

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

August 24, 2021
9:00 AM

Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was open to the public in person as well as via telephonic and videoconference platforms.

ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 9:00 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.

INVOCATION BY POLICE, FIRE AND MINISTRY COORDINATOR FOR THE SHERIFF'S OFFICE, CHAPLAIN SAM FARAONE

PLEDGE OF ALLEGIANCE

NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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

NAYS: None

CONSENT AGENDA - APPROVAL OF MINUTES:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Agenda Review of August 16, 2021, the Work Session of March 16, 2020, and the Urgent Public Necessity Meeting of August 16, 2021.

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CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:
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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION was taken on this item

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REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:
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Goal 8: Nurture and Promote a Healthy, Sustainable Community
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3. Presentation and discussion on Department of Public Health Services.

Ms. Angela Mora, Public Health Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez and Rodriguez commented.

The following City Staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Laura Cruz-Acosta, Strategic Communications Director

NO ACTION was taken on this item

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The City Council Meeting was **RECESSED** at 10:11 a.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 10:45 a.m.

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CALL TO THE PUBLIC – PUBLIC COMMENT
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No request for public participation was received.

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REGULAR AGENDA – OTHER BUSINESS:
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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4. Discussion and action to approve the El Paso County 911 District FY 2021 - 2022 Budget to be presented by Scott Calderwood, Director.

Mr. Scott Calderwood, Director at El Paso County 911 District, introduced the item.

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **APPROVE** the El Paso County 911 District FY 2021 - 2022 Budget.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez,

Rivera and Lizarraga
NAYS: None

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**REGULAR AGENDA – PUBLIC HEARINGS AND OTHER BUSINESS RELATED TO
THE FY 2022 BUDGET AND FY 2022 TAX LEVY:**
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Goal 6: Set the Standard for Sound Governance and Fiscal Management
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5. Public Hearing on the Proposed FY 2021 - 2022 Property Tax Rate of \$0.907301.

The public hearing was opened at 10:47 a.m.

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **CLOSE** the Public Hearing on the Proposed FY 2021 - 2022 Property Tax Rate of \$0.907301 at 10:48 a.m.

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

NAYS: None

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6.

**CITY OF EL PASO
FISCAL YEAR 2021 BUDGET RESOLUTION**

WHEREAS, on July 15, 2021, the City Manager of the City of El Paso filed the Fiscal Year 2022 ("FY 2022") Proposed Budget of the City of El Paso with the City Clerk; and

WHEREAS, the Proposed Budget was made available for the inspection by any person and was posted on the City's website in accordance with Section 102.005 of the Texas Local Government Code; and

WHEREAS, on August 3, 2021, the City Clerk published notice in the El Paso Times and El Diario, newspapers of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the City of El Paso FY 2022 Budget Resolution, in accordance with the Charter of the City of El Paso and Section 102.0065(a) of the Texas Local Government Code; and

WHEREAS, said public hearing was held on August 17, 2021, by the City Council regarding the City of El Paso's Proposed Budget at which all interested persons were given the right to be present and participate; and

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

1. That the Proposed Budget for the City of El Paso filed by the City Manager with the City Clerk on July 15, 2021, is hereby approved and adopted by the City Council as the Annual Budget for the FY 2022, which begins on September 1, 2021 and ends on August 31, 2022.

2. The City Manager or his/her designee is hereby authorized to appropriate the reserve amount as part of City Attorney's appropriation for external legal counsel, claims, and litigation expenses.
3. That the budget for confiscated funds shall be provided by the Chief of Police and submitted to the City Manager or his/her designee by January 31, 2022 with a financial report showing all appropriations for FY 2022 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
4. That the City shall not enter into any agreement requiring the expenditure of monies if such agreement shall extend beyond the current Fiscal Year without the approval of the City Council or the City Manager. In such cases where the City Manager approves the expenditure, he/she is hereby authorized to obligate and/or encumber City funding to pay the City's expenses, which shall also constitute the approval of City Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law.
5. That Department Heads or their designees are hereby authorized to request budget transfers not to exceed \$50,000; provided that each transfer is within the same department. Budget transfers exceeding \$50,000 that are within the same department may be approved by the City Manager or his/her designee. A budget transfer for personal services appropriations, capital acquisition appropriations or impacting revenue accounts requires the approval of the City Manager or his/her designee.
6. That the City Manager or his/her designee is hereby authorized to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department, not to exceed \$100,000, to the extent permitted by law. Budget transfers between departments and/or non-enterprise department funds exceeding \$100,000 shall require City Council approval.
7. That a budget transfer must be approved prior to the occurrence of the expenditure, except for emergency expenditures when approved by the City Manager or his/her designee and ratified by the City Council.
8. That the City Manager or his/her designee is hereby authorized to increase or decrease the budget for any capital projects within a Capital Improvement Program (CIP) approved by the City Council, provided that the change of a project's budget of more than \$1,000,000 requires additional Council approval. No project budget may be reduced to zero or deleted unless the project has been completed. Expenditures must be in compliance with applicable laws and policies and a quarterly report must be provided to Council on the budgets for capital projects that the City Manager or his/her designee has established, amended or deleted.
9. That the City Manager or his/her designee is hereby authorized to add to an existing Capital Improvement Program (CIP). Addition of a project to an approved Capital Improvement Program (CIP) must meet the purpose of the proceeds from which the original CIP was funded and the addition of such project(s) cannot exceed more than \$500,000 without City Council authorization. Expenditures must be in

compliance with applicable laws and policies and a quarterly report must be provided to Council on the budgets for capital projects that the City Manager or his/her designee has established or added.

10. That the City Manager or his/her designee is hereby authorized to receive funds associated with Texas Department of Transportation (TXDOT) reimbursements to the City and appropriate the funds to TXDOT project matches awarded through the Metropolitan Planning Organization provided the projects are included in an existing Capital Improvement Program.
11. That the City Manager or his/her designee is hereby authorized to receive funds associated with El Paso Water Utilities (EPWU) reimbursements to the City and appropriate the funds to authorized street projects, park ponds or other designated city projects.
12. That any budget transfer submitted to City Council shall be accompanied by an explanation from the department and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide adequate detail for the members of City Council to determine the need for the transfer.
13. That the City Manager or his/her designee is hereby authorized to establish or amend budgets and staffing table changes for Interlocal Agreements, grants, and similar awards when the Interlocal Agreement or applications for such grants and awards have been previously approved by the City Council or the City Manager. All Interlocal Agreements or grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state (i) the funding source for Interlocal Agreements or (ii) the type and amount of the required City match and the funding source of the grant match. The City Manager or his/her designee is hereby authorized to make such budget transfers and staffing table changes as are needed to close completed Interlocal Agreements, grants, and capital projects.
14. That the City Manager or his/her designee is hereby authorized to accept and appropriate funds associated with donations made to the City in an amount not to exceed \$50,000.
15. That the City Manager or his/her designee is authorized to issue, without further City Council action, purchase orders against any contract offered through the Cooperative Purchasing Network, the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, the Texas Association of School Boards, Inc. (TASB, Inc.) Cooperative Purchasing Buy Board, the ESC-Region 19 Cooperative Purchasing Program, the Harris County Department of Education Cooperative Purchasing Program, Tarrant County Cooperative Purchasing Program, Texas Procurement and Supportive Services (TPASS), Texas Multiple Award Schedule (TMAS and TXSmartBuy), State of Texas Department of Information Resources (DIR), OMNIA Partners, Technology Bidding and Purchasing Program (PEPPM), U.S. General Services Administration (GSA), National Intergovernmental Purchasing Alliance Company dba OMNIA Partners, Region 8 Education Service Center, International Purchasing System Program, Division of Purchases and

Supply (DPS), a business unit of the Department of General Services for the Commonwealth of Virginia and any other cooperative purchasing program authorized by the City Council. The City Manager or his/her designee has the authority to sign any and all agreements related to purchases pursuant to this paragraph to effectuate the purchase.

16. That the City Manager or his/her designee is authorized to issue, without further City Council action, purchase orders against any cooperative contract through the electronic catalog maintained /Equal Level. The purchase of vehicles, trucks and/or fire apparatus/pumpers shall be expressly prohibited from being sourced through the e-catalog.
17. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.
18. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer or the City Manager's Designee before the closing of the Fiscal Year, and in accordance with procedures established by the City Manager or his/her designee.
19. That the City Manager or his/her designee is hereby authorized to issue, without further City Council action, purchase orders for annualized insurance coverage in accordance with the amount of funding established for such coverage in FY 2022 budget when the award of such contracts or Interlocal Agreements for coverage has been previously approved by Council.
20. That the City shall calculate monthly deduction, premium, and/or fee for health, dental, vision, life, and disability coverage during the current coverage month effective January 1, 2022. If the coverage effective date for enrollment/change falls on or before the 15th of the month, a full deduction, premium, and/or fee is processed; if the effective date falls after the 15th of the month, no deduction, premium, and/or fee is processed for that month. If the coverage termination date falls on or before the 15th of the month, no deduction, premium, and/or fee is processed; if the termination date falls after the 15th of the month, a full deduction, premium, and/or fee is processed for the month.
21. That the City Manager is authorized to approve an equity increase for the non-uniformed employees based on their salary in the current position as of September 1, 2021, the increase will be based on the number of years in the current position within their pay grade. The employee must work as a city employee in their current position for a period of a least six months prior to September 1, 2021. This increase will be effective for the pay period starting September 26, 2021 for all employees in an active status as of this date. Provisions of this section are subject to the availability of funds and other management factors as determined by the City Manager.
22. That the City Manager is authorized to approve a non-uniformed employees pay increase for FY 2022 as follows: Employee's annual increase shall be in that

amount that will place the employee in the rate within their pay grade that most closely approximates a one and one half percent (1.5%) increase, the employee must work as a city employee for a period of a least six months prior to September 1, 2021. This increase will be effective for the pay period starting September 26, 2021 for all employees in active status as of this date. Provisions of this section are subject to the availability of funds and other management factors as determined by the City Manager. Nothing in this section authorizes the payment of the base salary that exceeds the maximum of an employees' salary range.

23. Employees at the maximum of the pay range for their current position will receive a one-time lump sum payment in an amount not to exceed an additional one and one half percent (1.5%) of the maximum of their range. Employees whose one and one half percent (1.5%) increase will exceed the maximum of their pay range will be increased to the maximum of the pay range, the difference beyond the maximum range, as a result of the one and one half percent (1.5%) increase, will be given in a one-time lump sum payment. The total increase is not to exceed one and one-half of their annual salary prior to the increase.
24. That any employee pay increases for non-uniformed employees shall be given on the date or dates established by the City Manager based on the availability of funding for such purposes in FY 2022. No employee pay increases shall be paid retroactively to an anniversary date or date of a performance evaluation. Any increases for certification pay established in Ordinance 8064, as amended, or by resolution pursuant to the Ordinance as may be appropriate, may be given by the City Manager in the manner provided for in or by the Ordinance to the eligible employee classifications set forth in Schedule B-1.
25. That for purposes of recognizing the service time of an employee (classified, unclassified and/or contract) other than uniformed employees covered under collective bargaining agreements an amount that most closely approximates a one and one half percent (1.5%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two percent (2%) on the anniversary date of ten (10) years of service, two percent (2%) on the anniversary date of fifteen (15) years of service, and two and one half percent (2.5%) on the anniversary date of twenty (20) years of service and for any other five year incremental period on or beyond twenty-five (25) years of service accrued by an employee.
26. That all performance-based and goal-based increases and/or one-time payments shall be subject to the availability of funds and expended as determined or authorized by the City Manager or his/her designee, except for such increases and/or payments that are otherwise governed by an employment contract.
27. That the City Manager be authorized to establish employee incentive program(s), subject to the availability of funds, and approve such administrative policies and procedures necessary for the inception and implementation of such programs:
 - (a) the wellness program in the City's health benefit plan for the amount established in each fiscal year's budget in an amount not to exceed \$150 per employee each month during the fiscal year, in accordance with the City

Manager's administrative policy and shall include a component that allows City employees to earn up to one wellness day off annually (as designated in the administrative policy); and

- (b) employees whose job specifications require a commercial driver's license or whose work includes the tracking of specific safety criteria to be eligible for a payment not to exceed \$350 per employee each year based on the employee's accident-free driving record or established safety criteria for a period (i.e. quarterly, semi-annually, etc.) to be established in administrative policy and payable in increments based on such periods; and
 - (c) employees whose job specifications requires or may require a commercial driver's licenses may be eligible for additional pay of \$90 per pay period, provided that the employee must be in active status, their CDL in good standing, and otherwise in conformity with approved administrative CDL retention policies; and
 - (d) non-executive level employees will receive incentive pay of 10% of base salary while employed with the Office of the Comptroller (OTC). This incentive is only effective during their employment at OTC and otherwise in conformity with approved administrative OTC incentive pay policies; and
 - (e) one-time payments in an amount not to exceed \$100 (and any taxes due) for each employee who is assigned additional duties in serving on a Lean Six Sigma team; and
 - (f) monthly payments in an amount not to exceed \$300 per month for each employee during the period in which each is assigned additional duties as strategic plan mentor leaders; and
 - (g) for perfect attendance in a 6 month period established by administrative policy, cash payment of \$50 and the option to convert 8 hours of sick leave for personal business, as set forth in the administrative policy; and
 - (h) monthly payments prorated in an amount not to exceed 3% of current annual salary for each employee who is assigned additional responsibilities for completion of major project whose scope has broad citywide application.
28. That Appendix A, as required to be maintained by the Human Resources Director and approved by the City Council by the Classification and Compensation Plan, Ordinance 8064, as amended, shall be as established as set forth in Schedule D, for such time until the Council, by resolution and as provided in Ordinance 8064, should amend or further revise.
29. That the City Manager is hereby authorized to annually adopt a Tuition Assistance Policy, which provides for tuition assistance to qualified employees in accordance with the amount of funding established for such a program. Such policy may be amended as deemed necessary by the City Manager.

30. That based on the availability of funds, the City Manager is authorized to expend no more than \$100,000 from the budget to establish and implement an on-the-spot rewards program to provide small monetary awards (face value up to \$100) to recognize immediately extraordinary acts, accomplishments or contributions that are above and beyond the typical duties of the rewarded employee. On-the-spot rewards are not in lieu of merit increases or other salary increases based on sustained high quality employee performance.
31. That the City Manager or his/her designee is hereby authorized to accept and appropriate funds from the El Paso Museum of Art Foundation in an amount not to exceed \$25,000 for the purpose of augmenting the Art Museum Director's annual salary from the City.
32. That the business days of the City shall be Monday through Friday, excluding city observed holidays, except during such time periods in which the City Council has established a 4- 10 work week for more than fifty percent (50%) of the employees assigned to work at City Hall or other facilities with administrative functions designated by the City Manager, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.
33. That the hotel occupancy taxes collected by the City shall be used by El Paso Convention and Performing Arts Center (Destination El Paso) and the Department of Museums and Cultural Affairs to fund their respective operations in accordance with El Paso City Code and State law. The functions of the Plaza Theater, McKelligon Canyon shall be included with the functions of El Paso Convention and Performing Arts Center (Destination El Paso). Expenditures from said fund shall be made in accordance with their respective adopted budgets.
34. That the special additional hotel occupancy tax collected and deposited into the Venue Project Fund (as well as other amounts contained in such fund) shall be used by the City to pay its obligations under the Master Lease Agreement Relating to the Downtown Ballpark Venue Project between the City and the City of El Paso Downtown Development Corporation or other ballpark costs and such funds are appropriated accordingly.
35. That any travel expenditure for a City Council member that exceeds the FY 2022 City Council member's budget, including discretionary funds for the City Council Member's district, must be approved by the City Council and a funding source shall be identified by the City Council.
36. That City Council members must notify the City Manager or his/her designee of any expenditure from budgeted City Council Special Projects or Discretionary Accounts, so that City staff can maintain a current balance of the individual City Council Member's year-to-date expenditure for said accounts. Prior to the use of a P-Card for a proposed expenditure, City Council members should identify the municipal purpose of the expenditure and the proposed expenditure should be reviewed and authorized by the City Manager or his/her designee in writing, or authorized by the City Council when required, prior to the expenditure. The City Manager or his/her designee shall implement similar appropriate processes when

utilizing discretionary funds through any other procurement or a reimbursement process.

37. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.
38. That no employee or elected official shall incur an obligation for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and said obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and Human Resources policies and procedures of the City.
39. That the Full-Time Equivalent (FTE) positions funded by the FY 2022 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized FTE positions for each department. Requests for changes and additions shall be approved by the City Manager and his/her designee and shall show the impact on the FY 2022 Budget and the estimated impact on expenditures for FY 2023.
40. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2022 Budget, shall be funded until the earlier of October 14, 2021 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.
41. That the City Manager is hereby authorized to transfer any amount in the Salary Reserve appropriation, personal services appropriations, contingency appropriations, capital acquisition appropriations between departments within the General Fund or an Enterprise Fund (to the extent permitted by law), whether it is non-uniformed or uniformed salary expense, or capital expense, as necessary in connection with closing the FY 2022.
42. That based on the availability of funds the City Manager or his/her designee shall transfer on a monthly basis \$12,500 from the cash balance of the Bridge Operations Fund to the Bridge Maintenance Fund; transfer on an annual basis revenues derived from ground lease franchises, not to exceed \$91,782 from the Bridge Operations Fund to the Bridge Maintenance Fund. Any remaining balance shall be transferred to the General Fund, except for the \$25,000 Unreserved Balance and any required cash, which must be maintained pursuant to any bridge revenue bond covenants or other debt financing.
43. That all non-expended appropriations in the General Fund and Enterprise Fund shall lapse at the end of FY 2022, unless reviewed and approved not to lapse by the City Manager or his/her designee.
44. That within forty-five (45) working days after the close of each fiscal quarter, the City Manager or his/her designee shall provide a quarterly report to City Council regarding the status and year-end projection of the budget.
45. That the City shall charge the maximum allowable interest rate and impose the maximum allowable penalty pursuant to State or Federal laws, on any amounts

