

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
PETER SVARZBEIN, DISTRICT 1  
JIM TOLBERT, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHIEL R. NOE, DISTRICT 5  
CLAUDIA ORDAZ, DISTRICT 6  
LILY LIMÓN, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## MINUTES FOR REGULAR COUNCIL MEETING

August 16, 2016  
COUNCIL CHAMBERS, CITY HALL  
8:00 AM

### ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:06 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Jim Tolbert, Emma Acosta, Carl Robinson, Lilia Limón, and Cortney Niland. Late arrivals: Peter Svarzbein at 8:08 a.m. and Claudia Ordaz at 8:13 a.m. Not Present: Michiel Noe. A moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

### INVOCATION

### PLEDGE OF ALLEGIANCE

### 8:00 A.M. – 8:30 A.M. CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

1. Mr. Jose Gaston Barriga
2. Mr. Jerry Thiedt

### REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCE / OTHER BUSINESS

#### 1. **Goal 6: Set the Standard for Sound Governance and Fiscal Management**

##### 1.1. **1<sup>st</sup> MOTION**

Motion made by Representative Robinson, seconded by Representative Niland, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

NOT PRESENT FOR THE VOTE: Representative Noe

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

Motion made by Representative Niland, seconded by Representative Ordaz, and unanimously carried to **CLOSE** at 8:30 a.m. the 2nd Public Hearing on the Proposed FY 2017 Property Tax Rate of \$0.768310.

NOT PRESENT FOR THE VOTE: Representative Noe

Mr. Robert Cortinas, Director of Office of Management and Budget presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Leeser commented.

The following members of the public commented:

1. Ms. Eva Ross
2. Mr. Gordon Thatcher
3. Mr. Jerry Thiedt
4. Ms. Carol Cassady

.....  
The City Council Meeting was **RECESSED** at 8:31 a.m. in order to convene the Special Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 8:39 a.m.

.....  
**1.2.**

**R E S O L U T I O N**

**CITY OF EL PASO FISCAL YEAR 2017 BUDGET RESOLUTION**

**WHEREAS**, on July 18, 2016, the City Manager of the City of El Paso filed the Fiscal Year 2017 ("FY 2017") 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 July 29, 2016, 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 2017 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, 2016, 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.

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

1. That the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 18, 2016 is hereby approved and adopted by the City Council as the Annual Budget for the FY 2017, which begins on September

1, 2016 and ends on August 31, 2017.

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, 2017 with a financial report showing all appropriations for FY 2017 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 \$25,000; provided that each transfer is within the same department. Budget transfers exceeding \$25,000 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 \$50,000, to the extent permitted by law. Budget transfers between departments and/or non-enterprise department funds exceeding \$50,000 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 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), U.S. Communities, Technology Bidding and Purchasing Program (PEPPM), and U.S. General Services Administration (GSA) in an amount not to exceed \$500,000 per cooperative purchasing program contract.

16. That the City Manager or his 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 in an amount not to exceed \$2,000,000 in the aggregate per electronic catalog (hereinafter referred to as "the e-catalog") purchasing contracts. 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 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 designee is hereby authorized to issue, without further Council action, purchase orders for annualized insurance coverage in

accordance with the amount of funding established for such coverage in FY 2017 budget when the award of such contracts or Interlocal Agreements for coverage has been previously approved by Council.

20. That the amounts of the annual non-uniformed employee pay increases for FY 2017 are set 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, provided however, that the City Manager may increase this amount by an amount not to exceed an additional one percent (1.0%) for any or all of the City's two major service classifications and the unclassified services based on the availability of funds and other management factors as determined by the City Manager. Provided however, nothing in this section authorizes the payment of a base salary that exceeds the maximum of an employee's salary range.

21. 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 2017. 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**.

22. That for purposes of recognizing the longevity of an employee's service 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. Provided however, nothing in this section authorizes the payment of a base salary that exceeds the maximum of an employee's salary range, and in no event shall the longevity increase under this section, when paid in whole or in part if payment in whole would exceed the maximum, result in the payment of a base pay that exceeds the maximum of an employee's salary range.

