

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2020-587**

5 AN ORDINANCE APPROPRIATING \$100,000 FROM THE
6 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
7 FUND ("NWJEDF"), INTEREST INCOME, TO THE
8 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
9 FUND, SUBSIDIES AND CONTRIBUTIONS TO PRIVATE
10 ORGANIZATIONS, FOR THE PURPOSE OF PROVIDING A
11 NORTHWEST JACKSONVILLE BUSINESS INFRASTRUCTURE
12 GRANT (THE "BIG GRANT") TO PHOENIX PRODUCTS, LLC
13 ("COMPANY") TO SUPPORT THE CONSTRUCTION OF A NEW
14 ADMINISTRATIVE BUILDING (THE "PROJECT"), AS
15 INITIATED BY B.T. 20-118; MAKING CERTAIN
16 FINDINGS, AND AUTHORIZING THE MAYOR, OR HIS
17 DESIGNEE, AND THE CORPORATION SECRETARY TO
18 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
19 CITY, THE ECONOMIC DEVELOPMENT AGREEMENT ("EDA")
20 BETWEEN THE CITY AND COMPANY; AUTHORIZING
21 APPROVAL OF TECHNICAL AMENDMENTS BY THE
22 EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC
23 DEVELOPMENT ("OED"); AFFIRMING THE PROJECT'S
24 COMPLIANCE WITH THE NWJEDF GUIDELINES APPROVED
25 AND ADOPTED BY ORDINANCE 2016-779-E; PROVIDING
26 FOR CITY OVERSIGHT BY THE OED; PROVIDING AN
27 EFFECTIVE DATE.

28
29 **WHEREAS,** Phoenix Products, LLC (the "Company"), a subsidiary
30 of Ring Power Corporation, is seeking public investment through the
31 Northwest Jacksonville Economic Development Fund in the amount of

1 \$100,000.00, which consists of a Northwest Business Infrastructure
2 Grant (the "BIG Grant"), in order to construct a new administrative
3 building (the "Project"); and

4 **WHEREAS**, the Company estimates capital investment of
5 approximately \$2,144,000 and anticipates the creation of additional
6 full-time equivalent job opportunities in Jacksonville, as further
7 described in the Project Summary, attached hereto as **Exhibit 1** and
8 incorporated herein by this 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 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 Office of
27 Legislative Services 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 (a) The recitals set forth herein are true and correct.

1 (b) The location of the Company's Project in Jacksonville,
2 Florida, is more particularly described in the EDA. The Project will
3 promote and further the public and municipal purposes of the City.

4 (c) The provision of the City's assistance as identified in
5 the EDA is necessary and appropriate to make the Project feasible,
6 and the City's assistance is reasonable and not excessive, taking
7 into account the needs of the Company to make the Project economically
8 and financially feasible and the extent of the public benefits
9 expected to be derived from the Project.

10 (d) The Company is qualified to carry out and complete the
11 construction and equipping of the Project, in accordance with the
12 EDA.

13 **Section 2. Appropriation.** For the 2019-2020 fiscal year,
14 within the City's budget, there are hereby appropriated the indicated
15 sum(s) from the account(s) listed in subsection (a) to the account(s)
16 listed in subsection (b):

17 (B.T. 20-118, attached hereto as **Exhibit 2** and incorporated herein
18 by this reference):

19 (a) Appropriated from:

20 See B.T. 20-118 \$100,000

21 (b) Appropriated to:

22 See B.T. 20-118 \$100,000

23 (c) **Explanation of Appropriation**

24 The funding above is an appropriation of \$100,000 from the
25 Northwest Jacksonville Economic Development Fund, Interest
26 Income, to the Northwest Jacksonville Economic Development
27 Fund, Subsidies and Contributions to Private
28 Organizations, to provide a Northwest Jacksonville
29 Economic Development Fund Business Infrastructure Grant
30 ("BIG") to the Company to assist in funding infrastructure
31 improvements to support construction of a new

1 administrative building.

2 **Section 3. Purpose.** The purpose of the appropriation in
3 Section 2 is to provide the Company funding in the form of a Northwest
4 Jacksonville Business Infrastructure Grant in an amount not to exceed
5 \$100,000 to fund infrastructure improvements needed to complete the
6 Project, including but not limited to utility upgrades, storm water
7 improvements, and an expanded assembly/staging area within the
8 existing confines of the site.

9 **Section 4. Economic Development Agreement approved.** The
10 Mayor, or his designee, and the Corporation Secretary are hereby
11 authorized to execute and deliver, for and on behalf of the City, an
12 EDA between the City and the Company, in substantially the form placed
13 **On File** with the Office of Legislative Services (with such "technical"
14 changes as herein authorized), for the purpose of implementing the
15 recommendations of the OED as set forth herein and further described
16 in the Project Summary, attached hereto as **Exhibit 1**.

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

1 plans which have no financial impact.

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

3 **Monitor.** The Mayor is designated as the authorized official of the
4 City for the purpose of executing and delivering any contracts, notes,
5 and documents and furnishing such information, data, and documents
6 for the EDA as may be required and otherwise to act as the authorized
7 official of the City in connection with the EDA, and is further
8 authorized to designate one or more other officials of the City to
9 exercise any of the foregoing authorizations and to furnish or cause
10 to be furnished such information and take or cause to be taken such
11 action as may be necessary to enable the City to implement the EDA
12 according to its terms. The OED is hereby required to administer and
13 monitor the EDA and to handle the City's responsibilities thereunder,
14 including the City's responsibilities under the EDA working with and
15 supported by all relevant City departments.

16 **Section 6. Further Authorizations.**

17 The Mayor, or his
18 designee, and the Corporation Secretary, are hereby authorized to
19 execute the EDA and all other contracts and documents and otherwise
20 take all necessary action in connection therewith and herewith. The
21 Executive Director of the OED, as contract administrator, is
22 authorized to negotiate and execute all necessary changes and
23 amendments to the EDA and other contracts and documents, to effectuate
24 the purposes of this legislation without further Council action,
25 provided such changes and amendments are limited to amendments that
26 are technical in nature (as described in Section 4 hereof), and
27 further provided that all such amendments shall be subject to
28 appropriate legal review and approval by the General Counsel, or his
29 or her designee, and all other appropriate official action required
30 by law.

31 **Section 7. Oversight Department.**

The OED shall oversee the
Project described herein.

1 **Section 8. NWJEDF Guidelines.** This ordinance conforms to
2 the NWJEDF Guidelines adopted by City Council Ordinance 2016-779-E.

3 **Section 9. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 /s/ John Sawyer

10 Office of General Counsel

11 Legislation prepared by John Sawyer

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