past due to the City. Any amounts that are one hundred twenty (120) days past due will be reported to the Credit Bureau, in accordance with State and Federal law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.

46. That the annual parking meter revenue in account number 440200 (Parking Meter Revenue) may be allocated on a monthly basis to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund to satisfy debt requirements for the fiscal year, that the City Manager or his/her designee be authorized to appropriate additional funding from this account for the replacement of parking meters upon approval of the City Manager of a meter replacement program based on availability of funds in this account, and that all funds exceeding the debt service requirement and meter replacement capital requirements for the fiscal year be deposited to the General Fund.
47. That monies that the City receives from licenses, fees, fines, and other charges for services shall be analyzed to determine if the City is recovering the cost of providing such services. Recommendations shall be made to the City Manager or his/her designee for any revisions to licenses, fees, fines and other charges.
48. That appropriation control for expenditures shall be at the Object Level.
49. That expenditures shall be in accordance with the City of El Paso – Strategic Plan.
50. That Schedule A amends revenues and appropriations to the City Manager's filed budget; Schedule B amends staffing tables to the City Manager's filed budget and Schedule B-1 sets forth the employee classifications eligible for certification pay; Schedule C sets forth fees and formulas for calculating certain fees that are to be charged by the City for the goods and services it provides; Schedule D contains Appendix A, as referenced by the Classification and Compensation Plan, Ordinance 8064, as amended; and Schedule E sets forth the list of and approved budget for annualized computer software and hardware which may be purchased as a sole source.; and Schedule F is the 2021 Tax Rate Calculation Worksheet included in accordance with Texas Tax Code Chapter 26. For any programs, activities, presentations, classes or services that have a fee range listed within Schedule C, the department head shall determine and charge a fee within the stated range for each particular activity, presentation, class or service in the amount that will recover the City's costs, as reviewed and approved by the City Manager or his/her designee. Any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council.
51. That the City Manager or his/her designee is authorized to determine when it is practicable for the City to accept payments by credit card of a fee, fine, court cost or other charge in accordance with City Ordinance No. 15051. Service charges added to the payment shall be in conformity with state statutory requirements and will be in such amount(s) as listed in Schedule C, provided that in the event that bank charges imposed on the City relating to credit card acceptance increase during the fiscal year, the City Manager is authorized to increase the service charge amount(s), so as to cover the City's increased costs.

