

OSCAR LEESER
MAYOR

CARY WESTIN
INTERIM CITY MANAGER



CITY COUNCIL
BRIAN KENNEDY, DISTRICT 1
JOSH ACEVEDO, 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

MINUTES FOR REGULAR COUNCIL MEETING

AUGUST 20, 2024
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:00 AM

ROLL CALL

The City Council of the City of El Paso met on the above time and date. Meeting was called to order at 9:02 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Joe Molinar, Isabel Salcido, and Chris Canales. Late arrivals: Henry Rivera at 9:04 a.m., Cassandra Hernandez at 9:05 a.m., and Josh Acevedo and Art Fierro at 9:41 a.m.

INVOCATION BY EL PASO POLICE SENIOR CHAPLAIN DAVID MAYFIELD

PLEDGE OF ALLEGIANCE

CONSENT AGENDA – REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

1. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

The Regular City Council meeting was **RECESSED** at 9:06 a.m. in order to convene the Mass Transit Department Board meeting.

The Regular City Council meeting was **RECONVENED** at 9:41 a.m.

CALL TO THE PUBLIC – PUBLIC COMMENT:

No members of the public commented.

REGULAR AGENDA – PUBLIC HEARING AND OTHER BUSINESS RELATED TO THE FY2025 BUDGET AND FY 2025 TAX LEVY:

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

2. CITY OF EL PASO FISCAL YEAR 2025 BUDGET RESOLUTION

WHEREAS, on July 15, 2024, the City Manager of the City of El Paso filed the Fiscal Year 2025 (FY 2025) 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 7, 2024, 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 2025 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 13, 2024, by the City Council (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, 2024, is hereby approved and adopted by the City Council as the Annual Budget for the FY 2025, which begins on September 1, 2024 and ends on August 31, 2025.
2. The City Manager or 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 designee by January 31, 2025 with a financial report showing all appropriations for FY 2025 for all confiscated or condemned monies in a format approved by the City Manager or 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 designee. A budget transfer for personal services appropriations, capital acquisition appropriations or impacting revenue accounts requires the approval of the City Manager or designee.
6. That the City Manager or 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 designee and ratified by the City Council.
8. That the City Manager or 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.
9. That the City Manager or 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.
10. 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 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.
11. That the City Manager or 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 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.
12. That the City Manager or designee is hereby authorized to accept and appropriate funds associated with donations made to the City in an amount not to exceed \$50,000. All funds donated to the City for City Council Special Projects Funds or Discretionary Accounts will be considered City funds and subject to all relevant federal, state, and local policies which may relate to the use and expenditure of same.
13. That the City Manager or 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 (TXMAS and TXSmartBuy), State of Texas Department of Information Resources (DIR), Technology Bidding and Purchasing Program (PEPPM), U.S. General Services Administration (GSA), National Intergovernmental Purchasing Alliance Company dba OMNIA Partners, Public Sector and/or Communities Program Management, LLC d/b/a U.S. Communities (collectively, the "OMNIA Partners Parties") Region 8 Education Service Center, International Purchasing System Program ("TIPS"), 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 designee has the authority to sign any and all agreements related to purchases pursuant to this paragraph to effectuate the purchase.

14. That the City Manager or designee is authorized to issue, without further City Council action, purchase orders against any cooperative contract through the electronic catalog maintained or equal level. The purchase of vehicles, trucks and/or fire apparatus/pumpers shall be expressly prohibited from being sourced through the catalog.

15. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.

16. 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 designee.

17. That the City Manager or 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 the FY 2025 budget when the award of such contracts or Interlocal Agreements for coverage has been previously approved by Council.

18. 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, 2025. 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.

19. That the City Manager or designee authorizes and approves a compensation increase for non-uniformed full-time, part-time and temporary employees as follows:

a. This resolution hereby establishes the City's minimum wage at \$13.61 per hour effective September 8, 2024 & \$14.11 per hour effective February 23, 2025. All pay ranges and job classifications will be increased accordingly.

b. An increase of \$0.50 per hour, or a minimum of 1.25%, whichever is greater, for all non-uniform employees shall be paid starting on the September 8, 2024 pay period and an additional increase of \$0.50 per hour, or a minimum of 1.25%, whichever is greater, for all non-uniform employees shall be paid starting on the February 23, 2025 pay period, and in accordance with the processes established by the City's Human Resources Department.

c. This increase in compensation will be based on the hourly rates as of September 8, 2024 and February 23, 2025 of the positions identified herein. Employees must be of active status as of above-identified dates to receive this pay increase; provided however, that the City Manager may approve this increase in compensation based on the availability of funds and other management factors as determined by the City Manager.

d. An increase of 5% for all City Attorneys of the City Attorney's Office, effective September 8, 2024. Employees must be in active status as of September 8, 2024 to receive this increase.

20. 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 2025. 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.

21. 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 two percent (2%) increase will be added to the base pay of each employee on the anniversary date five (5) years of service, two and one half percent (2.5%) on the anniversary date of ten (10) years of service, three percent (3%) on the anniversary date of fifteen (15) years of service, and three and one half percent (3.5%) on the anniversary date of twenty (20) years of service and four percent (4%) on the anniversary date of twenty five (25) years of service and four and one half percent (4.5%) on the anniversary date of thirty (30) years of service and five percent (5%) for any other five year incremental period on or beyond thirty five (35) years of service accrued by an employee.

22. 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 (CDL) 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 which the project demonstrates measurable cost avoidance or savings; and

f. 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

g. employees who are assigned additional responsibilities for completion of a major project whose scope has broad city-wide application may be eligible for monthly payment in an amount not to exceed 5% of current annual salary of employee; and

h. qualifying non-uniform employees will receive a lump sum not to exceed \$250 as part of an annual performance review as defined under the administrative policy; and

i. payments in an amount of \$90 per pay period for each employee whose job requires immunizations to ensure the health and safety of the employees and animals during their employment at Animal Services Department (ASD) and the Zoo and otherwise in conformity with approved administrative ASD and Zoo infectious disease and/or incentive pay policies; and

j. quarterly payments in the amount of \$150 for each employee who is required, in writing by a Department Head, to use their personally owned tools in the performance of the duties of their position, to be used for the replacement of broken or damaged tools, and for purchasing new tools to facilitate the performance of the employee's job. A list of employees approved to receive tool payment will be forwarded to Human Resources. The Department Head may request receipts as proof of purchase of the tools.

23. 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.

24. 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.

25. 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. An employee shall receive no more than two (2) monetary awards under this section per fiscal year.

26. That the City Manager is authorized through an administrative policy and procedure to approve Department Hybrid Staffing Plans, to provide options that promote and support a high quality of work life balance for City employees, while meeting the customer services needs of the community.

27. 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.

28. 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.

29. That any travel expenditure for a City Council member that exceeds the FY 2025 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.

30. That City Council members must notify the City Manager or 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 should identify the municipal purpose of the expenditure and the proposed expenditure should be reviewed and authorized by the City Manager or designee in writing, subject to confirmation by the City Attorney's Office, or authorized by the City Council, prior to the expenditure. Per the Resolution dated November 8, 1994, that the allocation of discretionary funds requires City Council approval, except a District Representative may allocate discretionary funds up to \$1,000 or less for activities and purposes that are administrative in nature and are to be approved in the same nature as the general fund expenditures. The City Manager or designee shall implement similar appropriate processes when utilizing discretionary funds through any other procurement or a reimbursement process. All Special Projects, Discretionary, and P-Card transactions will be posted monthly to the City Council Agenda for notation and to the City's website to include the City Council member and their staff. Expenditures under this section shall adhere with all relevant city and state laws and policies.

31. 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 designee.

32. 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.

33. That the Full-Time Equivalent (FTE) positions funded by the FY 2025 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 or designee and shall show the impact on the FY 2025 Budget and the estimated impact on expenditures for FY 2026.

34. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2025 Budget, shall be funded until the earlier of October 14, 2024 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.

35. 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 2025.

36. That based on the availability of funds the City Manager or 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 revenue 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.

37. That all non-expended appropriations in the General Fund and Enterprise Fund shall lapse at the end of FY 2025, unless reviewed and approved not to lapse by the City Manager or designee.

38. That within forty-five (45) working days after the close of each fiscal quarter, the City Manager or designee shall provide a quarterly report to City Council regarding the status and year-end projection of the budget.

39. 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.

40. 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 designee for any revisions to licenses, fees, fines and other charges.

41. That appropriation control for expenditures shall be at the Object Level.

42. That expenditures shall be in accordance with the City of El Paso – Strategic Plan.

43. 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 2024 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 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.

44. That the City Manager or 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.

45. 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.

46. 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.

47. 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 designee. The City Manager or designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.

48. 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 of the City Code, in an amount not to exceed \$200,000, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.

49. 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 2025. Receipt of scholarship funds for the Club Rec Program does not count towards the \$150 maximum per child limit.

50. 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.

51. That the City Manager is authorized to revise appropriate budgets 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.

52. 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.

53. 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 2025 shall not exceed \$10000.

54. 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.

55. 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.

56. That the environmental service franchise fee will be used to support the General Fund expenditures of the Streets and Maintenance department.

57. 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.

58. 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.

59. 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.

60. That the City Manager or 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 2025 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.

61. 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.

62. A City Council member's seat subject to election or re-election shall not expend any discretionary funds during the Lame Duck period, which is the time period from the date of any City election until inauguration of those elected or certification of the results for those re-elected.

63. That the City Manager is authorized to establish or amend the budget for the Parkland dedication fees special fund for FY 2025, provided that such funds are committed and used in compliance with applicable city ordinances.

64. 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.

65. That the City Manager may allocate \$5,000,000 from the Pay for Futures fund for the use of the FY 2025 General Fund budget.

66. 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.

67. City Council establishes that the police department adopted budget was \$177,025,187 for FY 21- 22, \$192,249,635 for FY 22-23, and \$205,161,844 for FY 23-24. The police department budget for FY 24-25 is hereby established to be \$213,946,658. 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.

68. That the City Manager or designee shall immediately file, or cause to be filed a true copy of the FY 2025 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.

*Please note: Schedules A through E and the 2024 Tax Rate Calculation Worksheet denoted on this Resolution are available for inspection in the City Clerk's Office.

Ms. Nicole Cote, Office of Management and Budget Managing Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Hernandez commented.

The following City staff members commented:

- Mr. Cary Westin, Interim City Manager
- Ms. Dionne Mack, Deputy City Manager

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

AYES; Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

-
3. **ITEM:** Discussion and action to ratify the property tax reflected in the Annual Budget for FY 2024 - 2025 for the City of El Paso.

Motion made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, and unanimously carried to **RATIFY** the property tax reflected in the Annual Budget for FY 2024 - 2025 for the City of El Paso.

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

NAYS: None

.....

4. **ORDINANCE 019662**

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY2025 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, 2024 TO FUND THE CITY'S BUDGETARY REQUIREMENTS FOR THE FISCAL YEAR ENDING AUGUST 31, 2025, BE AND ARE HEREBY LEVIED ON ALL PROPERTY, REAL AND PERSONAL, SUBJECT TO TAXATION BY THE CITY, AT THE RATE OF \$0.761405 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: \$0.530850 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: \$0.230555 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). CITY OF EL PASO ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.07 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-31.56. THIS YEAR'S ADOPTED TAX RATE DOES NOT EXCEED THE NO-NEW REVENUE TAX RATE. 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.**

The following floor amendment was read into the record by the City Clerk.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.07 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-31.56

1ST MOTION

Motion duly made by Mayor Pro Tempore Kennedy, seconded by Representative Molinar, and carried that the Ordinance be **ADOPTED, AS AMENDED.**

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 Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera and Canales

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, AS AMENDED**.

2ND MOTION

Motion made, seconded, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADOPT** a tax rate of \$0.761405 and that the Ordinance be **ADOPTED, AS AMENDED**.

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

NAYS: None

-
5. **ITEM:** Discussion and action to approve the El Paso County 911 District FY 2024 - 2025 budget to be presented by Scott Calderwood, Director.

Mr. Scott Calderwood, El Paso County 911 District Director, commented.

Representatives Hernandez, Fierro, and Canales commented.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Fierro, and unanimously carried to **APPROVE** the El Paso County 911 District FY 2024 - 2025 Budget.

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

NAYS: None

REGULAR AGENDA – OTHER BUSINESS:

Goal 5: Promote Transparent and Consistent Communication Amongst All Members of the Community

6. Discussion and action on the appointment of the El Paso City Manager in accordance with City Charter Section 5.1.

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Canales, and unanimously carried to **RETIRE** into executive session at 10:07 a.m. to discuss Items 6 and EX1.

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

NAYS: None

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Fierro and unanimously carried to **ADJOURN** the Executive Session at 11:12 a.m. and **RECONVENE** the meeting of the City Council at which time a motion for **Item EX1** was made.

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

NAYS: None

3RD MOTION

Motion made by Representative Canales, seconded by Representative Rivera, and unanimously carried to **RETIRE** into executive session at 11:14 a.m. to discuss Item 6

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

NAYS: None

4TH AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Fierro and unanimously carried to **ADJOURN** the Executive Session at 4:02 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, and Rivera
NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Canales and Molinar

NO ACTION was taken on this item.

EXECUTIVE SESSION

Motion made by Representative Hernandez, seconded by Representative Canales and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:07 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 following item:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.074 PERSONNEL MATTERS

AYES: Representatives Kennedy, Acevedo, Hernandez, Molinar, Salcido, Fierro, Rivera and Canales
NAYS: None

Mayor Leeser and Representative Kennedy were not present during the discussion of Item EX1.

Motion made by Representative Rivera, seconded by Representative Fierro, and unanimously carried to **ADJOURN** the Executive Session at 11:12 a.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

NAYS: None

EX1. Joseph Pickett v. City of El Paso; 384th District Court; Cause No. 2020DCV3514 (551.071)

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office, in consultation with the City

Manager, be **AUTHORIZED** to proceed with an Appeal in *Joseph Pickett v. City of El Paso*, Cause No. 2020DCV3514, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Kennedy and Salcido

.....
ADJOURN
.....

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** this meeting at 4:03 p.m.

AYES: Representatives Kennedy, Acevedo, Hernandez, Salcido, Fierro, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Molinar and Canales

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk