

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CREATION OF AN ECONOMIC DEVELOPMENT PROGRAM AND NEGOTIATION AND EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT WITH SUNPOWER CORPORATION.

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

PART 1. The city council finds that:

- (A) Chapter 380 of the Texas Local Government Code authorizes the City to establish local economic development programs;
- (B) SunPower Corp., requested that the city council consider establishing and administering an economic development program in the City of Austin as allowed under Texas Local Government Code, Chapter 380 in exchange for SunPower Corp. locating an operations center supporting its operations in the United States within the City, making investments in the Desired Development Zone and creating new jobs within the City;
- (C) the City has reviewed and evaluated an economic incentive proposal in accordance with Ordinance No. 20091001-011 relating to the review of economic incentive proposals;
- (D) SunPower Corp. qualifies for the proposed incentives under the standards set forth in Firm Based Incentive Matrix, which city council approved by Resolution No. 20041028-003; and
- (E) an economic development program with 20041028-003 is justified because it will promote local economic development and stimulate business and commercial activity in the municipality.

PART 2. Council authorizes the creation of an economic development program for SunPower Corp. under Chapter 380 of the Local Government Code. Council also authorizes the negotiation and execution of an economic development agreement with SunPower Corp. The economic development agreement will be for a term of ten years. The agreement will provide for an annual economic development grant in an amount not to exceed \$233 per job created for any one year. The City's total obligation under the agreement shall not exceed \$901,710.

1 **PART 3.** The city council designates the director of Economic Growth and
2 Redevelopment Services as the City's liaison, with the authority to communicate and
3 negotiate with SunPower Corp.

4 **PART 4.** This ordinance takes effect on _____, 2010.

5 **PASSED AND APPROVED**

6
7 §
8 §
9 _____, 2010 § _____

10 Lee Leffingwell
11 Mayor

12
13
14 **APPROVED:** _____ **ATTEST:** _____
15 Karen Kennard Shirley A. Gentry
16 Acting City Attorney City Clerk
17
18
19