

1 Introduced by the Council President at the request of the Mayor &
2 Co-Sponsored by Council Members Salem, Carlucci, DeFoor, Cumber and
3 Bowman and amended by the Finance Committee:
4
5

6 **ORDINANCE 2021-113-E**

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

1 PROVIDING A CARRYOVER OF FUNDS FROM YEAR TO
2 YEAR UNTIL SUCH FUNDS ARE EXPENDED OR LAPSE
3 ACCORDING TO THE AGREEMENT; APPROVING AND
4 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND
5 THE CORPORATION SECRETARY TO EXECUTE AND
6 DELIVER AN ECONOMIC DEVELOPMENT AGREEMENT,
7 LOAN AGREEMENT, PROMISSORY NOTE AND RELATED
8 LOAN DOCUMENTS BETWEEN THE COMPANY AND THE
9 CITY; AUTHORIZING APPROVAL OF TECHNICAL
10 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE
11 OED; PROVIDING FOR LOAN REPAYMENTS TO BE
12 DEPOSITED INTO THE GENERAL FUND FOR FUTURE
13 APPROPRIATION; PROVIDING FOR CITY OVERSIGHT BY
14 THE OED; WAIVER OF THAT PORTION OF THE PUBLIC
15 INVESTMENT POLICY ADOPTED BY ORDINANCE 2016-
16 382-E, AS AMENDED, TO AUTHORIZE A \$6,500,000
17 LOAN AND A \$1,000,000 DEVELOPMENT COMPLETION
18 GRANT; PROVIDING AN EFFECTIVE DATE.

19
20 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

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

27 Enhancement of the City's tax base and revenues, are matters of
28 State and City policy and State and City concern in order that the
29 State and its counties and municipalities, including the City, shall
30 not continue to be endangered by unemployment, underemployment,
31 economic recession, poverty, crime and disease, and consume an

1 excessive proportion of the State and City revenues because of the
2 extra services required for police, fire, accident, health care,
3 elderly care, charity care, hospitalization, public housing and
4 housing assistance, and other forms of public protection, services
5 and facilities.

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

13 The Company is qualified to carry out and complete the
14 construction and equipping of the Project, in accordance with the
15 Economic Development Agreement.

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

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

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

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

31 (a) Appropriated from:

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

(b) Appropriated to:

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

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

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

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

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

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

18 **Section 6. Designation of Authorized Official/OED**
19 **Contract Monitor.** The Mayor is designated as the authorized
20 official of the City for the purpose of executing and delivering
21 any contracts, notes and documents and furnishing such information,
22 data and documents for the Agreement as may be required and
23 otherwise to act as the authorized official of the City in
24 connection with the Agreement, and is further authorized to
25 designate one or more other officials of the City to exercise any
26 of the foregoing authorizations and to furnish or cause to be
27 furnished such information and take or cause to be taken such
28 action as may be necessary to enable the City to implement the
29 Agreement according to its terms. The OED is hereby required to
30 administer and monitor the Agreement and to handle the City's
31 responsibilities thereunder, including the City's responsibilities

1 under the Agreement working with and supported by all relevant City
2 departments.

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

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

19 **Section 9. Oversight Department.** The OED shall
20 oversee the project described herein.

21 **Section 10. Waiver of Public Investment Policy.** The Public
22 Investment Policy adopted by City Council Ordinance 2016-382-E, as
23 amended, is waived to authorize a \$6,500,000 development loan and a
24 \$1,000,000 development completion grant, payable upon substantial
25 completion of the Project. The Public Investment Policy is waived
26 to authorize a development loan and development completion grant
27 that are not currently authorized under the Public Investment
28 Policy. The waiver is justified due to the fact that the Project
29 will cause private capital investment of approximately \$18,000,000.

30 **Section 11. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3

4

5

6

7 Form Approved:

8

9 /s/ Paige H. Johnston

10 Office of General Counsel

11 Legislation prepared by: John Sawyer

12 GC-#1423312-v1-2021-113-E.docx