

ORDINANCE NO.

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 20070809-060 BY CORRECTING THE OTIS SPUNKMEYER NAME IN THE ORDINANCE TO OTIS SPUNKMEYER, INC. AND NOMINATING THE PROPOSED OTIS SPUNKMEYER, INC. PRODUCTION EXPANSION TO THE ECONOMIC DEVELOPMENT & TOURISM DIVISION OF THE GOVERNOR'S OFFICE AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE ACT; IDENTIFYING POSSIBLE LOCAL INCENTIVES; AND DESIGNATING A CITY LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The city council finds that:

- (A) Ordinance No. 20070809-060 was approved by Council on August 9, 2007.
- (B) The name Otis Spunkmeyer was used in error throughout Ordinance No. 20070809-060. Otis Spunkmeyer is doing business in the State of Texas as Otis Spunkmeyer, Inc., and that name appears in the enterprise project application that was submitted to the State. This ordinance corrects and replaces "Otis Spunkmeyer" with "Otis Spunkmeyer, Inc." to agree with the legal name under which this business is operating.
- (C) Otis Spunkmeyer, Inc. has requested that the city council nominate a proposed production expansion for designation by the Office of the Governor's Enterprise and Tourism as an enterprise project under Chapter 2303, Subchapter F (*Qualified Businesses and Enterprise Projects*) of the Texas Government Code.
- (D) The proposed project is not located in an area designated as an enterprise zone.
- (E) The proposed Otis Spunkmeyer, Inc. production expansion meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F (*Qualified Businesses and Enterprise Projects*) of the Texas Government Code because:

- 1 (1) Otis Spunkmeyer, Inc. is a “qualified business” under Section
2 2303.402 because it will be engaged in the active conduct of a trade or
3 business at a qualified business site within the City’s jurisdiction,
4 located outside of an enterprise zone, and at least 35 percent of the
5 business’ new employees will be residents of qualifying census block
6 groups or economically disadvantaged individuals.
- 7 (2) There has been and will continue to be a high level of cooperation
8 between public, private, and neighborhood entities in the area.
- 9 (3) The designation of the proposed Otis Spunkmeyer, Inc. production
10 expansion as an enterprise project will contribute significantly to the
11 achievement of the City’s plans for development and revitalization of
12 the area.
- 13 (F) The expedited permitting and construction inspection offered by the City for
14 the Otis Spunkmeyer, Inc. production expansion is justified on the grounds
15 that it will create a higher level of employment, economic activity, and
16 stability.
- 17 (G) A public hearing to consider designation of the Otis Spunkmeyer, Inc.
18 production expansion as an enterprise project was held by the city council on
19 August 9, 2007.

20 **PART 2.** Ordinance No. 20070809-060 is repealed and replaced by this ordinance.

21 **PART 3.** The city council nominates the Otis Spunkmeyer, Inc. production expansion to
22 the Governor’s Office of Economic Development and Tourism for designation as an
23 enterprise project. The City will provide expedited permitting and construction
24 inspection for the project.

25 **PART 4.** The city council may elect to make the following local incentives and
26 economic development tools available to qualifying enterprise projects:

- 27 (A) Economic development grants and loans;
- 28 (B) Tax Increment Financing;
- 29 (C) Development Fee Waivers;
- 30 (D) Public Improvement Districts;
- 31 (E) Assistance with electrical equipment upgrades;

- (F) Special electric utility rates for large users;
- (G) Expedited permitting and construction inspection;
- (H) Zoning changes or density bonuses;
- (I) Water, sewer and transportation capital improvements;
- (J) Low-interest loans, including a low-interest business loan program available only in East Austin; and
- (K) Job training through subcontractors.

PART 5. The Council may nominate future enterprise projects by adopting a resolution of the city council and may elect to offer any of the incentives in PART 3 to the projects.

PART 6. The city council designates the director of Economic Growth and Redevelopment Services as the City's liaison, with the authority to:

- (A) communicate and negotiate with the Office of the Governor's Economic Development and Tourism through the Texas Economic Development Bank and the Otis Spunkmeyer, Inc. production expansion; and
- (B) oversee communications with qualified businesses and other entities affected by the enterprise project.

PART 7. The enterprise project shall begin on the date that the Otis Spunkmeyer, Inc. production expansion is designated as an enterprise project by the Governor's Office and terminate five years from that date.

PART 8. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2007 § _____
§ _____
§ _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk