

ORDINANCE NO. 28-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX AND OTHER INCENTIVES; DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES; NOMINATING ARMC, L.P. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Abilene, Texas, ("the City") desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the City and to provide employment to residents of such areas; and,

WHEREAS, the City has previously elected to participate in the Texas Enterprise Zone Program by passage of Ordinance No. 20-2010 enacted on August 30, 2010; and,

WHEREAS, pursuant to Texas Government Code Chapter 2303 (the "Texas Enterprise Zone Act"), Subchapter F, ARMC, L.P (dba as "Abilene Regional Medical Center") has applied to the City for designation as an enterprise project; and,

WHEREAS, ARMC, L.P. is not located in an area designated as an enterprise zone; and,

WHEREAS, the City finds that ARMC, L.P. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site and will retain an existing level of employment, and a higher economic activity and stability; and,

WHEREAS, a public hearing to consider this ordinance was held by the City Council on May 24, 2018;

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. Incentives available in enterprise zones.

To the fullest extent allowed by law, the following local incentives, at the election of the City Council, may be made available to projects or activities in an enterprise zone, including without limitation nominated projects or activities of qualified businesses in an enterprise zone:

- a) The City may abate taxes on the increase in value of real property improvements and eligible personal property up to five (5) years on a case-by-case basis. The level of abatement shall be based upon the amount of capital investment by the business receiving the abatement, the extent to which the business receiving the abatement creates jobs for qualified employees, and any other applicable criteria set forth in the City's Criteria and Guidelines for Tax Abatement, as same may from time to time be amended by the City Council.
- b) The City may provide:
 1. The City may adopt the Freeport Tax Exemption;

2. Incentives as allowed under the 4A sales tax or local sales tax refunds;
 3. Grants or incentives through Chapter 380 agreements;
 4. Other tax deferrals, tax refunds or tax incentives.
- c) The City may create Tax Increment Reinvestments zones to aid in the revitalization of areas with Tax Increment Financing.
 - d) The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances;
 - 2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - 3) streamlined permitting.
 - e) The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection;
 - 2) institution of community crime prevention programs; or
 - 3) special public transportation routes or reduced fares.
 - f) The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities;
 - 2) road repair; or
 - 3) creation or improvement of parks.
 - g) The City may provide improvements to housing, including:
 - 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
 - h) The City may provide business and industrial development services, including:
 - 1) low-interest loans for business;
 - 2) use of surplus school buildings for incubators;
 - 3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development; The City may sell real property owned by the City and located in the enterprise zone in accordance with Section 2303.513 of the Texas Government Code.
 - 4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 5) promotion and marketing services.
 - i) The City with cooperation with local educational institutions may provide job training and employment services to businesses, including:

- 1) retraining programs;
- 2) literacy and employment skills programs;
- 3) vocational education; or
- 4) customized job training.

Section 3. The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4. The Mayor or his designee shall serve as the City's liaison to communicate and negotiate with the Office of the Governor Economic Development & Tourism through the Economic Development Bank and enterprise project(s) and to oversee enterprise zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section 5. That the City finds that ARMC, L.P. meets the criteria for designation as an enterprise project under the Texas Enterprise Zone Act on the following grounds:

- a) ARMC, L.P. is a "qualified business" under Section 2303.402 of the Texas Enterprise Zone Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least thirty-five percent (35%) of the business's new employees will be residents of an Enterprise Zone, economically disadvantaged individuals or honorably discharged veterans; and
- b) there has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- c) the designation of ARMC, L.P. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6. That the City nominates ARMC, L.P. for enterprise project status.

Section 7. That the enterprise project designation for which ARMC, L.P. is herein nominated shall take effect on the date of designation of the enterprise project by the Office of the Governor Economic Development & Tourism and terminate on June 1, 2023, or on a date as determined by the Office of the Governor Economic Development & Tourism.

Section 8. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal; and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 10. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 11. That this ordinance shall become effective immediately from and after its date of passage and publication as required by law.

PASSED ON FIRST READING this 26th day of April, 2018.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 13th day of May 2018, the same being at least 7 calendar days prior to a public hearing held in the Council Chambers of City Hall in Abilene, Texas, at 8:30 A.M. on the 24th day of May, 2018, to permit the public to be heard. Said Ordinance becomes effective from and after its passage.

PASSED ON SECOND AND FINAL READING this 24th day of May 2018.




Anthony Williams
Mayor

ATTEST:



City Secretary
Rosa Rios

APPROVED AS TO FORM:



City Attorney
Stanley Smith