

1 Introduced by Council President at the request of the Mayor:  
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4 **ORDINANCE 2021-495**

5 AN ORDINANCE MAKING CERTAIN FINDINGS AND  
6 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND  
7 CORPORATION SECRETARY TO EXECUTE AND DELIVER:

8 (1) AMENDMENT NUMBER 15 TO THE LEASE AMONG THE  
9 CITY OF JACKSONVILLE AND THE JACKSONVILLE  
10 JAGUARS, LLC ("JL") ("AMENDMENT 15") WHICH  
11 AMENDMENT 15 PROVIDES FOR: (1) THE DESIGN,  
12 CONSTRUCTION, OWNERSHIP, USE, MANAGEMENT,  
13 OPERATIONS, COSTS, AND FINANCING OF A SPORTS  
14 PERFORMANCE CENTER (THE "FACILITY"); AND (2)  
15 AMENDS AND RESTATES THE LEASE AGREEMENT BETWEEN  
16 THE CITY AND JL FOR THE USE, OPERATION AND  
17 MAINTENANCE OF THE COVERED FLEX FIELD;  
18 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY  
19 THE MAYOR OR HIS DESIGNEE; AUTHORIZING THE  
20 BORROWING AND APPROPRIATION OF \$60,000,000.00 IN  
21 FUNDING FROM THE CITY'S COMMERCIAL PAPER  
22 FACILITY AND/OR ISSUE FIXED RATE DEBT IN ORDER  
23 TO PROVIDE FUNDING FOR THE CITY'S PORTION OF THE  
24 PROJECT; WAIVING PROVISIONS OF CHAPTER 126,  
25 (PROCUREMENT CODE), *ORDINANCE CODE*, WITH RESPECT  
26 TO THE PROJECT, AND TO ALLOW THE CITY TO DIRECTLY  
27 PURCHASE CERTAIN ITEMS SPECIFIED IN AMENDMENT  
28 15; ESTABLISHING REQUIREMENTS FOR ITEMS TO BE  
29 PURCHASED; WAIVING SECTION 123.102, (PUBLIC  
30 FEES), SUBSECTIONS (A), (B) AND (C) (FIRE AND  
31 RESCUE DEPARTMENT, PLANNING AND DEVELOPMENT

1 DEPARTMENT, PUBLIC WORKS DEPARTMENT), *ORDINANCE*  
2 *CODE*, TO WAIVE FIRE AND RESCUE DEPARTMENT,  
3 PLANNING AND DEVELOPMENT DEPARTMENT AND  
4 DEPARTMENT OF PUBLIC WORKS FEES IN CONNECTION  
5 WITH THE PROJECT; WAIVING CERTAIN PROVISIONS OF  
6 SECTION 320.409, (CONSTRUCTION REGULATIONS AND  
7 BUILDING CODES, GENERAL PROVISIONS, SCHEDULE OF  
8 PERMIT FEES) *ORDINANCE CODE*, FOR CITY RELATED  
9 PERMITTING FEES; WAIVING SECTION 656.147,  
10 (ZONING CODE, SUBPART D, ZONING EXCEPTIONS,  
11 VARIANCES AND WAIVERS, AMENDMENTS TO FINAL  
12 ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE  
13 DIRECTOR AND APPEALS OF FINAL ORDERS OF THE  
14 COMMISSION, SCHEDULE OF FEES) *ORDINANCE CODE*, TO  
15 WAIVE CITY RELATED ZONING FEES; PROVIDING A  
16 STATEMENT OF INTENT TO COMPLY WITH TREASURY  
17 REGULATIONS; PROVIDING FOR OVERSIGHT OF THE  
18 CONSTRUCTION PROJECT BY THE DEPARTMENT OF PUBLIC  
19 WORKS AND THE CHIEF ADMINISTRATIVE OFFICER OF  
20 THE CITY; PROVIDING OVERSIGHT OF THE AGREEMENTS  
21 BY THE SPORTS AND ENTERTAINMENT OFFICE;  
22 PROVIDING AN EFFECTIVE DATE.

23  
24 **WHEREAS**, the City of Jacksonville (the "City") is the owner of  
25 that certain facility currently known as "TIAA Bank Field," and the  
26 City leases TIAA Bank Field to the Jacksonville Jaguars, LLC ("JJL"),  
27 for its operation of the Jacksonville Jaguars NFL football team and  
28 other businesses using the facility, pursuant to the terms and  
29 conditions set forth in that certain lease between the parties, as  
30 amended (the "Lease"); and

31 **WHEREAS**, JJL desires and the City has agreed for JJL to construct

1 on behalf of the City the Sports Performance Center (the "Facility"),  
2 to be owned by the City and leased to JJL, or its subsidiary, comprised  
3 of an approximately 127,087 square foot facility to be used in part  
4 for executive offices, coaches offices, football support offices,  
5 scouts offices, equipment room, meeting rooms, weight training and  
6 medical facilities, an indoor practice field, and two outdoor natural-  
7 grass fields, with approximately 2,300 seat bleachers, a team store,  
8 concession facilities and other ancillary improvements as further  
9 described in Amendment 15 (collectively, the "Project"); and

10 **WHEREAS**, JJL and the City desire to construct the Project, as  
11 contemplated by Amendment 15; and

12 **WHEREAS**, upon substantial completion of the Project, the lease  
13 terms set forth in Amendment 15 for the use, maintenance and operation  
14 of the Facility shall become operative, which terms authorize an  
15 initial 30-year term, with two (2) ten (10) year extension options,  
16 with all maintenance and repair obligations the responsibility of the  
17 tenant; and

18 **WHEREAS**, the estimated cost of the Project is One Hundred Twenty  
19 Million Dollars (\$120,000,000), of which the City Contribution will  
20 be the lesser of one half of the costs of the Project or the not-to-  
21 exceed amount of Sixty Million Dollars (\$60,000,000) (the "City  
22 Contribution") with JJL's contribution anticipated to be \$60,000,000  
23 (the "JJL Contribution"), with JJL being responsible for all cost  
24 overruns, and any project savings being shared equally between JJL  
25 and the City, and the City agrees to provide the initial funding for  
26 the City Contribution from the issuance of fixed-rate debt and/or  
27 from its Commercial Paper Facility (the "Notes"), pursuant to the  
28 terms and conditions set forth in Amendment 15; and

29 **WHEREAS**, City intends to refinance the Notes with fixed rate  
30 debt; now therefore

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

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

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

4           (b) The Project will greatly enhance the City and otherwise  
5 promote and further the municipal purposes of the City.

6           (c) The authorizations provided by this Ordinance are for  
7 public uses and purposes for which the City may use its powers as a  
8 consolidated municipal and county political subdivision of the State  
9 of Florida and may expend public funds, and the necessity in the  
10 public interest for the provisions herein enacted is hereby declared  
11 as a matter of legislative determination.

12           **Section 2. Execution of Agreements.** The Mayor, or his  
13 authorized designee, and Corporation Secretary are hereby authorized  
14 to execute and deliver (a) an Amendment 15 to Lease by and among the  
15 City of Jacksonville and J JL, substantially in the form **On File** with  
16 the Legislative Services Division, and (b) an Amended and Restated  
17 Covered Flex Field Lease agreement between the City and J JL  
18 substantially in the form **On File** with the Legislative Services  
19 Division, with such "technical" changes as herein authorized.  
20 Amendment 15 and the Amended and Restated Covered Flex Field Lease  
21 are collectively referred to as the "Agreements".

22           The Agreements may include such additions, deletions and changes  
23 as may be reasonable, necessary and incidental for carrying out the  
24 purposes thereof, as may be acceptable to the Mayor, or his designee,  
25 with such inclusion and acceptance being evidenced by execution of  
26 the Agreement by the Mayor or his designee. No modification to the  
27 Agreement may increase the financial obligations or the liability to  
28 the City and any such modification shall be technical only and shall  
29 be subject to appropriate legal review and approval of the Office of  
30 General Counsel and all other appropriate action required by law.  
31 "Technical" is herein defined as including, but not limited to,

1 changes in legal descriptions and surveys, descriptions of  
2 infrastructure improvements and/or any road project, ingress and  
3 egress, easements and rights of way, performance schedules (provided  
4 that no performance schedule may be extended for greater than one year  
5 without Council approval), design standards, access and site plan,  
6 which have no financial impact.