23. 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.

24. 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 each 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 when they have accumulated 200 or more wellness points 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) 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

(d) 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

(e) 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 personal business, as set forth in the administrative policy.

25. That Appendix A, as required to be maintained by the Human Resources Director and approved by the 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.

26. 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.

27. That based on the availability of funds, the City Manager is authorized to expend no more than \$50,000 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.

28. That the City Manager add appropriate amendments to the city's 457 deferred compensation plan to add a new requirement that all new non-uniformed city employees be automatically enrolled to participate in such plan and contribute one percent (1%) of their annual compensation to their participant account, unless the employee affirmatively elects to not participate or contribute a different amount. The amendment shall be in effect until such time as the Council should further amend, revised or change these provisions in the deferred compensation plan.

29. 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 facility with administrative functions designated by the City Manager, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.

30. That the 4-10 work week schedule shall continue for the employees assigned to work at City Hall and at such other facilities in the City with administrative functions that are appropriate for a 4-10 work schedule, as designated by the City Manager. The City Manager is authorized to make temporary adjustments to the

schedule to serve the operational needs of the City. Any action by the Council to change or revise the application of the 4-10 work week schedule during the fiscal year shall be made by simple resolution of the City Council.

31. 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 and 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.

32. 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.

33. That any travel expenditure for a City Council member that exceeds the FY 2017 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.

34. 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.

35. 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.

36. 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.

37. That the Full-Time Equivalent (FTE) positions funded by the FY 2017 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 2017 Budget and the estimated impact on expenditures for FY 2017.

38. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2017 Budget, shall be funded until the earlier of October 16, 2016 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.

39. 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 2017.

40. 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; and transfer on an annual basis revenues derived from ground lease franchises, not to exceed \$83,249 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.

41. That all non-expended appropriations in the General Fund and Enterprise Funds shall lapse at the end of FY 2017, unless reviewed and approved not to lapse by the City Manager or his/her designee.

42. 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.

43. 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.

44. That the annual parking meter revenue in account number 440200 (Parking Meter Revenue) shall 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.

45. 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.

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

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

48. 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 and computer software and hardware which may be purchased as a sole source. 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.

49. That the City Manager and 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.

50. That the Department of Aviation shall be authorized to collect fees to recover costs, as set forth in Schedule C, relating to its duties in connection with the Perishable Cargo Facility, 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.

51. 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.

52. 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 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.

53. That the 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.

54. That the 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 2017. Receipt of scholarship funds for the Club Rec Program does not count towards the \$150 maximum per child limit.

55. That the 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.

56. 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.

57. 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 for a maximum of 24 parking spaces, which will allow parking spaces to be reserved in advance by members of the general public.

58. 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 2017 shall not exceed \$2,000.

59. 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.

60. 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 background 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.

61. That the Department of Environmental Services be authorized to charge a franchise fee in the amount determined by City Council for the wear and tear on the City's rights-of-way due to the use of City sanitation vehicles engaged in the collection, transportation and disposal municipal solid waste to an authorized municipal solid waste facility.

62. That the Department of Environmental Services is authorized to collect fees 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.

63. 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 relating to the health and safety of animals, and for those services that are provided to the animal while at said clinic in order to bring the animal into compliance with the El Paso City Code's requirements.

64. 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.

65. 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 2017 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.

66. 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.

67. That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of FY 2016 shall be allocated to the discretionary fund of each respective City Council representative in FY 2017.

68. That the City Manager is authorized to establish or amend the budget for the Parkland dedication fees special fund for FY 2017, provided that such funds are committed and used in compliance with applicable city ordinances.

69. 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.

70. That a franchise fee be paid by the El Paso Water Utilities to compensate 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 in a total amount of \$3,550,000.

71. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2017 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.

Representative Limón commented.

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Mr. Gordon Thatcher

Motion made by Representative Niland, seconded by Representative Tolbert, and carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Tolbert, Acosta, Robinson, Ordaz, and Niland

NAYS: Representative Limón

NOT PRESENT FOR THE VOTE: Representative Noe

**THIS ITEM WAS VETOED BY MAYOR OSCAR LEESER ON TUESDAY, AUGUST 16, 2016, THROUGH THE MEMORANDUM FILED WITH THE CITY CLERK'S OFFICE AS INCORPORATED IN THESE MINUTES, BELOW:**

To: City Council  
Richarda D. Momsen

From: Mayor Oscar Leeser

CC: Tommy Gonzalez & Sylvia Borunda Firth

Date: August 16, 2016

RE: VETO- City of El Paso Fiscal Year 2017 Budget Resolution

In accordance with Section 3.5 (E) of the Charter of the City of El Paso, I am filing this memorandum with the City Clerk to notify the City Council and the City Manager that I am exercising my authority as Mayor to veto the action taken by City Council to approve the following item which was on the agenda today:

Regular Agenda 1.2: Public Hearing and discussion and action on a Resolution that the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 18, 2016, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2017, which begins on September 1, 2016 and ends on August 31, 2017.

The reasons for my veto are as follows:

1. Because of the growth in the tax base for the City of El Paso. there has already been an increase in tax revenue to the City.
2. The City Manager has documented substantial savings in FY 2016. Some of these savings should continue into FY 2017 and mitigate the need for a tax increase and that has not been taken into account.
3. One of the stated reasons for need to increase taxes is the May 2015 voter approved referendum which increased pay to the El Paso Fire Department (EPFD). While the City was prepared to increase wages to the EPFD. voters approved the difference between what the City of El Paso's bargaining team offered and the amount requested by EPFD. It is disingenuous to attribute the entire increase to the voters and use that as justification to increase taxes.
4. The other stated justification is the voter approved Quality of Life (QOL) bonds. While it is true the voters approved the projects and the debt necessary to build those projects, I believe that is the responsibility of the elected officials to time the projects and the debt issuances in a manner that does not create an undue burden on the tax payers.
5. This administration has worked very hard to create jobs and grow the tax base but continued increases in property taxes with slow down the growth. We need to exercise patience and allow for the investments we have made in our future to come to fruition. Growth in the tax base will help pay for the QOL projects in a manner that is less damaging to the homeowners. We want a community where 100 percent of the population can afford and enjoy the amenities created by the QOL projects.
6. Public safety must continue to be a priority. I support the increased funding in those department budgets and will oppose any action which would reduce or limit funding for public safety.

I want you to know I do not take this measure lightly. As you all know this is my first veto. There is nothing more important than setting the budget for the City. I appreciate the fact staff has worked many hours to present the proposed budget. but I am not

convinced that a tax increase is justified. I believe we could have done better at holding the line on taxes for the citizens we serve.

- .....
- 1.3.** Motion made by Representative Niland, seconded by Representative Ordaz, and carried to **RATIFY** the Property Tax Increase reflected in the Annual Budget for Fiscal Year 2016 for the City of El Paso.

AYES: Representatives Svarzbein, Tolbert, Robinson, Acosta, Ordaz, and Niland  
NAYS: Representative Limón  
NOT PRESENT FOR THE VOTE: Representative Noe

The following members of the public commented:

1. Ms. Carol Cassady
2. Mr. Gordon Thatcher

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**REGULAR AGENDA - OTHER BUSINESS**

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**2. MAYOR AND COUNCIL**

- .....
- 2.1.** Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried to **AUTHORIZE** the use of Cohen Stadium and the expenditure of \$1,480.00 of District #4 Discretionary Funds to allow the City of El Paso to sponsor a Community Health & Safety Fair hosted by the El Paso Northeast Regional Command Center on August 20, 2016, for the municipal purpose of encouraging a healthy community.

NOT PRESENT FOR THE VOTE: Representative Noe

Representative Robinson commented.

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**ADJOURN**

Motion made by Representative Niland, seconded by Representative Ordaz, and unanimously carried to **ADJOURN** this meeting at 8:52 a.m.

NOT PRESENT FOR THE VOTE: Representative Noe

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk