

#67
6-24-04

ORDINANCE NO.

1 AN ORDINANCE NOMINATING A PROPOSED HOME DEPOT DATA
2 CENTER TO THE ECONOMIC DEVELOPMENT & TOURISM DIVISION OF
3 THE GOVERNOR'S OFFICE AS AN ENTERPRISE PROJECT UNDER THE
4 TEXAS ENTERPRISE ZONE ACT, IDENTIFYING POSSIBLE LOCAL
5 INCENTIVES, AND DESIGNATING A CITY LIAISON FOR
6 COMMUNICATION WITH INTERESTED PARTIES.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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10 PART 1. Findings. The city council finds that:

- 11 (A) Home Depot has requested that the city council nominate a proposed Home
12 Depot Data Center for designation by the Office of the Governor's Enterprise
13 and Tourism as an enterprise project under Chapter 2303, Subchapter F
14 (*Qualified Businesses and Enterprise Projects*) of the Texas Government
15 Code.
- 16 (B) The proposed project is not located in an area designated as an enterprise zone.
- 17 (C) The proposed Home Depot Data Center meets the criteria for designation as an
18 enterprise project under Chapter 2303, Subchapter F (*Qualified Businesses and*
19 *Enterprise Projects*) of the Texas Government Code because:
- 20 (1) Home Depot Data Center is a "qualified business" under Section
21 2303.402 because it will be engaged in the active conduct of a trade or
22 business at a qualified business site within the City's jurisdiction, located
23 outside of an enterprise zone, and at least 35 percent of the business'
24 new employees will be residents of qualifying census block groups or
25 economically disadvantaged individuals.
- 26 (2) There has been and will continue to be a high level of cooperation
27 between public, private, and neighborhood entities in the area.
- 28 (3) The designation of the proposed Home Depot Data Center as an
29 enterprise project will contribute significantly to the achievement of the
30 City's plans for development and revitalization of the area.
- 31 (D) The tax relief and other incentives offered by the City for the Home Depot
32 Data Center are justified on the grounds that it will create a higher level of
33 employment, economic activity, and stability.

1 (E) A public hearing to consider designation of the Home Depot Data Center as an
2 enterprise project was held by the city council on June 24, 2004.

3 **PART 2.** The city council nominates the Home Depot Data Center to the Governor's
4 Office of Economic Development and Tourism for designation as an enterprise project.

5 **PART 3.** The city council may elect to make the following local incentives available to
6 the Home Depot Data Center, subject to the terms of an Economic Development
7 Agreement under Chapter 380 of the Local Government Code:

8 (A) For a period of ten years, abatement or rebate of city property taxes on:

9 (1) eligible personal property included in the enterprise project; and

10 (2) increase in value of real property improvements.

11 (B) Austin Energy incentives of up to \$445,000 in equipment and services.

12 **PART 4.** The city council designates the director of Economic Growth and
13 Redevelopment Services as the City's liaison, with the authority to:

14 (A) communicate and negotiate with the Office of the Governor's Economic
15 Development and Tourism through the Texas Economic Development Bank
16 and the Home Depot Data Center; and

17 (B) oversee communications with qualified businesses and other entities affected
18 by the enterprise project.

19 **PART 5.** The enterprise project shall take effect on the date that the Home Depot Data
20 Center is designated as an enterprise project by the Governor's Office and terminate five
21 years from that date.
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PART 6. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk