

## Ordinance

**Approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation (“Type A Corporation”) and Govind Development, LLC (“Govind”) to provide a grant of up to \$908,000, for the creation and retention of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the Govind Business Incentive Agreement for the creation and retention of jobs; and appropriating \$908,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Govind; and changing the FY 2014-2015 operating budget, adopted by Ordinance No. 030294, by increasing expenditures by \$908,000.**

**Whereas**, the Type A Corporation has budgeted funds to assist businesses create or retain jobs in the City of Corpus Christi, Texas ("City").

**Whereas**, the Type A Corporation has requested proposals from businesses that will create or retain jobs within the City, and determined that the proposal from Govind for the creation of at least 44 full-time jobs and the retention of at least 162 full-time jobs an average annual salary of at least \$87,200 over a five year period will best satisfy this goal;

**Whereas**, City Council deems that it is the best interest of the City and citizens to approve the business incentive agreement for creation and retention of jobs between the Type A Corporation and Govind;

**Whereas**, there is a need for a business incentive project service agreement between the City and the Type A Corporation for the implementation and administration of the business incentive agreement for the creation of jobs between the Type A Corporation and Govind.

**Now, therefore, be it ordained by the City Council of the City of Corpus Christi, Texas:**

**SECTION 1.** That the business incentive agreement for the creation and retention of jobs between the Type A Corporation and Govind that provides for the creation and the retention of jobs within the City of Corpus Christi, is approved.

**SECTION 2.** That the City Manager, or designee, is authorized to execute a project service agreement between the City and Type A Corporation for the implementation and administration of the business incentive agreement with Govind, which is attached to this ordinance as Exhibit A.

**SECTION 3.** That \$908,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund is appropriated for a business incentive grant from the Type A Corporation to Govind for the creation and retention of jobs.

**SECTION 4.** That Ordinance No. 030294, which adopted the FY 2014-2015 Operating Fund, is changed to increase proposed expenditures in the No. 1140 Business/Job Development Fund by \$908,000 for a business incentive grant from the Type A Corporation to Govind for the improvements to their engineering facility and the creation and retention of jobs.

**ATTEST:**

**THE CITY OF CORPUS CHRISTI**

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor

**APPROVED:** \_\_\_\_ day of \_\_\_\_\_, 2015.

Corpus Christi, Texas

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

Nelda Martinez \_\_\_\_\_

Brian Rosas \_\_\_\_\_

Carolyn Vaughn \_\_\_\_\_

Colleen McIntyre \_\_\_\_\_

Rudy Garza \_\_\_\_\_

Lillian Riojas \_\_\_\_\_

Lucy Rubio \_\_\_\_\_

Mark Scott \_\_\_\_\_

Chad Magill \_\_\_\_\_

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Carolyn Vaughn	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Lucy Rubio	_____	Mark Scott	_____
Chad Magill	_____		

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor

## BUSINESS INCENTIVE PROJECT SERVICE AGREEMENT

### GOVIND DEVELOPMENT, LLC

This Business Incentives Project Service Agreement ("Project Service Agreement") is entered into between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and the City of Corpus Christi, Texas ("City").

WHEREAS, the Texas Legislature in Section 4A of Article 5190.6, Vernon's Texas Revised Civil Statutes (Development Corporation Act of 1979), now codified as Subtitle C1, Title 12, Texas Local Government Code ("the Act"), empowered local communities with the ability to adopt an optional local sales and use tax as a means of improving the economic health and prosperity of their citizens;

WHEREAS, on November 5, 2002, residents of the City passed Proposition 2, New and Expanded Business Enterprises, which authorized the adoption of a sales and use tax for the promotion and development of new and expanded business enterprises at the rate of one-eighth of one percent to be imposed for 15 years;

WHEREAS, the 1/8 cent sales tax authorized by passage of Proposition 2 was subsequently enacted by the City Council and filed with the State Comptroller of Texas, effective April 1, 2003, to be administered by the Type A Corporation's Board of Directors ("Board");

WHEREAS, the Type A Corporation exists for the purposes of encouraging and assisting entities in the creation of jobs for the citizens of Corpus Christi, Texas;

WHEREAS, the City Council approved the Corporation's amended Guidelines and Criteria for Granting Business Incentives on October 18, 2010, which the City Council approved on November 9, 2010;

WHEREAS, Section 501.073 of the Act requires the City Council to approve all programs and expenditures of the Type A Corporation;

WHEREAS, Govind Development, LLC ("Govind") has submitted a proposal to the Type A Corporation for a \$908,000 grant for the creation and retention of jobs at their engineering facility;

WHEREAS, on January 19, 2015 the Board has determined that it is in the best interests of the citizens of Corpus Christi, Texas, to fund Govind's creation and retention jobs; and

WHEREAS, the Type A Corporation and Govind have executed a business incentives agreement for the creation and retention of jobs related to Govind's engineering facility.

In consideration of the covenants, promises, and conditions stated in this Project Service Agreement, the Type A Corporation and the City agree as follows:

**1. Project Service Agreement to Implement Business Incentives Agreement.** This Project Service Agreement between the City and the Type A Corporation is executed to implement the Business Incentive Agreement for the Creation and Retention of Jobs between the Type A Corporation and Govind related to their engineering facility in Corpus Christi ("Business Incentive Agreement").

**2. Term.** The term of this Project Service Agreement runs concurrently with the term of the Business Incentive Agreement.

**3. Services to be Provided by City.**

a. The City Manager or designee shall administer funding on behalf of the Type A Corporation.

b. The City Manager or designee shall perform contract administration responsibilities outlined in the Business Incentive Agreement for the Type A Corporation.

**4. Appropriation of Funds.** Any future payments by the City are subject to appropriation of funds by City Council.

**5. Effective Date.** The effective date of this Project Service Agreement is the same date as the Business Incentive agreement.

**6. Amendments or Modifications.** No amendments or modifications to this Project Service Agreement may be made, nor any provision waived, unless in writing signed by a person duly authorized to sign agreements on behalf of each party.

**7. Severability.**

a. If for any reason, any section, paragraph, subdivision, clause, provision, phrase or word of this Project Service Agreement or the application of this Project Service Agreement to any person or circumstance is, to any extent, held illegal, invalid, or unenforceable under present or future law or by a final judgment of a court of competent jurisdiction, then the remainder of this Project Service Agreement, or the application of the term or provision to persons or circumstances other than those as to which it is held illegal, invalid, or unenforceable, will not be affected by the law or judgment, for it is the definite intent of the parties to this Project Service Agreement that every section, paragraph, subdivision, clause, provision, phrase, or word of this Project Service Agreement be given full force and effect for its purpose.

b. To the extent that any clause or provision is held illegal, invalid, or unenforceable under present or future law effective during the term of this Project Service Agreement, then the remainder of this Project Service Agreement is not affected by the law, and in lieu of any illegal, invalid, or unenforceable clause or provision, a clause or provision, as similar in terms to the illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable, will be added to this Project Service Agreement automatically.

**8. Captions.** The captions in this Project Service Agreement are for convenience only and are not a part of this Project Service Agreement. The captions do not in any way limit or amplify the terms and provisions of this Project Service Agreement.

The remainder of this page intentionally left blank.

**The City of Corpus Christi**

**Corpus Christi Business &  
Job Development Corporation**

\_\_\_\_\_  
Ronald L. Olson  
City Manager

\_\_\_\_\_  
Bart Braselton  
President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest

\_\_\_\_\_  
Rebecca Huerta  
City Secretary