

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

**CITY COUNCIL WORK SESSION MINUTES**  
**April 11, 2022**  
**COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY**  
**9:05 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 9:17 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Cassandra Hernandez joined virtually. Late arrival: Claudia Rodriguez at 10:39 a.m. and Aleksandra Annelo who joined virtually at 11:11 a.m. Early Departure: Cassandra Hernandez at 4:55 p.m.  
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**AGENDA**

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**1. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts and processes.**

**1. Overview (Tommy Gonzalez)**

Mr. Tommy Gonzalez, City Manager, began the presentation by pointing out the decrease in the number of new COVID-19 cases with the current positivity rate at 5% and noted the decrease in the number of COVID related hospitalizations by highlighting that the total hospital capacity related to the pandemic was at 2%. He mentioned that more than 80% of the population ages 5 and older were fully vaccinated and over 90% have received the first dose. This puts the City ahead of the state and the nation in vaccination rates. Mr. Gonzalez mentioned that the second vaccine booster was available for people immunocompromised and adults age 50 years and older. He reminded the public that the City offers vaccinations without appointments and testing and flu shots were also available at the City's clinics.

**2. City Attorney Overview (Karla Nieman)**

- a) Greg Abbott, in his official capacity as Governor of Texas, v. City of El Paso & Statewide Mask Mandate Litigation**
- b) Additional Updates**

Ms. Karla Nieman, City Attorney, continued the presentation by stating that Governor Abbott was expected to renew the State's Disaster Declaration therefore, making it necessary to extend local emergency ordinances at the next meeting. In regard to the mask mandate litigation, Ms. Nieman informed Council of the dismissal of the City of Denton vs. the State of Texas case while adding that the 5<sup>th</sup> Court of Appeals would be sending the cases to the trial courts for dismissal. Ms. Nieman also explained that all 50 states had lifted mask mandates.

**3. Team Lead Report:**

- a) Health Focus (Hector Ocaranza, M.D.)**

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by noting the decrease in new COVID-19 cases and associated hospitalizations thanks to the high vaccination rates effective at protecting high-risk individuals against severe disease. Dr. Ocaranza reminded the community not to let their guard down and asked them to continue to care for the vulnerable population; he continued to recommend that individuals remain at home, avoid crowded places, obtain a vaccine booster, and continue to practice healthy habits.

**4. City Manager Wrap-up (Tommy Gonzalez)**

Mr. Tommy Gonzalez, City Manager, closed the presentation by stating that the City was preparing for the future in order to stay ahead of any virus mutations. He added that he would be returning with recommendations for the use of American Rescue Plan Act (ARPA) funds.

Mayor Leeser and Representative Svarzbein commented.

**NO ACTION** was taken on this item.

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**2. Presentation and discussion providing a report from the following Goal Teams:**

**1. Vision Block: Vibrant Regional Economy**

- a) Goal 1 (Economic Development)**
- b) Goal 3 (Visual Image)**

Ms. Julie Baldwin -Munoz, Performance Office Director, introduced the item.

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office) and/or responded to questions from members of the City Council:

- Mr. David Coronado, International Bridges Director
- Ms. Elizabeth Triggs, Economic and International Development Director

Mayor Leeser and Representatives Svarzbein, Molinar, Rivera, and Lizarraga commented.

Mr. Tommy Gonzalez, City Manager, commented.

**NO ACTION** was taken on this item.

- .....
- 3.** Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **DELETE** the presentation, discussion and action of a Resolution authorizing the City Manager or his designee to establish appropriations in the amount of \$115,979,244, whereas the City of El Paso is the recipient of the American Rescue Plan Act ("ARPA") grant funds in the amount of \$154,365,135, the City Council approves the appropriation of the grant funds from the Coronavirus State and Local Fiscal Recovery Funds in accordance with the requirements stipulated by the American Rescue Plan Act and federal guidelines in the Final Rule to cover expenses incurred to respond and recover from the COVID-19 public health crisis.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez

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4. **ITEM:** Discussion and action on a Resolution adopting a districting plan which establishes new Council representative district boundaries based on the 2020 U.S. Census data, to become effective immediately, and dissolving the Districting Commission, as they have completed their duties in the redistricting process per City Charter.

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office).

- Ms. Karina Brasgalla, Economic and International Development Assistant Director
- Mr. Russell Abeln, Assistant City Attorney

Mr. Mariano Soto, Geographic Information Systems Specialist, assisted by making map adjustments, as directed by Council.

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga commented.

The following members of the Districting Commission commented:

- Mr. Martin Bartlett, Chair
- Ms. Cynthia Renteria, Commissioner

The following City staff members commented:

- Ms. Karla Nieman, City Attorney
- Mr. Tommy Gonzalez, City Manager

The following members of the public commented:

1. The South Side Neighborhood and Chihuahuita Neighborhood Associations submitted a letter read into the record by the City Clerk
2. Ms. Sylvia Carreon
3. Ms. Cynthia Renteria

#### **1<sup>ST</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **TABLE** Item 4.

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez

#### **2<sup>ND</sup> MOTION**

Motion made by Representative Salcido, seconded by Representative Rivera, and unanimously carried to **TAKE FROM THE TABLE** Item 4.

NOT PRESENT FOR THE VOTE: Representative Svarzbein

#### **3<sup>RD</sup> MOTION**

Motion made by Representative Annello, seconded by Representative Svarzbein to **RECALL COMMISSIONER DRAFT # 4** for consideration.

AYES: Representatives Svarzbein, Annello, Salcido, and Lizarraga

NAYS: Representatives Hernandez, Molinar, Rodriguez, and Rivera  
**The Mayor broke the tie by voting “Nay” and the motion FAILED.**

#### **4<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello to **RECALL COMMISSIONER DRAFT #4** for consideration with the following revisions:

- Move precincts 21 and 23 to District 1
- Move Chihuahuita Neighborhood Association and Segundo Barrio (precincts 37 and 39) to District 8
- Swap precincts from District 6 with District 7 while keeping the respective incumbent precincts as they currently exist

AYES: Representatives Svarzbein, Annello, Salcido, and Lizarraga

NAYS: Representatives Hernandez, Molinar, Rodriguez, and Rivera

**The Mayor broke the tie by voting “Nay” and the motion FAILED.**

#### **5<sup>TH</sup> MOTION**

Motion made by Representative Rodriguez, seconded by Representative Rivera to **RECALL PUBLIC DRAFT MAP # 6B** for consideration with the following revisions:

- Move precincts including 60, 61, 62, 63, 64, and 185 to District 2
- Move precinct 100 to District 3
- Move precincts 97 and 130 to District 5
- Move precincts 111, 112, 113, 120, 123 to District 6
- Move precincts 150, 151, 179, 220, 157, 156, 219, 155, 153, 154 and 152 to District 7
- Move precincts 37, 39 (split), 42, 80, 83, 84, and 85 to District 8

AYES: Representatives Annello, Salcido, Rodriguez, and Rivera

NAYS: Representatives Svarzbein, Hernandez, Molinar, and Lizarraga

**The Mayor broke the tie by voting “Nay” and the motion FAILED.**

#### **6<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and carried to **RECALL FIRST CHOICE - COMMISSIONER DRAFT MAP #7** for consideration.

AYES: Representatives Svarzbein, Annello, Hernandez, Salcido, Rodriguez, Rivera, Lizarraga

NAYS: Representative Molinar

The Work Session was **RECESSED** at 1:33 p.m. and **RECONVENED** at 2:05 p.m.

#### **7<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez and carried to **CALL** a Special City Council Meeting on Thursday, April 14, 2022 at 4:00 p.m. in Council Chambers.

AYES: Representatives Svarzbein, Annello, Hernandez, Salcido, Rodriguez, Rivera, Lizarraga

NAYS: Representative Molinar

**8<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and carried to **AMEND** First Choice - Commissioner Draft Map #7 as follows:

- Move precinct 17 to District 1
- Move precincts 37 and 39 to District 8
- Move precincts 67, 68, 69, 70, 71, 72, and 188 to District 2

AYES: Representatives Svarzbein, Annelo, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Molinar

**9<sup>TH</sup> MOTION**

Motion made by Representative Rodriguez, seconded by Representative Rivera to **AMEND** First Choice - Commissioner Draft Map #7 as follows:

- Move precincts 112, 111, 113, 114, 117, 118, 119, 120, 121, 122, 124, 123, 125, 131, 126, 191, and 190 to District 6
- Move precincts 103, 108, 109, 104, 110, 138, 139, 140, 141, 143, 148, 147, 146, 144, 179, 151, 150, 149, 145, 157, 220, 156, 219, 153, 155, 154, 152, 137, 97, and 98 to District 7

AYES: Representatives Salcido, Rodriguez, and Rivera

NAYS: Representatives Annelo, Hernandez, Molinar, and Lizarraga

NOT PRESENT FOR THE VOTE: Representative Svarzbein

**THE MOTION FAILED**

**10<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Svarzbein, and carried to **AMEND** First Choice - Commissioner Draft Map #7 as follows:

- Move precinct 74 to District 2
- Move precincts 16, 68, and 70 to District 8
- Move the remainder of precinct 59 to District 4
- Move the remainder of precinct 112 to District 6

AYES: Representatives Svarzbein, Annelo, Hernandez, Salcido, and Lizarraga

NAYS: Representatives Molinar, Rodriguez, and Rivera

**11<sup>TH</sup> MOTION**

Motion made by Representative Rodriguez, seconded by Representative Rivera, and carried to **RECALL THIRD CHOICE - COMMISSIONER DRAFT # 8** for consideration.

AYES: Representatives Svarzbein, Annelo, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Molinar

**12<sup>TH</sup> MOTION**

Motion made by Representative Annelo, seconded by Representative Rodriguez, and carried to **AMEND** First Choice - Commissioner Draft Map #7 as follows:

- Move Precincts 94, 95, 96, 97, 98, and 99 to District 3

AYES: Representatives Svarzbein, Annelo, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Molinar

### **13<sup>TH</sup> MOTION**

Motion made by Representative Rodriguez, seconded by Representative Rivera, and carried to **AMEND** Map 7 (Council's Draft B) with the following revisions:

- Move Precinct 126 to District 6
- Move Precincts 109, 108, 103, 139, 98, 97, 147, 143, and 148 to District 7
- Move Precincts 100, 101, 102, 105, 106, 107, 93, 92, 90, 91, and 89 to District 3
- Move Precincts 76, 78, 79, 80, 42, 81, 83, 84, 87, 85, and 82 to District 2
- Move Precincts 42, 79, and 80 to District 8

AYES: Representatives Svarzbein, Annelo, Salcido, Rodriguez, and Rivera

NAYS: Representatives Hernandez, Molinar, and Lizarraga

The Work Session was **RECESSED** at 3:42 p.m. and **RECONVENED** at 4:01 p.m.

### **14<sup>TH</sup> MOTION**

Motion made by Representative Molinar, seconded by Representative Rodriguez and carried to **AMEND** Map 7(A) to **ADD** Precinct 60 to District 4.

AYES: Representatives Molinar, Salcido, Rodriguez, and Rivera

NAYS: Representatives Svarzbein, Annelo, Hernandez, and Lizarraga

**The Mayor broke the tie by voting "Aye", the motion PASSED**

### **15<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga to **AMEND** Map 7C as recommended by the Commission as follows:

- **ADD** Precincts 37 and 39 to District 8
- **ADD** Precincts 41, 71, 72, and 74 to District 3.

AYES: Representatives Svarzbein and Lizarraga

NAYS: Representatives Annelo, Hernandez, Molinar, Salcido, Rodriguez, and Rivera

**THE MOTION FAILED**

### **16<sup>TH</sup> MOTION**

Motion made by Representative Salcido, seconded by Representative Rodriguez and carried to **AMEND** Map 8 as follows:

- **SWITCH** Districts 2 and 3
- **MOVE** Precinct 119 to District 6
- **MOVE** Precinct 100 to District 3
- **MOVE** Precincts 37 and 39 to District 8
- **MOVE** Precinct 17 to District 1.

AYES: Representatives Svarzbein, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: Representative Molinar  
NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

**17<sup>TH</sup> MOTION**

Motion made by Representative Rodriguez, seconded by Representative Salcido and carried to **AMEND** Map 8A as follows:

- **MOVE** Precinct 190 to District 6
- **MOVE** Precinct 109 to District 7.

AYES: Representatives Svarzbein, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

**18<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and unanimously carried to **AMEND** Map 8B as follows:

- **MOVE** Precinct 92 to District 3.

AYES: Representatives Svarzbein, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

**19<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Rivera, seconded by Representative Rodriguez and carried to **COMBINE** Maps 8A and 8B.

AYES: Representatives Svarzbein, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Annello and Hernandez

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**EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:21 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 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Annello and Rodriguez

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 11:11 a.m. and **RECONVENE** the meeting of the City Council during which time motions were made.

AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

**EX1. Application Texas Gas Service for the Gas Reliability Infrastructure Program ("GRIP") Interim Rate Adjustment, Railroad Commission of Texas Docket No. 00008972. Matter No. 22-1008-189 (551.071)**

- 1. Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera and unanimously carried that the rate adjustments identified in the Interim Rate Adjustment filed by Texas Service Company, a division of ONE Gas, Inc., on March 10, 2022, be and is hereby suspended for 45 days after the effective date specified in the filing.
- 2. That the City Attorney is authorized to engage outside counsel to represent the City on this matter and that the City Attorney is authorized to engage consultants to evaluate the filing.
- 3. That the City Attorney is authorized in make such filings and notices as necessary to effectuate the items approved herein.

AYES: Representatives Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga  
 NAYS: None  
 ABSTAINED: Representative Annello  
 NOT PRESENT FOR THE VOTE: Representative Svarzbein

**EX2. Economic Incentives for an Entertainment Project located in the City of El Paso. Matter No. 18-1007-2190.001 (551.087)**

**NO ACTION** was taken on this item.

**EX3. Economic Incentives for a Manufacturing Company to be located in the City of El Paso. Matter No. 22-1007-2856 (551.087)**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rodriguez, and unanimously carried, that the City Manager or designee be authorized, in consultation with the City Attorney, to approve and sign the 380 agreement term sheet for an expansion of an existing manufacturing company in El Paso.

**EXHIBIT A**  
**Term Sheet for Champlain Cable Corporation – Plant Expansion 2022**

**PARTIES**                    **CITY:** City of El Paso, Texas, a political subdivision of the State of Texas (the "City"), 300 N. Campbell, El Paso, Texas 79901

**APPLICANT/DEVELOPER:** Champlain Cable Corporation (the "Applicant"), a Delaware corporation. It is intended the Applicant, for purposes of this agreement, be the following wholly owned subsidiaries of the Applicant: Champlain Cable Texas Corporation, and Champlain Cable Texas Lease Corporation. These wholly owned entities are Wyoming Corporations.

**PROPOSED  
TRANSACTION**

Applicant has applied to receive economic development incentives associated with the plant expansion as more fully described on **EXHIBIT A-1**, which is attached hereto and incorporated herein for all purposes (the "Project"). The Applicant shall undertake the Project which is anticipated to promote local economic development and stimulate business and commercial activity in the City of El Paso, Texas. The City agrees to support the Project through incentives to be used to defray costs associated with the Project in accordance to the terms enumerated in this document (the "Term Sheet").

**PROJECT  
PROPERTY**

Project is located 9600 Pan American Boulevard, El Paso, Texas, 79927. As reflected in **EXHIBIT A-2** more specifically described as:

6 Pan Am Center for Industry 1 To 3 & 4 Pan Am Center For Ind #3 Rpl A Block6 & 1 Pan Am Center For Ind #3 Rpl B Block 8

**TRANSACTION  
TERMS**

1. **Effect of the Term Sheet.** Upon approval by the City Council of this Term Sheet, this Term Sheet will be considered to have begun the incentivization process and allow the Applicant to begin obtaining building and conditional permits; and proceed with development of the Project.
2. **Non-Binding.** This Term Sheet is not a contract or a binding agreement but an expression of the proposed transaction between the City and the Applicant. No party will be bound for a transaction until and unless definitive agreements are executed by the parties to this transaction (the "Economic Development Agreement").
3. **Term.** The Term of the Economic Development Agreement shall be the lesser of: (i) the lease term (including any renewals) relating to the Project to be located at the Project Property; (ii) ten years (10) from the Effective Date of the Economic Development Agreement; (iii) the full-payment of Incentives by the City to the Applicant, as limited by the Economic Development Agreement; or (iv) termination of the Economic Development Agreement as otherwise provided by said agreement.
4. **Construction Materials Sales Tax Rebate** means a one-time 100% rebate of the City's 1% Sales and Use Tax from receipts for materials and labor of taxable items used in the construction of the Development. The Construction Materials Sales Rebate shall not exceed **\$3,750**.
5. **Development and Building Fee Rebate** means a one-time 100% rebate of certain development fees, the rebate shall not exceed **\$21,000**. The Development and Building Fee Rebate shall be limited to the lesser of: (i) the development and building fee costs associated with the construction of the Project or (ii) the Development and Building Fee Rebate Cap. Under no circumstances shall the City rebate reinspection, expedited plan review fees and other building and inspection penalty fees associated with the development and construction of the Project.
6. **Effective Date.** The Effective Date of the Economic Development Agreement shall be the date upon which both parties have fully

executed the Economic Development Agreement.

7. **Grant Period.** The Applicant's eligibility for Grant payments shall be limited to 10 consecutive years within the Term of the Economic Development Agreement. The Grant Period shall begin with the first year being the first tax year that begins after: (i) the issuance of the Certificate of Occupancy for the Development; and (ii) the Applicant meets all Full-Time Employment job requirements noted in subsequent sections of this Term Sheet.
8. **Grant Payments.** The words "Grant Payments" means a payment, on a yearly basis, paid to the Applicant under the terms of the Economic Development Agreement computed with reference to property taxes generated by the Development.
9. **Project Location.** Applicant agrees to establish the Project in the City of El Paso, Texas.
10. **Construction Commencement.** The Applicant shall, or cause its landlord to, commence construction and/or improvements of the Development within **12 months** of the Effective Date of the Economic Development Agreement.
11. **Construction Completion.** The Applicant agrees that it shall obtain a Certificate of Occupancy no later than **April 30, 2023**.
12. **Minimum Investment.** Applicant agrees that it shall make, or cause its landlord to make, Qualified Expenditures in the Project, where "Qualified Expenditures" means those costs incurred by the Applicant in the acquisition, construction or furnishing of the Project as described in **EXHIBIT A-1**.
13. **Full-Time Employment Retention.** The Applicant shall retain its existing workforce at its facilities at 9600 Pan American Boulevard and 9560 Plaza Circle, El Paso, Texas, which the parties agree currently represents the equivalent of a minimum 70 Full-Time Employment positions.
14. **Full-Time Employment Expansion.** The Applicant agrees that, in addition to maintaining at least 70 Full-Time Employment positions as described in Paragraph 15, it shall create new Full-Time positions according to the applicable Plan described in EXHIBIT A-1, and shall maintain the Full-Time Employment positions for the Project through the entire Grant Period of the Economic Development Agreement.
15. **Definition of Full-Time Employment.** A Full-Time Employment position shall mean a position requiring a minimum of 1820 hours of work averaged over a twelve (12) month period, including allowance for vacation and sick leave, with full company benefits, including company paid contributions to health insurance (employee must not be required to pay more than 50 percent of the premium). Such jobs shall be located at the Project or its existing facilities at 9600 Pan American and 9650 Plaza Circle, El Paso, Texas.
16. **Physical Location of Full-Time Employment Positions.** It is anticipated the Applicant may from time to time require or benefit from

relocation of Full-Time Employment positions between the existing facilities at 9600 Pan American Boulevard and 9560 Plaza Circle and the Project. As such, with respect to Full-Time Employment positions and the calculation of positions created or retained, the situs of Full-Time Employment positions is deemed to be at the Project regardless of whether the position in question is physically located at the existing building or the new facility as long as the new facility is a significant part of the Applicant's operations relating to the jobs retained and created in accordance with this Agreement.

17. **Median County Wage.** The Median Area Wage is the median hourly wage established for the El Paso, Texas Metropolitan Area by the U.S. Bureau of Labor Statistics, as adjusted on January 1 of each year. The Grant Payment eligibility is based on the Median Area Wage that is the greater of: 1) the Median Area Wage established for 2022 which is \$14.71 or 2) the Median Area Wage established as of January 1 of the applicable grant year.
18. **Property Tax Rebate.** The City shall provide 75% percent rebate on the City's portion of the real and personal property tax on the incremental value of the Project for the first five years and 50% percent in years six through ten or a maximum of \$260,529, whichever comes first.
19. **Grant Submittal Package.** The Grant Submittal Package for rebates as enumerated in paragraphs 4, 5, and 18 above shall be submitted by the Applicant to the City on a yearly basis and the rebate shall be limited to the amount of respective tax paid to the City at the time of the grant submittal. The initial grant submittal package must be submitted to the City no later than **April 1, 2023**. Early submission is acceptable. Subsequent submittals will be due by April 1 for the previous calendar year.
20. **Base Year Value. Base Year Value.** The words "Base Year Value" mean the value of the real and personal property on the rolls as of January 1st of the year in which this Agreement is executed with respect to the Development.
21. **Minimum Value.** It is the intent of the parties that the assessed value of the Project on the tax rolls shall have a minimum assessed value of **\$5,886,000** in addition to the Base Year Value (the "Minimum Value") during the term of the Economic Development Agreement and after the completion of construction. Applicant and its landlord shall have the right to contest the appraised value of the Project as provided by law, however, Applicant covenants and agrees that during the term of this Agreement, it shall not challenge or permit anyone else to take actions on its behalf to challenge any assessments by the Central Appraisal District to the extent such challenge would reduce the assessed value below the Minimum Value.
22. **Termination or Expiration.** Upon termination or expiration of the Economic Development Agreement, Applicant or its assigns agree that neither this term sheet or the Economic Development Agreement, or the values contained within will be used to contest appraisal values or in the determination of the market value of the Project; and the economic development incentives established within the Agreement between the parties shall not be considered in valuating the property

for tax purposes.

23. **Assignability.** This term sheet and all agreements which follow are assignable by the Applicant subject to City's prior approval. Any non-approved assignment or encumbrance will be considered an event of default and subject to termination of all incentives provided to the Applicant as governed by the provision of this and all other associated agreements regulating default by the parties.
24. **Good Standing/Delinquent Taxes.** Applicant or its landlord shall pay by January 31 of each year all of the real and business personal ad valorem taxes due to for the previous tax year on the Project and any other property owned by the Applicant within the City.
25. **Non-Compliance.** Non-compliance under this Term Sheet and the subsequent agreements based upon this Term Sheet will be considered an event of default and subject to termination and recapture of incentives provided to the Applicant as governed by the provisions of this Term Sheet and other associated agreements regulating default by the parties.
26. Nothing contained in this agreement shall create any contractual relation between the City the Contractor and any subcontractors.
27. Applicant will require prime Contractor or Subcontractor to obtain and maintain a payment bond during the development and construction of the hotel. Applicant will provide proof of same, once available, to City and will have City added to receive Notice of Default or Termination from the Surety issuing said bond.

**EXHIBIT A-1  
Development**

The proposed Development is an expansion of existing manufacturing operations of the Applicant located at 9600 Pan American Boulevard, El Paso, Texas. The Applicant is a manufacturer of high- performance wire and cable looking to expand and relocate operations to El Paso with:

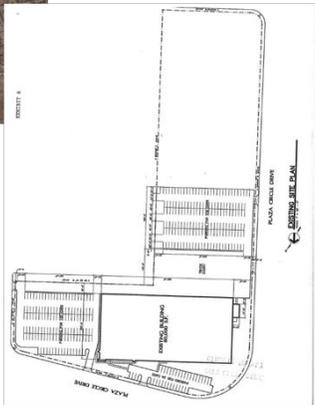
- a minimum 62,000-sf expansion;
- a minimum investment of \$5,686,00; and
- 29 new full-time employees.

**EXHIBIT A-2  
Location of Property to be Developed**

9600 Pan American, El Paso, Texas 79927, El Paso County

6 PAN AM CENTER FOR INDUSTRY 1 TO 3 & 4 PAN AM CENTER FOR IND #3 RPL A BLK 6 & 1 PAN AM CENTER FOR IND #3 RPL B BLK 8

Parcel of land contains approximately 38.2 acres (1665193.9 sq ft) of land



AYES: Representatives Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga  
 NAYS: None  
 ABSTAINED: Representative Anello  
 NOT PRESENT FOR THE VOTE: Representative Svarzbein

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**ADJOURN**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 5:16 p.m.

AYES: Representatives Svarzbein, Anello, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga  
 NAYS: None  
 NOT PRESENT FOR THE VOTE: Representative Hernandez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk