



**SPECIAL MASS TRANSIT DEPARTMENT BOARD MINUTES
CITY COUNCIL CHAMBERS
August 23, 2022**

A special meeting of the Mass Transit Department Board was called to order at 10:35 a.m. Board Chair Oscar Leeser present and presiding and the following Board Members answered roll call: Peter Svarzbein, Alexandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the Mass Transit Department Board on items that are not on the Mass Transit Department Board Agenda.

The following members of the public commented:

1. Francisca Grajeda
2. Ruben Montoya
3. Ruben Fer

CONSENT AGENDA

Motion made by Board Member Rodriguez, seconded by Board Member Molinar, 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: Board Members Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga, and Board Chair Leeser

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 Special Mass Transit Board Meeting of August 16, 2022.

CONSENT AGENDA – REQUEST TO EXCUSE ABSENT MASS TRANSIT BOARD MEMBERS

2. **NO ACTION** was taken on this item.
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REGULAR AGENDA

Goal 7: Enhance and Sustain El Paso’s Infrastructure Network

3. **RESOLUTION**

WHEREAS, on July 14, 2022 the City Manager of the City of El Paso filed the Fiscal Year 2023 Proposed Budget of the Mass Transit Department of the City of El Paso with the Secretary of the Mass Transit Department Board; and

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

WHEREAS, on August 5, 2022 the Secretary of the Mass Transit Department Board published notice in the El Paso Times, a newspaper of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the Mass Transit Department of the City of El Paso Fiscal Year 2023 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 16, 2022 by the Mass Transit Board of the City of El Paso on the Proposed Budget at which all interested persons were given the right to be present and participate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE MASS TRANSIT DEPARTMENT OF THE CITY OF EL PASO:

1. That the Proposed Budget, as amended, for the Mass Transit Department of the City of El Paso, filed by the City Manager with the City Clerk on July 14, 2022 is hereby approved and adopted by the Board as the Annual Budget for the Fiscal Year 2023, which begins on September 1, 2022 and ends on August 31, 2023.
2. That any budget transfer submitted to the Board shall be accompanied by an explanation from the department and a recommendation from the City Manager or his/her designee. The explanation provided must be sufficiently clear and provide adequate detail for the members of the Board to determine the need for the transfer.
3. That the City Manager or his/her designee is hereby authorized to establish or amend budgets for grants and awards when the applications for such grants and awards have been previously approved by the Board or the City Manager.

4. That all grant applications requiring Board approval shall be prepared in accordance with established procedures. The agenda item shall state clearly the type and amount of any required City match and the funding source of the grant match.
5. That 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 grants and capital project accounts.
6. 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.
7. That 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 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.
8. 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.
9. 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), 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 agreement 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.

10. 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 through the U.S. Communities purchasing cooperative program/Equal Level. The purchase of vehicles, trucks and/or fire apparatus/pumpers shall be expressly prohibited from being sourced through the e-catalog.
11. That the sum \$300,000 shall be appropriated for Damages and Settlements.
12. That the appropriation for equipment and capital improvement projects in the Capital Program shall be for those items listed on **Schedule A** (Sun Metro Capital Match Fiscal Year 2023) which is attached hereto and is incorporated herein by reference. Changes to the projects, or changes to the capital appropriated amounts which shall be requested as a budget amendment, shall be submitted to the Board for approval by simple motion or resolution. **Schedule B** sets forth the fares and fees for the goods and services it provides. Any revisions or additions to the fares or fees in **Schedule B** shall be in conformity with state law and be approved by simple resolution of the Board.
13. That the City Manager and his/her designee is authorized to determine when it is practicable for the Mass Transit Department to accept payments by credit card of a fee 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 of the City of El Paso Fiscal Year 2023 Budget Resolution, provided that in the event that bank charges imposed on the City, including its Mass Transit Department, 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 Mass Transit Department's increased costs.
14. That all business travel expenses: (i) must be approved in advance by the Director or his/her designee or other designee of the City Manager; (ii) shall follow the administrative guidelines for business travel; and, (iii) may be audited for adherence to the administrative guidelines.
15. That no obligation shall be incurred 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 of El Paso.
16. That Full-Time Equivalent (FTE) positions funded by the Fiscal Year 2023 Budget, and those listed in the Authorized Staffing Table (as filed along with the City's Fiscal Year 2023 proposed budget, as amended), shall constitute the

authorized FTE positions for the Department. Requests for changes and additions shall be approved by the City Manager or his/her designee and shall show the impact on the Fiscal Year 2023 Budget and the estimated impact on expenditures for Fiscal Year 2024.

17. That the City Manager or his designee authorizes and approves a compensation increase for non-uniformed full-time, part-time and temporary employees as follows:
 - a. This hereby establishes the City's minimum wage at \$11.61 per hour effective September 11, 2022 the first full pay period of September 2022. All pay ranges and job classifications will be increased accordingly on September 11, 2022.
 - 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 11, 2022 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 rate as of September 11, 2022 of the positions identified herein. Employees must be of active status as of September 11, 2022 to receive this pay increase;
 - d. This hereby establishes another adjustment to the City's minimum wage at \$12.11 per hour effective March 12, 2023, the first full pay period of March 2023. All pay ranges and job classifications will be increased accordingly on March 12, 2023.
 - e. 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 March 12, 2023 pay period, and in accordance with the processes established by the City's Human Resources Department.
 - f. This increase in compensation will be based on the hourly rate as of March 12, 2023 of the positions identified herein. Employees must be of active status as of March 12, 2023 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.
18. That any employee pay increases for employees shall be given on the date or dates established by the City Manager based on the availability of funding for such purposes in Fiscal Year 2023. No employee pay increases shall be paid retroactively to an anniversary date or date of a performance evaluation.
19. The City Manager or his designee is authorized to approve a one-time payment to non- uniform, including police and fire cadets, new hires as part of the recruitment incentive pilot, as follows:
 - a. A \$1,000 sign-on incentive for all non-uniform, full-time, part-time, and temporary employees who are hired on or between September 1, 2022 and August 31, 2023, to be distributed as follows:
 - i. a one-time payment of \$500 at the start of employment; and
 - ii. an additional one-time payment of \$500 to be disbursed at the

end of the employee's successful completion of their 6-month or extended probationary period with no documented attendance or corrective/disciplinary issues for the remainder of their probationary period;

- b. This policy does not apply to the following:
 - i. Subcontractors and/or independent consultants; and
 - ii. Elected Officials; and
 - iii. Current City of El Paso employees; and
 - iv. Previous City of El Paso employees who terminated within three months of the current hire date; and
 - c. The sign-on incentive recruitment payment shall be paid in a pay period following the employee's having met the criteria designated in this Resolution and in accordance with the process established by the City's Human Resources Department. Employee must be an active employee on the date of payment. Individuals hired will receive \$500 after their first 30 days of employment provided there are no documented attendance or disciplinary issues. This sign-on incentive recruitment payment will not be considered earned wages or compensation for purposes of pensionability. This sign-on incentive recruitment payment shall be subject to the availability of funds and other management factors as determined by the City Manager.
20. That for purposes of recognizing the service time of an employee (classified, unclassified and/or contract), other than employees covered under collective bargaining agreements an amount that most closely approximates a two percent (2.0%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two and a 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 twenty-five (25) years of service accrued by an employee.
21. 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 designee, except for such increases and/or payments that are otherwise governed by an employment contract.
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 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 and 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 serving in 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 6 month period established by administrative policy, cash payment of \$50 and the option to convert 8 hours of sick leave for business leave as set forth in the administrative policy; and

h. monthly payment prorated in an amount not to exceed 3% of current annual salary for each employee who is assigned additional duties responsibilities for completion of major project whose scope has broad citywide application.

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

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

23. That based on the availability of funds, the City Manager is authorized to expend

no more than \$200,000 from the budget to establish and implement an on-the-spot rewards program to provide small monetary awards (face value up to \$250) 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.

24. That the City Manager may appropriate up to \$300,000 from the Mass Transit reserves for the purchase of inventory items in order to maintain the operations of the department.
25. That the Director of the Mass Transit Department or other designee of the City Manager shall submit: (i) periodic financial reports to the Board; (ii) periodic reports to the Board showing trends in revenues and expenditures; and, (iii) recommendations as deemed necessary to comply with the financial policies of the City of El Paso.
26. That appropriation control of expenditures shall be at the Object Level.
27. That expenditures shall be in accordance with the City of El Paso – Strategic Plan.
28. That the Director of the Mass Transit Department, or other designee of the City Manager, is hereby authorized to establish a program, as approved by the City Manager, whereby the Director and his designees may provide free transit service passes as are appropriate for the promotion of the use of the transit system. The total value of all free transit service passes provided under this program during FY 2023 shall not exceed \$5,000. In addition, that the City Manager or designee be authorized to waive or reduce fares in Schedule B for conferences and events that directly benefit the Mass Transit Department. The City Manager, or designee, is authorized to establish criteria and requirements for the waiver or reduction of fares in Schedule B for conferences that benefit the Mass Transit Department.
29. In addition, that the City Manager or designee is authorized to waive or reduce fares in Schedule B for conferences and events that directly benefit the Mass Transit Department pursuant to the criteria and requirements for the waiver or reduction of fares established by the City Manager.
30. That the Director of the Mass Transit Department, or other designee of the City Manager, is hereby authorized to provide free route transit service passes for use within the City limits to the current members of the Citizens Advisory Committee, at such times during the fiscal year when the Director or his designee determines that providing such passes serves to advance the duties and responsibilities of the members of the Committee.
31. To allow the City Manager or designee, to waive fares for bus and streetcar service for a maximum of ten (10) days per fiscal year, for city designated holidays and events.
32. To allow the City Manager or designee, to waive parking fees at Sun Metros Glory Road parking garage to encourage alternative transportation for City

designated events. The maximum number of free parking days at Glory Road will be set at twenty four per fiscal year.

33. That, except as otherwise provided herein, all other applicable provisions of the City of El Paso Fiscal Year 2023 Budget Resolution, as amended and adopted, to include but not be limited to the provisions regarding the making of budget transfers, shall be applicable to the Mass Transit Department.
34. That the City Manager or his/her designee shall immediately file, or cause to be filed, a true copy of the FY 2023 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.
35. That the City Manager or his/her designee is hereby authorized to allocate investment earnings on unspent bond proceeds to projects and purposes within the relevant bond authorization, provided however that such allocation is in compliance with all bond covenants and an allocation of more than \$500,000 to an individual project or purpose requires Council approval.

Board Members Svarzbein, Annello, Hernandez, Molinar, Salcido, and Rodriguez commented.

The following City staff members commented:

1. Ms. Ellen Smyth, Chief Transit and Field Operations Officer
2. Mr. Tommy Gonzalez, City Manager
3. Ms. Tracey Jerome, Senior Deputy City Manager
4. Mr. Robert Cortinas, Chief Financial Officer
5. Mr. Forrest Clancy, Managing Assistant Director
6. Mr. Sam Rodriguez, Chief Operations and Transportation Officer

The following member of the public commented:

1. Nathan Coleman – statement read into the record by the City Clerk

1ST MOTION

Motion made by Board Member Annello, seconded by Board Member Salcido, and unanimously carried to **AMEND** the Resolution as follows:

Strike out “and streetcar” on item 31 of the Budget Resolution.

AYES: Board Members Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, Lizarraga, and Board Chair Leeser

NAYS: None

2ND AND FINAL MOTION

Motion made by Board Member Rivera, seconded by Board Member Rodriguez, and carried to **APPROVE** the Resolution **AS AMENDED**.

AYES: Board Members Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, Lizarraga, and Board Chair Leeser

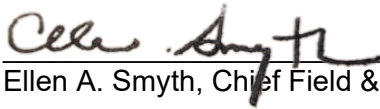
NAYS: Board Member Annello

ADJOURN

Motion made by Board Member Anello, seconded by Board Member Molinar, and unanimously carried to **ADJOURN** the meeting at 12:21 p.m.

AYES: Board Members Svarzbein, Anello, Hernandez, Molinar, Salcido,
Rodriguez, Rivera and Lizarraga and Board Chair Leeser
NAYS: None

Approved as to content:



Ellen A. Smyth, Chief Field & Transit Operations Officer