

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: August 30, 2021 – Work Session

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Kelly Kotlik – Program Administrator, 212-1623

DISTRICT(S) AFFECTED: 6 and 7

STRATEGIC GOAL: Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development.

SUBGOAL: 1.1 Stabilize and expand El Paso's tax base

SUBJECT:

A Resolution of the City Council of El Paso nominating Charter Communications, Inc. as a Texas State Enterprise Zone Project.

BACKGROUND / DISCUSSION:

The Texas Enterprise Zone Program is an economic development tool that allows the City of El Paso to collaborate with the State of Texas to encourage job creation and capital investment in economically distressed areas. Texas communities must nominate companies in their jurisdiction to receive Enterprise Zone designation and thus be eligible to receive state sales and use tax refunds on qualified expenditures. The City of El Paso is nominating Charter Communications, Inc. located at 11950 Don Haskins Dr. and 8460 Gran Vista Dr. as an Enterprise Project to the Office of the Governor Economic Development and Tourism. Once nominated by the City of El Paso, the business is eligible to apply for state sales and use tax refunds on qualified expenditures provided that they satisfy capital investment and job creation metrics.

PRIOR COUNCIL ACTION:

June 21, 2021 – Charter Communications, Inc. Chapter 380 Economic Development Program Agreement
August 20, 2019 – Western Refining Company, L.P. TEZ Designation

AMOUNT AND SOURCE OF FUNDING:

N/A. Texas Enterprise Zone designation enables business to receive only state sales and use tax refunds.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_ YES ___ NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: N/A

*******REQUIRED AUTHORIZATION*******

DEPARTMENT HEAD: *Mirella Craigo* For Jessica Herrera

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

**A RESOLUTION NOMINATING CHARTER COMMUNICATIONS, INC.
AS A TEXAS STATE ENTERPRISE ZONE PROJECT**

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Charter Communications, Inc. has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Charter Communications, Inc. as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Charter Communications, Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Charter Communications, 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 located outside an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Charter Communications, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Charter Communications, Inc. meets the criteria for tax relief and other incentives adopted by the City and nominates Charter Communications, Inc. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Charter Communications, Inc. as an enterprise project pursuant to the Act.

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

1. That Charter Communications, Inc. is a "qualified business" as defined in Section 2303.402 of the Act, and the Charter Communications, Inc. Capital Improvement project meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the Director of Economic Development or her designee be authorized to sign any and all documents required by EDC to complete the nomination process.

PASSED and APPROVED this ____ day of _____, 2021.

ATTEST:


THE CITY OF EL PASO:

Laura Prine
City Clerk

Oscar Leeser
Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Frances M. Maldonado Engelbaum
Assistant City Attorney

Mirella Craigo for:

Jessica Herrera, Director
Economic & International Development