7           **Section 3.           Authorizing the Borrowing and Appropriation of**  
8 **Funds.** The City is hereby authorized to borrow under its Commercial  
9 Paper Program and/or issue fixed-rate debt in the cumulative, maximum  
10 amount of \$60,000,000 and such funds are hereby appropriated to fund  
11 the Project as set forth in Amendment 15. The authorization set forth  
12 in this Section is subject to the requirements and prerequisites of  
13 the Commercial Paper Program and/or bond programs.

14           **Section 4.           Chapter 126 (Procurement Code), Ordinance Code**  
15 **Waived.** The provisions of Chapter 126, Ordinance Code, are hereby  
16 waived for the Project, except that this section shall not waive any  
17 portion of Chapter 126, Ordinance Code, pertaining to the Jacksonville  
18 Small Emerging Business Program. Further, the City is authorized to  
19 purchase directly certain items specified in the pricing proposals  
20 for the construction materials and improvements for the Project. Said  
21 items to be purchased shall be determined by the Chief of Procurement  
22 with the advice of the Director of Public Works in accordance with  
23 Section 5 of this Ordinance.

24           **Section 5.           Requirements for Items to be Purchased.** Whenever  
25 items to be used in such construction projects are to be purchased  
26 directly by the City pursuant to this Ordinance, the following  
27 requirements shall be met:

28           (a) The purchase shall be in the City's name with ownership of  
29 such items upon receipt vested in the City; and

30           (b) The purchase shall be by a City Purchase Order or other  
31 City document and shall be directly funded by the City; and

1 (c) The vendor/supplier shall invoice the City directly for  
2 payment which shall be made directly by the City to the  
3 vendor/supplier; and

4 (d) The City's Purchase Order or other document shall clearly  
5 state the purchase is exempt from Sales Tax pursuant to the City's  
6 Sale and Use Tax Exemption Certificate; and

7 (e) The City may provide Builders Risk Insurance to protect  
8 against the loss of such items and to evidence the City's liability  
9 therefore, or alternatively may require JJJ's contractor to provide  
10 insurance naming the City as the additional insured and direct loss  
11 payee; and

12 (f) Acknowledgement of receipt of the item and approval of  
13 payment shall be documented by an official of the City or an  
14 authorized agent of the City.

15 **Section 6. Section 123.102 (Public Fees), Subsections (a)**  
16 **(Fire and Rescue Department), (b) (Planning and Development**  
17 **Department), and (c) Public Works Department), Ordinance Code Waived.**

18 The City hereby waives the provisions of Sections 123.102(a), (b) and  
19 (c), *Ordinance Code*, for any Fire and Rescue, Planning and  
20 Development, and Public Works fees related to the Project.

21 **Section 7. Section 320.409 (Constructions Regulations and**  
22 **Building Codes, General Provisions, Schedule of Permit Fees),**  
23 **Ordinance Code Waived.** The City hereby waives the provisions of

24 Section 320.409, *Ordinance Code*, for any City imposed permit fees  
25 related to the Project that may be lawfully waived.

26 **Section 8. Section 656.147 (Zoning Code, Subpart D, Zoning**  
27 **Exceptions, Variances and Waivers, Amendments to Final Order, Appeals**  
28 **of Written Interpretations of the Director and Appeals of Final orders**  
29 **of the Commission, Schedule of Fees), Ordinance Code Waived.** The

30 City hereby waives the provisions of Section 656.147, *Ordinance Code*,  
31 for any City imposed zoning fees related to the Project.

1           **Section 9. Treasury Regulation Compliance.** Pursuant to  
2 Amendment 15 relating to the Project, JJJL is making the JJJL  
3 Contribution towards the cost of construction of the Project. The  
4 JJJL Contribution is currently expected to be approximately \$60  
5 million, as the same may be modified by Amendment 15. The City hereby  
6 expresses its official intent pursuant to Treasury Regulation section  
7 1.141-4(c)(3)(v) that such JJJL Contribution will be allocated to  
8 costs of the Project funded by equity.

9           **Section 10. Oversight Department.** The Department of Public  
10 Works and the Chief Administrative Officer shall oversee the  
11 construction project described herein.

12           **Section 11. Contract Manager.** The Division of Sports and  
13 Entertainment will oversee the Agreements referenced herein.

14           **Section 12. Effective Date.** This Ordinance shall become  
15 effective upon signature by the Mayor or upon becoming effective  
16 without the Mayor's signature.

17  
18 Form Approved:

19  
20 /s/ John Sawyer

21 Office of General Counsel

22 Legislation Prepared By: John Sawyer

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