

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
ART FIERRO, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CHRIS CANALES, DISTRICT 8

SPECIAL CITY COUNCIL MEETING MINUTES
December 4, 2023
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 A.M.

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The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:01 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexandra Annello, Joe Molinar, and Art Fierro. Late arrivals: Cassandra Hernandez at 9:04 a.m., Chris Canales at 9:07 a.m., and Henry Rivera at 9:09 a.m. Isabel Salcido was absent.

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AGENDA

1.

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RESOLUTION

WHEREAS, Wurdwide LLC, a Delaware limited liability company ("**Company**") is considering the purchase of approximately 1,038.948 acres of Land (defined herein) owned by the City and located on the northside of Stan Roberts Sr. Avenue, West of U.S. Highway 54 ("**U.S. 54**") in the City. If Company acquires the Land, contingent upon receipt of the grants provided for herein, Company proposes to construct in one or more phases, which may extend over a period of years, one or more Data Center(s) (as defined herein), as well as certain accessory uses or buildings located on the Land and other related or associated uses, buildings or structures such as utility buildings, structures, improvements and appurtenants (collectively, the "**Project**"); and

WHEREAS, Company's proposed Project, including its proposed construction of the Project Improvements (defined herein), will benefit the City by developing currently vacant land into a viable commercial operation with significant opportunities for employment and tax base growth. In recognition of the potential economic benefits that will accrue to the City as a result of the proposed Project, the City desires to enter into a Chapter 380 Economic Development Program Agreement ("**Agreement**") to provide economic incentives in return for verifiable commitments from Company with regard to improvements, employment and other benefits to be made or invested in the City; and

WHEREAS, the City has an interest in partnering with companies that give back to the local community and Company is a business that has a track record of being a good business partner; and

WHEREAS, in accordance with a resolution adopted by the City Council of the City (the "**City Council**") on January 19, 2021, the City has established an economic development program pursuant to which the City may offer economic incentives authorized by Chapter 380 of the Texas Local Government Code that may include grants of public money to projects, businesses and entities that the City Council determines will promote state or local economic

development and stimulate business and commercial activity in the City (the “**380 Program**”); and

WHEREAS, the City Council has determined that by entering into this Agreement, the potential economic benefits that will accrue to the City under the terms and conditions of this Agreement are consistent with the City’s economic development objectives and the 380 Program and that Company’s plans for development and use of the Land will further the goals espoused by the 380 Program. In addition, the City Council has determined that the Project as described herein is eligible for the grants provided for in this Agreement pursuant to Section S of the 380 Program and the 380 Program is an appropriate means to facilitate the construction of the Project Improvements. The City Council has determined that the potential economic benefits that will accrue to the City pursuant the terms and conditions of this Agreement are consistent with the City’s economic development objectives as outlined in the 380 Program. The Agreement is authorized by Chapter 380 of the Texas Local Government Code; and

WHEREAS, the City has determined that the feasibility of the Project described herein is contingent on Company’s receipt of the Property Tax Grants, as provided in this Agreement. The City believes that the Project will provide economic benefits to the City by stimulating economic growth in the region. The City is entering into this Agreement to recruit the Project to the City by providing certain benefits and assurances to the Company. The City understands that the Company would not develop the Project in the City without such benefits and assurances, which the Company is reasonably and in good faith relying on to independently evaluate the economic feasibility and commercial reasonability of developing the Project in the City; and

WHEREAS, in addition to this Agreement, the City is also considering entering into that certain Tax Abatement Agreement between the City and Company under which the City will grant Company abatement on City ad valorem taxes on the Land and any improvements thereon, including the Project Improvements, as further described and set forth in such agreement (the “**Tax Abatement Agreement**”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement (“**Agreement**”) by and between the City of El Paso, Texas (“**City**”) and Worldwide, LLC, a Delaware limited liability company, d/b/a Statue LLC (“**Company**”) in support of the construction, in one or more phases which may extend over a period of years, one or more data center(s) and certain accessory uses on approximately 1,039 acres of land on the northside of Stan Roberts Sr. Avenue, west of U.S. Highway 54 within the City of El Paso, Texas (the “**Project**”). Subject to the terms and conditions of the Agreement and provided that Company expends or causes to expend a minimum of **\$800,000,000.00** in construction and personal equipment costs for the Project (“**Initial Investment**”), City agrees to provide Company with annual grants in an amount equal to 80 percent of the aggregate property tax revenue attributable to the Initial Investment over a 15-year period beginning the twelfth calendar year following the year in which the Company provides documentation to the City that it has met its Initial Investment requirements (“**Property Tax Grants**”). Company may develop additional phases, each representing a minimum **\$800,000,000.00** expenditure in construction and personal equipment costs; and if so, subject to the terms and conditions of the Agreement, shall be eligible for separate Property Tax Grants for each phase for up to five phases during the term of the Agreement.

Ms. Elizabeth Triggs, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Hernandez and Molinar commented.

The following City staff members commented:

- Mr. John Balliew, President and Chief Executive Officer for El Paso Water
- Mr. Cary Westin, Interim City Manager
- Ms. Karina Brasgalla, Economic and International Development Assistant Director

Ms. Alyssa Stimage, citizen, commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Fierro, Rivera, and Canales

NAYS: None

ABSENT: Representative Salcido

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2. **ITEM:** An Ordinance authorizing the City Manager to sign a contract of sale with Worldwide LLC, a Delaware Limited Liability Company for the sale of approximately 1,039 acres of property situated in Section 3, Block 80, Township 1, Texas and Pacific Railroad Survey, Abstract No. 2381 and Section 4, Block 80, Township 1, Texas and Pacific Railroad Survey, Abstract No. 9862, City of El Paso, El Paso County, Texas further being portions of tracts of land described in deeds to City of El Paso recorded in Volume 1176, Page 504, and Volume 1186, Page 178, Deed Records, El Paso County, Texas; known as tax parcels 78427 and 13470.

The public hearing for this item was opened at 10:07 a.m.

Mr. John Justice, citizen, commented.

Motion made by Mayor Pro Tempore Annelo, seconded by Representative Molinar, and unanimously carried to **CLOSE** the public hearing at 10:10 a.m.

AYES: Representatives Kennedy, Annelo, Hernandez, Molinar, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

ABSENT: Representative Salcido

3. **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following Substitute Associate Municipal Judges be appointed in accordance with the El Paso City Code Section 2.44.030, to serve four-year terms beginning on January 1, 2024 and expiring on December 31, 2027.

Appointments:

Courtney Bowie

Melissa Warrick

Ms. Annabelle Casas, Assistant Municipal Court Clerk, introduced the item.

Mayor Leeser and Representatives Kennedy, Annello, Hernandez, Molinar, and Canales commented.

The following City staff members commented:

- Ms. Lilia Worrell, Municipal Court Director
- Ms. Karla Nieman, City Attorney
- Mr. Cary Westin, Interim City Manager

Mr. Courtney Bowie and Ms. Melissa Warrick, candidates, introduced themselves and answered questions from Representative Hernandez.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Salcido

4.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following applicant be appointed to fill the vacancy for Municipal Court Judge Court # 4 resulting from the appointment of former Court #4 Judge Enrique Holguin to a federal magistrate position. The appointee will serve until the next general election, November 2024, pursuant to Municipal Code Section 2.44.030.

Appointment:

Lauren Ferris

Ms. Lauren Ferris, appointee, introduced herself.

Motion made by Representative Kennedy, seconded by Representative Rivera, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, Rivera, and Canales

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Salcido

EXECUTIVE SESSION

Motion made by Representative Canales, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.074 PERSONNEL MATTERS

AYES: Representatives Kennedy, Hernandez, Molinar, Fierro, Rivera, and Canales
NOT PRESENT FOR THE VOTE: Representative Annello
ABSENT: Representative Salcido

Representative Annello returned to the meeting for Executive Session.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **ADJOURN** the Executive Session at 12:22 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Annello, Hernandez, Molinar, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Kennedy, Fierro, and Rivera
ABSENT: Representative Salcido

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EX1. In re: Aqueous Film-Forming Foam Products Multi-District Litigation MDL NO. 2873 (551.071)

NO ACTION was taken on this item.

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EX2. Complaint regarding elected City Official - Matter No. HQ # 1453 (551.071) (551.074)

NO ACTION was taken on this item.

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EX3. Claim of Carlos Gonzalez; Claim-263; (551.071)

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be authorized to **DENY** the claim of Carlos Gonzales, in Claim No. 263, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority

AYES: Representatives Annello, Hernandez, Molinar, and Canales
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Kennedy, Fierro, and Rivera
ABSENT Representative Salcido

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EX4. United States of America v. City of El Paso, Texas; United Road Towing Inc d/b/a URT Vehicle Management Solutions and Rod Robertson Enterprise, Inc; 3:23-CV-00044 (551.071)

NO ACTION was taken on this item.

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EX5. Purchase, exchange, lease, or value of real property located in Downtown El Paso. HQ#23-1582 (551.071) (551.072)

NO ACTION was taken on this item.
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ADJOURN

Motion made by Mayor Pro Tempore Anello, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the meeting at 12:23 p.m.

AYES: Representatives Anello, Hernandez, Molinar, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy, Fierro, and Rivera

ABSENT Representative Salcido

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APPROVED AS TO CONTENT:

Laura D. Prine
Laura D. Prine, City Clerk