

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 010-021

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; DESCRIBING POTENTIAL INCENTIVES; DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES; NOMINATING MARY KAY INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE TEXAS ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING ANEFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas (the "City") has received an application from Mary Kay Inc. located at 16251 Dallas Parkway, Addison, Texas 75001 requesting that the City Council apply to the Texas Economic Development Bank for the designation of a project or activity of Mary Kay Inc. as an enterprise project pursuant to Chapter 2303, Tex. Gov. Code (the "Act"); and

WHEREAS, the project or activity as described herein is not located in an area designated as an enterprise zone; and

WHEREAS, a public hearing to consider this Ordinance was held by the City Council on August 10, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1: The Town of Addison, Texas nominates Mary Kay Inc. for enterprise project status.

Section 2: The following local incentives, at the sole discretion and election of the City Council and subject to law, are or will be made available, or may be made available, to the said nominated project or activity of the qualified business:

(a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone; may provide for tax increment financing, and may provide a freeport exemption.

(b) The City may provide a program, including a program for making loans and grants of public money and providing personnel and services of the City, to promote state or local economic development and to stimulate business and commercial activity in the City pursuant to Chapter 380, Tex. Loc. Gov. Code.

(c) The City may provide regulatory relief or modification to businesses, including:

(i) zoning changes or variances;

- (ii) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - (iii) streamlined permitting.
- (d) The City may provide enhanced municipal services to businesses, including:
- (i) improved police and/or fire protection;
 - (ii) institution of community crime prevention programs.
- (e) The City may provide improvements in community (public) facilities, including:
- (i) capital improvements in water and sewer facilities;
 - (ii) road repair; or
 - (iii) creation or improvement of parks.
- (f) The City may provide business and industrial development services, including:
- (i) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
 - (ii) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - (iii) promotion and marketing services.

Section 3. The City Council of the Town of Addison, Texas directs and designates its City Manager (or the City Manager's designee), as the City's liaison, to oversee, communicate and negotiate with the Office of the Governor Economic Development and Tourism ("EDT") through the Texas Economic Development Bank, and with Mary Kay Inc. and any other qualified business nominated to be enterprise projects.

Section 4. The City finds that Mary Kay Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a) Mary Kay Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the City, located outside of an enterprise zone and at least thirty-five percent (35%) of Mary Kay Inc.'s new employees will be residents of an enterprise zone or economically disadvantaged individuals, and
- (i) there has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
 - (ii) the designation of Mary Kay Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 5. The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on September 2, 2015.

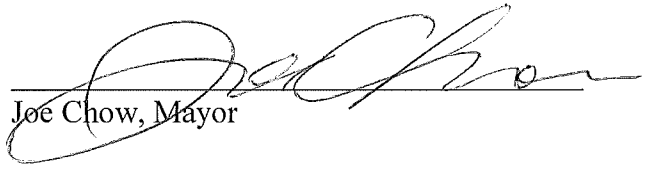
Section 6 This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 7. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 8. The above and foregoing recitals are true and correct are incorporated into and made a part of this Ordinance.

Section 9. This Ordinance shall take effect from and after its passage as the law and Charter in such case provides.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 10th day of August, 2010.



Joe Chow, Mayor

ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney