

1 Introduced by the Council President at the request of the Mayor &
2 amended by the Neighborhoods, Community Services, Public Health &
3 Safety Committee:

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6 **ORDINANCE 2020-587-E**

7 AN ORDINANCE APPROPRIATING \$100,000 FROM THE
8 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
9 FUND ("NWJEDF"), INTEREST INCOME, TO THE
10 NORTHWEST JACKSONVILLE ECONOMIC DEVELOPMENT
11 FUND, SUBSIDIES AND CONTRIBUTIONS TO PRIVATE
12 ORGANIZATIONS, FOR THE PURPOSE OF PROVIDING A
13 NORTHWEST JACKSONVILLE BUSINESS INFRASTRUCTURE
14 GRANT (THE "BIG GRANT") TO PHOENIX PRODUCTS,
15 LLC ("COMPANY") TO SUPPORT THE CONSTRUCTION OF
16 A NEW ADMINISTRATIVE BUILDING (THE "PROJECT"),
17 AS INITIATED BY B.T. 20-118; MAKING CERTAIN
18 FINDINGS, AND AUTHORIZING THE MAYOR, OR HIS
19 DESIGNEE, AND THE CORPORATION SECRETARY TO
20 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
21 CITY, THE ECONOMIC DEVELOPMENT AGREEMENT
22 ("EDA") BETWEEN THE CITY AND COMPANY;
23 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
24 BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF
25 ECONOMIC DEVELOPMENT ("OED"); AFFIRMING THE
26 PROJECT'S COMPLIANCE WITH THE NWJEDF
27 GUIDELINES APPROVED AND ADOPTED BY ORDINANCE
28 2016-779-E; PROVIDING FOR CITY OVERSIGHT BY
29 THE OED; PROVIDING AN EFFECTIVE DATE.
30

1 **WHEREAS,** Phoenix Products, LLC (the "Company"), a subsidiary
2 of Ring Power Corporation, is seeking public investment through the
3 Northwest Jacksonville Economic Development Fund in the amount of
4 \$100,000.00, which consists of a Northwest Business Infrastructure
5 Grant (the "BIG Grant"), in order to construct a new administrative
6 building (the "Project"); and

7 **WHEREAS,** the Company estimates capital investment of
8 approximately \$2,144,000 and anticipates the creation of additional
9 full-time equivalent job opportunities in Jacksonville, as further
10 described in the Project Summary, attached hereto as **Exhibit 1** and
11 incorporated herein by this reference; and

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

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

17 **WHEREAS,** the Project will have a positive return of investment
18 for the City; and

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

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

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

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

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

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

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

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

Section 2. Appropriation. For the 2020-2021 fiscal year, within the City's budget, there are hereby appropriated the indicated sum(s) from the account(s) listed in subsection (a) to the account(s) listed in subsection (b):

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

(a) Appropriated from:

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

(b) Appropriated to:

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

(c) **Explanation of Appropriation**

The funding above is an appropriation of \$100,000 from the Northwest Jacksonville Economic Development Fund, Interest Income, to the Northwest Jacksonville Economic

1 Development Fund, Subsidies and Contributions to Private
2 Organizations, to provide a Northwest Jacksonville
3 Economic Development Fund Business Infrastructure Grant
4 ("BIG") to the Company to assist in funding
5 infrastructure improvements to support construction of a
6 new administrative building.

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

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

23 The EDA may include such additions, deletions, and changes as
24 may be reasonable, necessary, and incidental for carrying out the
25 purposes thereof, as may be acceptable to the Mayor or his
26 designee, with such inclusion and acceptance being evidenced by
27 execution of the EDA by the Mayor or his designee. No modification
28 of the EDA may increase the financial obligations or the liability
29 of the City and any such modification shall be technical only and
30 shall be subject to appropriate legal review and approval of the
31 General Counsel or his or her designee and all other appropriate

1 action required by law. "Technical" is herein defined as including,
2 but not limited to, changes in legal descriptions and surveys,
3 descriptions of infrastructure improvements and/or any road
4 project, ingress and egress, easements and rights of way,
5 performance schedules (provided that no performance schedule may be
6 extended for more than one year without City Council approval),
7 design standards, access, and site plans which have no financial
8 impact.

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

24 **Section 6. Further Authorizations.** The Mayor, or his
25 designee, and the Corporation Secretary, are hereby authorized to
26 execute the EDA and all other contracts and documents and otherwise
27 take all necessary action in connection therewith and herewith. The
28 Executive Director of the OED, as contract administrator, is
29 authorized to negotiate and execute all necessary changes and
30 amendments to the EDA and other contracts and documents, to
31 effectuate the purposes of this legislation without further Council

1 action, provided such changes and amendments are limited to
2 amendments that are technical in nature (as described in Section 4
3 hereof), and further provided that all such amendments shall be
4 subject to appropriate legal review and approval by the General
5 Counsel, or his or her designee, and all other appropriate official
6 action required by law.

7 **Section 7. Oversight Department.** The OED shall oversee
8 the Project described herein.

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

11 **Section 9. Effective Date.** This ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

14
15 Form Approved:

16
17 /s/ Paige H. Johnston

18 Office of General Counsel

19 Legislation prepared by John Sawyer

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