

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Finance Committee:

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5 **RESOLUTION 2021-436-A**

6 A RESOLUTION MAKING CERTAIN FINDINGS, AND
7 APPROVING AND AUTHORIZING THE EXECUTION OF AN
8 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
9 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
10 PROJECT END GAME ("COMPANY"), TO SUPPORT THE
11 CREATION OF THE COMPANY'S OFFICES IN A TO-BE-
12 DETERMINED LOCATION WITHIN THE CITY
13 ("PROJECT"); AUTHORIZING A TARGETED INDUSTRY
14 GRANT IN THE MAXIMUM AMOUNT OF \$1,831,500 ("TI
15 GRANT"), CALCULATED IN THE AMOUNT OF \$4,500
16 FOR EACH NEW JOB CREATED, FOR A MAXIMUM OF 407
17 NEW JOBS TO BE CREATED BY DECEMBER 31, 2024;
18 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
19 DESIGNEE, AND CORPORATION SECRETARY;
20 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
21 BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF
22 ECONOMIC DEVELOPMENT ("OED"); PROVIDING FOR
23 OVERSIGHT BY THE OED; WAIVER OF THAT PORTION
24 OF THE PUBLIC INVESTMENT POLICY ADOPTED BY
25 ORDINANCE 2016-382-E, AS AMENDED, TO AUTHORIZE
26 THE TI GRANT, WHICH IS NOT AUTHORIZED BY THE
27 PUBLIC INVESTMENT POLICY; REQUESTING TWO-
28 READING PASSAGE PURSUANT TO COUNCIL RULE
29 3.305; PROVIDING AN EFFECTIVE DATE.
30

1 **WHEREAS**, Section 288.075, Florida Statutes, allows certain
2 confidentiality regarding economic development projects and Company
3 has requested confidentiality in accordance with such law and the
4 OED has approved the Project End Game renovation and job creation
5 ("Project") and advised that the Economic Development Agreement in
6 substantially the form placed **Revised On File** with the Legislative
7 Services Division ("Economic Development Agreement") is necessary
8 to effectuate the Project; and

9 **WHEREAS**, Project End Game (the "Company") has committed to
10 create 407 permanent full-time equivalent new jobs in Jacksonville
11 with an average salary, exclusive of benefits, of \$63,990 per annum
12 by December 31, 2024, as further described in the Project Summary
13 attached hereto as **Exhibit 1**; and

14 **WHEREAS**, such average salary is at least 125% of the State of
15 Florida's average annual wage effective as of January 1, 2021; and

16 **WHEREAS**, for the reasons more fully described in the Project
17 Summary, the TI Grant in such amounts serves a paramount public
18 purpose; and

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

30 **WHEREAS**, the Company has requested the City to enter into an
31 Economic Development Agreement; now therefore,

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

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

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

5 (b) The location of the Company's Project in Jacksonville,
6 Florida, is more particularly described in the Economic Development
7 Agreement. The Project will promote and further the public and
8 municipal purposes of the City.

9 (c) Enhancement of the City's tax base and revenues, are
10 matters of State and City policy and State and City concern in
11 order that the State and its counties and municipalities, including
12 the City, shall not continue to be endangered by unemployment,
13 underemployment, economic recession, poverty, crime and disease,
14 and consume an excessive proportion of the State and City revenues
15 because of the extra services required for police, fire, accident,
16 health care, elderly care, charity care, hospitalization, public
17 housing and housing assistance, and other forms of public
18 protection, services and facilities.

19 (d) The provision of the City's assistance as identified in
20 the Economic Development Agreement is necessary and appropriate to
21 make the Project feasible; and the City's assistance is reasonable
22 and not excessive, taking into account the needs of the Company to
23 make the Project economically and financially feasible, and the
24 extent of the public benefits expected to be derived from the
25 Project, and taking into account all other forms of assistance
26 available.

27 (e) The Company is qualified to carry out and complete the
28 construction and equipping of the Project, in accordance with the
29 Economic Development Agreement.

30 (f) The authorizations provided by this Resolution are for
31 public uses and purposes for which the City may use its powers as a

1 county, municipality and as a political subdivision of the State of
2 Florida and may expend public funds, and the necessity in the
3 public interest for the provisions herein enacted is hereby
4 declared as a matter of legislative determination.

5 (g) This Resolution is adopted pursuant to the provisions of
6 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
7 Charter, and other applicable provisions of law.

8 **Section 2. Economic Development Agreement Approved.** The
9 Mayor, or his designee, and the Corporation Secretary are hereby
10 authorized to execute and deliver, for and on behalf of the City,
11 the Economic Development Agreement substantially in the form placed
12 **Revised On File** with the Office of Legislative Services. The
13 Economic Development Agreement may include such additions,
14 deletions, and changes as may be reasonable, necessary, and
15 incidental for carrying out the purposes thereof, as may be
16 acceptable to the Mayor or his designee, with such inclusion and
17 acceptance being evidenced by execution of the Economic Development
18 Agreement by the Mayor or his designee. No modification of the
19 Economic Development Agreement may increase the financial
20 obligations or the liability of the City and any such modification
21 shall be technical only and shall be subject to appropriate legal
22 review and approval of the General Counsel or his or her designee
23 and all other appropriate action required by law. "Technical" is
24 herein defined as including, but not limited to, changes in legal
25 descriptions and surveys, descriptions of infrastructure
26 improvements and/or any road project, ingress and egress, easements
27 and rights of way, performance schedules (provided that no
28 performance schedule may be extended for more than one year without
29 City Council approval), design standards, access and site plans
30 which have no financial impact.

31 **Section 3. Further Authorizations.** The Mayor, or his

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

15 **Section 4. Oversight Department.** The Office of Economic
16 Development shall oversee the Project described herein.

17 **Section 5. Execution of the Economic Development**
18 **Agreement.** If the Economic Development Agreement approved by this
19 Resolution has not been signed by the Company within ninety (90)
20 days after the OED delivers or mails the unexecuted Economic
21 Development Agreement to the Company for execution, then the City
22 Council approval of the Project and authorization for the Mayor to
23 execute the Economic Development Agreement is automatically
24 revoked, provided however, that the Executive Director of the OED
25 shall have the authority to extend such ninety (90) day period in
26 writing at his discretion for up to an additional ninety (90) days.

27 **Section 6. Waiver of Public Investment Policy.** The
28 requirements of the Public Investment Policy adopted by City
29 Council Ordinance 2016-382-E, as amended, are waived to authorize
30 the TI Grant, which is not authorized pursuant to the Public
31 Investment Policy. The waiver is justified due to the fact that

1 the Project will cause private capital investment in the Project in
2 the estimated amount of \$6,400,000 and the creation of 407 new
3 jobs.

4 **Section 7. Requesting two reading passage pursuant to**
5 **Council Rule 3.305.** Two reading passage of this legislation is
6 requested pursuant to Council Rule 3.305.

7 **Section 8. Effective Date.** This Resolution shall become
8 effective upon signature by the Mayor or upon becoming effective
9 without the Mayor's signature.

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11 Form Approved:

12
13 /s/ Paige H. Johnston

14 Office of General Counsel

15 Legislation prepared by: John Sawyer

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