

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2021-113**

5 AN ORDINANCE APPROPRIATING \$7,500,000 FROM THE  
6 GENERAL FUND - TRANSFER FROM FUND BALANCE TO  
7 SUBSIDIES & CONTRIBUTIONS TO PRIVATE  
8 ORGANIZATIONS (IN THE AMOUNT OF \$1,000,000)  
9 AND LOANS (IN THE AMOUNT OF \$6,500,000) TO  
10 ICEMEN IGLOO, LLC ("COMPANY") FOR THE PURPOSE  
11 OF PROVIDING AN UP-TO \$6,500,000 LOAN AND AN  
12 UP-TO \$1,000,000 DEVELOPMENT COMPLETION GRANT  
13 IN CONNECTION WITH THE PURCHASE AND  
14 DEVELOPMENT OF THE SITE CURRENTLY KNOWN AS THE  
15 JACKSONVILLE ICE & SPORTSPLEX, INCLUSIVE OF A  
16 SECOND ICE RINK, A SPORTS-THEMED RESTURANT AND  
17 FACILITIES TO SUPPORT YOUTH HOCKEY PROGRAMS, ON  
18 THE COMPANY'S TO BE ACQUIRED PROPERTY LOCATED  
19 GENERALLY AT 3605 PHILIPS HIGHWAY,  
20 JACKSONVILLE, FLORIDA (THE "PROJECT"), AS  
21 INITIATED BY B.T. 21-052; APPROVING AND  
22 AUTHORIZING AN UP TO \$1,000,000 DEVELOPMENT  
23 COMPLETION GRANT UPON SUBSTANTIAL COMPLETION  
24 OF THE PROJECT; APPROVING AND AUTHORIZING AN  
25 UP-TO TWENTY YEAR, \$6,500,000 LOAN PAYABLE TO  
26 THE COMPANY ON A REIMBURSEMENT BASIS DURING  
27 CONSTRUCTION OF THE PROJECT, WITH AN INTEREST  
28 RATE OF 3% PER YEAR; PURPOSE OF APPROPRIATION;  
29 PROVIDING A CARRYOVER OF FUNDS FROM YEAR TO  
30 YEAR UNTIL SUCH FUNDS ARE EXPENDED OR LAPSE  
31 ACCORDING TO THE AGREEMENT; APPROVING AND

1 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND  
2 THE CORPORATION SECRETARY TO EXECUTE AND  
3 DELIVER AN ECONOMIC DEVELOPMENT AGREEMENT,  
4 LOAN AGREEMENT, PROMISSORY NOTE AND RELATED  
5 LOAN DOCUMENTS BETWEEN THE COMPANY AND THE  
6 CITY; AUTHORIZING APPROVAL OF TECHNICAL  
7 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE  
8 OED; PROVIDING FOR LOAN REPAYMENTS TO BE  
9 DEPOSITED INTO THE GENERAL FUND FOR FUTURE  
10 APPROPRIATION; PROVIDING FOR CITY OVERSIGHT BY  
11 THE OED; WAIVER OF THAT PORTION OF THE PUBLIC  
12 INVESTMENT POLICY ADOPTED BY ORDINANCE 2016-  
13 382-E, AS AMENDED, TO AUTHORIZE A \$6,500,000  
14 LOAN AND A \$1,000,000 DEVELOPMENT COMPLETION  
15 GRANT; PROVIDING AN EFFECTIVE DATE.

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17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

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

24 Enhancement of the City's tax base and revenues, are matters of  
25 State and City policy and State and City concern in order that the  
26 State and its counties and municipalities, including the City, shall  
27 not continue to be endangered by unemployment, underemployment,  
28 economic recession, poverty, crime and disease, and consume an  
29 excessive proportion of the State and City revenues because of the  
30 extra services required for police, fire, accident, health care,  
31 elderly care, charity care, hospitalization, public housing and

1 housing assistance, and other forms of public protection, services  
2 and facilities.

3 The provision of the City's assistance as identified in the  
4 Economic Development Agreement is necessary and appropriate to make  
5 the Project feasible; and the City's assistance is reasonable and  
6 not excessive, taking into account the needs of the Company to make  
7 the Project economically and financially feasible, and the extent of  
8 the public benefits expected to be derived from the Project, and  
9 taking into account all other forms of assistance available.

10 The Company is qualified to carry out and complete the  
11 construction and equipping of the Project, in accordance with the  
12 Economic Development Agreement.

13 The authorizations provided by this Ordinance are for public  
14 uses and purposes for which the City may use its powers as a county,  
15 municipality and as a political subdivision of the State of Florida  
16 and may expend public funds, and the necessity in the public  
17 interest for the provisions herein enacted is hereby declared as a  
18 matter of legislative determination.

19 This Ordinance is adopted pursuant to the provisions of  
20 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's  
21 Charter, and other applicable provisions of law.

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

26 (B.T. 21-052 attached hereto as **Exhibit 1** and incorporated herein  
27 by this reference)

28 (a) Appropriated from:

29 See Revised B.T. 21-052 \$7,500,000

30 (b) Appropriated to:

31 See Revised B.T. 21-052 \$7,500,000

1 (c) Explanation of Appropriation: the appropriation  
2 above is appropriating \$7,500,000 from the General  
3 Fund to provide a development completion grant and  
4 loan to the Company to assist in funding renovations  
5 and improvements to the existing facility on the  
6 project site.

7 **Section 3. Purpose of Appropriation.** The purpose of the  
8 appropriation above is to provide an up to \$6,500,000 loan and  
9 \$1,000,000 development completion grant to assist the Company to  
10 purchase and renovate the site currently known as the Jacksonville  
11 Ice & Sportsplex located at 3605 Philips Highway. The Project  
12 shall include the construction and installation of a second ice  
13 rink, a sports-themed restaurant and facilities to support youth  
14 hockey programs. A copy of the Project Summary is attached hereto  
15 as **Exhibit 2.**

16 **Section 4. Carryover.** The funds appropriated herein shall  
17 not lapse but shall carryover as appropriated from year to year  
18 until such funds are expended or lapse according to the terms of  
19 the Agreement.

20 **Section 5. Economic Development Agreement and Loan**  
21 **Documents Approved.** There is hereby approved, and the Mayor or his  
22 designee and Corporation Secretary are authorized to enter into an  
23 Economic Development Agreement and the Loan Documents referenced  
24 therein (collectively, the "Agreement") between the City and the  
25 Company, in substantially the same form as has been placed **On File**  
26 with the Legislative Services Division (with such "technical"  
27 changes as herein authorized).

28 The Agreement may include such additions, deletions and  
29 changes as may be reasonable, necessary and incidental for carrying  
30 out the purposes thereof, as may be acceptable to the Mayor, or his  
31 designee, with such inclusion and acceptance being evidenced by

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

14 **Section 6. Designation of Authorized Official/OED**

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

30 **Section 7. Further Authorizations.** The Mayor, or his  
31 designee, and the Corporation Secretary, are hereby authorized to

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

13 **Section 8. Repayment.** All loan repayments shall be  
14 deposited into the General Fund for future appropriation.

15 **Section 9. Oversight Department.** The OED shall  
16 oversee the project described herein.

17 **Section 10. Waiver of Public Investment Policy.** The Public  
18 Investment Policy adopted by City Council Ordinance 2016-382-E, as  
19 amended, is waived to authorize a \$6,500,000 development loan and a  
20 \$1,000,000 development completion grant, payable upon substantial  
21 completion of the Project. The waiver is justified due to the fact  
22 that the Project will cause private capital investment of  
23 approximately \$18,000,000.

24 **Section 11. Effective Date.** This Ordinance shall become  
25 effective upon signature by the Mayor or upon becoming effective  
26 without the Mayor's signature.

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28 Form Approved:

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30           /s/ John Sawyer

1 Office of General Counsel  
2 Legislation prepared by: John Sawyer  
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