
7 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
8 FUND - INTEREST INCOME TO SUBSIDIES &
9 CONTRIBUTIONS TO PRIVATE ORGANIZATIONS (IN THE
10 AMOUNT OF \$100,000) AND LOANS (IN THE AMOUNT
11 OF \$150,000) TO AA AUTO PARTS, INC.
12 ("COMPANY") FOR THE PURPOSE OF PROVIDING A
13 \$100,000 NORTHWEST JACKSONVILLE BUSINESS
14 INFRASTRUCTURE GRANT AND A \$150,000 NORTHWEST
15 JACKSONVILLE ECONOMIC DEVELOPMENT FUND
16 ("NWJEDF") LOAN IN CONNECTION WITH THE
17 INSTALLATION BY COMPANY OF A METAL SHREDDER
18 SYSTEM ON THE COMPANY'S PROPERTY LOCATED
19 GENERALLY AT 6641 WEST BEAVER STREET, AS
20 INITIATED BY B.T. 19-117; 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 2019-2020 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. 19-117 attached hereto as **Exhibit 1** and incorporated herein
11 by this reference)

12 (a) Appropriated from:

13 See B.T. 19-117 \$250,000

14 (b) Appropriated to:

15 See B.T. 19-117 \$250,000

16 (c) Explanation of Appropriation: the appropriation
17 above is appropriating \$250,000 from the Northwest
18 Jacksonville Economic Development Fund to provide a
19 grant and loan to the Company to assist in funding
20 improvements relating to the installation of a metal
21 shredding system on the project site.

22 **Section 3. Purpose of Appropriation.** The purpose of the
23 appropriation above is to assist the Company in making site
24 improvements as necessary to support the installation of a metal
25 shredding system on the project site, including but not limited to
26 costs attendant to stormwater improvements, installation of curb
27 and gutters for 1,550 linear feet, and sidewalk improvements along
28 West Beaver Street. A copy of the Project Summary is attached
29 hereto as **Exhibit 2**.

30 **Section 4. Economic Development Agreement and Loan**
31 **Documents Approved.** There is hereby approved, and the Mayor or his

1 designee and Corporation Secretary are authorized to enter into an
2 Economic Development Agreement and the Loan Documents referenced
3 therein (collectively, the "Agreement") between the City and the
4 Company, in substantially the same form as has been placed **Revised**
5 **On File** with the Legislative Services Division (with such
6 "technical" changes as herein authorized).

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

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

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

9 **Section 6. Further Authorizations.** The Mayor, or his
10 designee, and the Corporation Secretary, are hereby authorized to
11 execute the Agreement and all other contracts and documents and
12 otherwise take all necessary action in connection therewith and
13 herewith. The Executive Director of the OED, as contract
14 administrator, is authorized to negotiate and execute all necessary
15 changes and amendments to the Agreement and other contracts and
16 documents, to effectuate the purposes of this Ordinance, without
17 further Council action, provided such changes and amendments are
18 limited to amendments that are technical in nature (as described in
19 Section 4 hereof), and further provided that all such amendments
20 shall be subject to appropriate legal review and approval by the
21 General Counsel, or his or her designee, and all other appropriate
22 official action required by law.

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

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

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

 /s/ Paige H. Johnston

Office of General Counsel

Legislation prepared by: John Sawyer

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