52. That the Department of Aviation shall be authorized to collect a daily rental fee for space in their cargo buildings and daily terminal fees as set forth in Schedule C, and the department shall collect the fees authorized in prior resolutions of the City Council for hangars, tie-downs, storage, heavy aircraft parking and for public parking at the Airport in the amounts as set forth in Schedule C attached hereto and that Schedule C shall be the controlling resolution for the establishment of the specific amounts of these fees.
53. That the Department of Aviation's Foreign Trade Zone is authorized to collect fees to recover costs, as set forth in Schedule C, relating to duties in connection with (a) Blanket Admission – 214; (b) Direct Delivery Admission, Subsequent 214; (c) Application Fee, Subzone; (d) Application Fee, New General Purpose Site (Minor Boundary Modification); (e) Application Fee, Expansion Site (Magnet); and (f) Alteration Request. The Department of Aviation's Foreign Trade Zone is also authorized to collect fees based on other changes as outlined in the Schedule C.
54. That in addition to City created programs, activities, presentations, classes ("City programs") and City produced or supported publications that are offered to the public in conjunction with the missions of the various departments for which the fees are separately established in Schedule C, the City Council authorizes City department directors to create and offer new City programs and publications, on a trial or temporary basis, as may be of benefit to the public and as the directors may deem appropriate and within his/her department's capacity for providing new City programs or publications. The fee for participation in each such new City program or the cost to obtain such a publication shall be established in an amount that will recover the City's costs to present each such City Program or provide the publication, as reviewed and approved by the City Manager or his/her designee. The City Manager or his/her designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.
55. That the City Council sets the level of City funding support to persons and organizations seeking such support for parades that fulfill a public purpose in accordance with the process, criteria and other provisions of Section 13.36.050 E of the City Code, in an amount not to exceed \$175,000, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.
56. That the City Council sets the maximum level of funding for the Parks and Recreation Department's needs assessment scholarship program, as may be established by ordinance, in the amount of \$200,000, with a maximum benefit per child of \$150, for FY 2022. Receipt of scholarship funds for the Club Rec Program does not count towards the \$150 maximum per child limit.
57. That the City Council authorizes the conduct of the Holiday Parade and Tree Lighting as a program event within the Parks and Recreation Department; authorizes funding for the event as established within the City's adopted budget; authorizes the City Manager to determine and approve participation in the event by other City departments and personnel; and authorizes the Parks and Recreation

Department to charge the entry fee as set forth in Schedule C to non-City persons and organizations who submit entries in the parade.

58. That the City Manager is authorized to revise appropriate budgets within departments to provide for changes of functions and reorganization of departments approved by City Council, to include the transfer of functions, duties and related budgets between departments.
59. That the Director of Aviation be authorized to establish a Premium Parking program, as approved by the City Manager, at the airport for public parking at the premium fees set forth in Schedule C, which will allow parking spaces to be reserved in advance by members of the general public.
60. That the Director of Aviation be authorized to establish a program, as approved by the City Manager, at the airport whereby the Director or his/her designee may provide gratis airport parking passes as appropriate for the promotion of the airport as the premier gateway for air transportation for the El Paso region. The total value of all gratis parking passes provided under this program during FY 2022 shall not exceed \$2,000.
61. That the Director of Aviation be authorized to collect fees to recover costs for work completed by El Paso International Airport on behalf of airport tenants in the amounts set forth in Schedule C.
62. The Department of Aviation is authorized to collect fees to recover costs, as set forth in Schedule C, relating to duties in connection with (a) conduct of criminal history back ground checks; (b) SIDA Badge issuance; (c) AOA Badge issuance; (d) AOA Badge renewal; (e) SIDA/Sterile area badge renewal; and (f) Reimbursement for Lost Not Returned Badges as listed on Schedule C.
63. That the environmental service franchise fee will be used to support the General Fund expenditures of the Streets and Maintenance department.
64. That the Department of Environmental Services is authorized to collect fee to recover costs, as set forth in Schedule C, related to safety articles sold upon request to members of the public accessing the Greater El Paso Landfill.
65. That the Department of Animal Services is authorized to collect fees to recover costs as set forth in Schedule C, related to the veterinary services provided at the City's spay and neuter clinic, for services provided at the clinic and shelter relating to the health and safety of animals, and for those services that are provided to the animal while at its facilities in order to bring the animal into compliance with the El Paso City Code's requirements. The Director of Animal Services is authorized to waive or reduce animal services fees in Schedule C, when appropriate and in line with their mission.
66. That the Department of Environmental Services is authorized to provide mulch/compost at the Citizen Collection Stations and at the Greater El Paso Landfill at no cost to citizens or commercial customers that pick up the mulch/compost and may collect a delivery fee from commercial customers

requesting delivery, since the recycling of trees and other yard waste used to generate mulch/compost serves a health and public safety purpose because materials are diverted from the City's landfills and the useful life of the landfills is extended.

67. That the City Manager or his/her designee be authorized to negotiate, award and enter into agreements and other documents on behalf of the City for the annualized computer licenses and maintenance of software and hardware specified in Schedule E, and any software or hardware that are available only from one source pursuant to applicable laws, in amounts not to exceed the amounts in the FY 2022 approved budget and set forth in Schedule E; provided, however, that all such agreements are in compliance with law and shall be approved as to form by the City Attorney.
68. That the City Council will allow the Public Service Board and the El Paso Water Utilities to use fire hydrants in conjunction with requiring developer dedications or payments for the costs of fire hydrants and together with the value of the use of City right-of-way in conjunction with system operation and functions by the Public Service Board and the El Paso Water Utilities, they are in exchange for all charges and costs owed by the City for water used by the City for firefighting purposes, and this provision supersedes all prior resolutions of the City Council regarding this matter.
69. That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of FY 2022 shall be allocated to the discretionary fund of each respective City Council representative in FY 2022. A City Council member shall not expend funds from their discretionary accounts during the Lamé Duck period, which is the time period from the date of any City election until inauguration of those elected.
70. That the City Manager is authorized to establish or amend the budget for the Parkland dedication fees special fund for FY 2022, provided that such funds are committed and used in compliance with applicable city ordinances.
71. That the City Manager may appropriate up to \$500,000 from the Fleet Internal Service Fund reserves for the Streets and Maintenance Department purchase of fuel and inventory items for the city fleet.
72. That the franchise fee paid by the El Paso Water Utilities in the amount not to exceed \$6,550,000.00 ("PSB Infrastructure Franchise Fee"), which compensates the City of El Paso for the use of city streets and rights of way for utility lines and wear and tear on City streets, will be allocated as follows: up to \$3,000,000.00 will be allocated to street maintenance and the remaining PSB Infrastructure Franchise Fee funds to the General Fund.
73. City Council establishes that the police department adopted budget was \$157,607,717 for FY 19-20 and \$165,428,929 for FY 20-21. The police department budget for FY 21-22 is hereby established to be \$ 177,025,187. Therefore, the City Council of the City of El Paso, Texas finds and declares that the City of El Paso is

not a defunding municipality as provided in Chapter 109 of the Texas Local Government Code.

74. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2022 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso, and post the same on the City's website.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file at the City Clerk's Office).

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

The following City Staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Sam Rodriguez, Chief Operations and Transportation Officer
3. Ms. Karla Nieman, City Attorney
4. Ms. Nicole Cote, Director of Office Management & Budget
5. Chief Mario D'Agostino, Fire Department
6. Mr. Harold Kutz, Assistant Director of Streets & Maintenance

The following members of the public commented:

1. Ms. Claudia Vasquez
2. Mr. Colt DeMorris
3. Ms. Sabrina Soto
4. Mr. Michael Castro
5. Mr. Michael Short
6. Ms. Diana Camarena

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Annelo, that the \$72,000 funding requested by the EP Police Department to test Marijuana/Cannabis/THC is not used to test for low level possession cases that qualify as a misdemeanor.

AYES: Representatives Svarzbein, Annelo, Hernandez, and Lizarraga

NAYS: Representatives Molinar, Salcido, Rodriguez, and Rivera

Mayor Leeser broke the tie by voting "Nay". **THE MOTION FAILED.**

2ND MOTION

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

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

NAYS: None

The City Council Meeting was **RECESSED** at 12:45 p.m.

The City Council Meeting was **RECONVENED** at 1:19 p.m.

-
7. Discussion and action to ratify the property tax rate increase reflected in the annual budget for FY 2021 – FY 2022 for the City of El Paso.

Motion made by Representative Rivera, seconded by Representative Hernandez, and carried to **RATIFY** the property tax rate increase reflected in the annual budget for FY 2021 – FY 2022 for the City of El Paso.

Mr. Robert Cortinas, Chief Financial Officer, commented.

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

NAYS: Representative Molinar

8. **ORDINANCE 019222**

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY2022 TAXES. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO: SECTION 1: THAT AD VALOREM TAXES FOR THE TAX YEAR ENDING DECEMBER 31, 2021 TO FUND THE CITY'S BUDGETARY REQUIREMENTS FOR THE FISCAL YEAR ENDING AUGUST 31, 2022, BE AND ARE HEREBY LEVIED ON ALL PROPERTY, REAL AND PERSONAL, SUBJECT TO TAXATION BY THE CITY, AT THE RATE OF \$ 0.907301 PER \$100 OF TAXABLE VALUE OF SAID PROPERTY. THE TAX RATE CONSISTS OF TWO COMPONENTS, EACH WHICH ARE SEPARATELY APPROVED BY COUNCIL: A. FOR GENERAL PURPOSES: 0.621636 PER \$100 OF TAXABLE VALUE, THE RATE THAT, IF APPLIED TO THE TOTAL TAXABLE VALUE, WILL IMPOSE THE AMOUNT OF TAXES NEEDED TO FUND MAINTENANCE AND OPERATION EXPENDITURES OF THE CITY FOR THE COMING YEAR. B. FOR SPECIAL PURPOSES: \$0.285665 PER \$100 OF TAXABLE VALUE, THE RATE THAT, IF APPLIED TO THE TOTAL TAXABLE VALUE, WILL IMPOSE THE TOTAL AMOUNT PUBLISHED UNDER SECTION 26.04(E)(3)(C) OF THE TEXAS PROPERTY TAX CODE (TAX CODE). THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.13 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-2.21. SECTION 2: OCCUPATIONAL TAX: THERE IS HEREBY LEVIED ON EVERY PERSON, FIRM, ASSOCIATION OR CORPORATION PURSUING WITHIN THE LIMITS OF THE CITY OF EL PASO ANY OCCUPATION TAXES BY THE STATE OF TEXAS AS AUTHORIZED BY CITY COUNCIL AN ANNUAL TAX EQUAL TO ONE-HALF OF THE OCCUPATION TAX LEVIED BY THE STATE OF TEXAS.**

Mr. Robert Cortinas, Chief Financial Officer, commented.

Representatives Svarzbein and Annelo commented.

Motion duly made by Representative Hernandez, seconded by Representative Lizarraga, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: Representative Molinar

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

REGULAR AGENDA – OTHER BUSINESS:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

9. Presentation, discussion and action on a Comprehensive Update of the City's Capital Improvement Plan.

Mr. Sam Rodriguez, Chief Operations and Transportation Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello and Hernandez commented.

Mr. Robert Cortinas, Chief Financial Officer, commented.

NO ACTION was taken on this item

REGULAR AGENDA – INTRODUCTION AND PUBLIC HEARINGS:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

10. **ORDINANCE 019223**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2021B; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SUCH BONDS; AND RESOLVING OTHER MATTERS WHICH ARE NECESSARY TO EFFECTUATE SUCH ISSUANCE; INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF SUCH BONDS TO AN AUTHORIZED CITY OFFICIAL WITHIN CERTAIN SPECIFIED PARAMETERS.**

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, Molinar and Rodriguez commented.

The following City staff members commented.

1. Mr. Tommy Gonzalez, City Manager

2. Mr. Sam Rodriguez, Chief Operations and Transportation Officer,

Motion duly made by Representative Hernandez, seconded by Representative Lizarraga, and carried that the Ordinance be **ADOPTED**.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

11.

ORDINANCE 019224

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021C; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SUCH CERTIFICATES; AND RESOLVING OTHER MATTERS WHICH ARE NECESSARY TO EFFECTUATE SUCH ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF SUCH CERTIFICATES TO AN AUTHORIZED CITY OFFICIAL WITHIN CERTAIN SPECIFIED PARAMETERS.**

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

1ST MOTION

Motion made by Representative Annelo, seconded Representative Rodriguez, to **REMOVE** \$10,750,000 for the Mexican American Cultural Center and \$2,863,856 for El Paso City Wide Wayfinding from the 2019 Capital Plan issuance.

AYES: Representatives Annelo and Rodriguez

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

THE MOTION FAILED

2ND AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to **ADOPT** the Ordinance.

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

NAYS: Representative Molinar and Rodriguez

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

REGULAR AGENDA – OTHER BUSINESS:

Goal 6: Set the Standard for Sound Governance and Fiscal Management

12.

R E S O L U T I O N

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on April 27, 2017, Ranchos Real Land Holdings, LLC., owner of real property located within El Paso Public Improvement District No. 2 (Eastside Sports Complex) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 2 (Eastside Sports Complex) (the "District"); and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on May 30, 2017, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on June 27, 2017, the City Council passed a Resolution authorizing and approving the creation of the El Paso Public Improvement District No. 2 Eastside Sports

Complex; and

WHEREAS, the authorization of the District took effect on June 30, 2017 when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

WHEREAS, after statutory notice was provided, on October 17, 2017, the El Paso City Council approved Ordinance No. 018734 which approved the Service and Assessment Plan and the levying of assessments for the District; and

WHEREAS, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

WHEREAS, the City staff has reviewed the October 17, 2017 Service and Assessment Plan and has recommended that no changes or revisions are needed to the October 17, 2017 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 2 (Eastside Sports Complex) approved on October 17, 2017, as described in Ordinance No. 018734, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 018734.

Mr. Robert Cortinas, Chief Financial Officer, commented.

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

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

NAYS: None

ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **ADJOURN** this meeting at 2:27 p.m.

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

NAYS: None

APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk