

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL

PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
SAM MORGAN, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

**August 13, 2019
COUNCIL CHAMBERS, CITY HALL
9:00 AM**

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ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 9:09 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alessandra Annello, Cassandra Hernandez, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Late arrivals: Claudia Ordaz Perez at 9:12 a.m. and Sam Morgan at 9:14 a.m. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone followed by the Pledge of Allegiance to the Flag of the United States of America.

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INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

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PLEDGE OF ALLEGIANCE

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RECOGNITIONS BY MAYOR

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NOTICE TO THE PUBLIC

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

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: Representative Annello

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**CONSENT AGENDA –
REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

NO ACTION was taken on this item.

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CONSENT AGENDA - RESOLUTIONS:
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1. Goal 6: Set the Standard for Sound Governance and Fiscal Management
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**1.1. *RESOLUTION AMENDING SCHEDULE C OF THE CITY OF EL PASO FISCAL
YEAR 2019 BUDGET RESOLUTION**

WHEREAS, on August 21, 2018, the El Paso City Council adopted a Budget Resolution for Fiscal Year 2019 (the "Budget Resolution") and;

WHEREAS, the Budget Resolution contains an attachment titled "Schedule C" which contains the departmental fee list which includes fees charged for building permits and inspection fees; and,

WHEREAS, the 86th Legislature passed a bill, effective May 21, 2019, that prohibits municipalities from considering the value of a dwelling or the cost of constructing or improving a dwelling in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling which required the City to amend the fees in order to comply with the new law; and,

WHEREAS, on June 11, 2019, City Council approved an Amendment to Schedule C of the El Paso Fiscal 2019 Budget Resolution to update building permit and inspection fees for residential dwellings; and

WHEREAS, City Council desires to once again update Schedule C for fees for building permits and inspections; and,

WHEREAS paragraph 48 of the Budget Resolution provides that the City Council may make revisions or additions to fees set forth in Schedule C by simple Resolution,

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

That Lines No. 609 through 677 of Schedule C attached to the Budget Resolution shall be amended as shown in Exhibit A, attached to this Resolution, effective immediately, to establish new building permit fees and new inspection fees for residential dwellings.

Except as herein modified, the Budget Resolution and Schedule C of the Budget Resolution and all Budget Resolution Schedules remain in full force and effect.

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CALL TO THE PUBLIC – PUBLIC COMMENT
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1. Ms. Maria Castañeda
 2. Mr. Luis Ruiz Aguilar
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REGULAR AGENDA - FIRST READING OF ORDINANCES

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED** for public hearing:

2. Goal 8: Nurture and Promote a Healthy, Sustainable Community:

- 2.1. An Ordinance amending Title 9 (Health and Safety), Chapter 9.02 (Department of Public Health), Section 9.02.040 (Fees-Clinics and Laboratory), Subsection A, to expand and clarify the types of public health services for which fees may be charged.

REGULAR AGENDA - OTHER BUSINESS

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

- 3.1. Discussion and action on the FY 2019 – 2020 Budget including adjustments.

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

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Morgan, Ordaz Perez, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Sam Rodriguez, City Engineer
3. Mr. Tracy Novak, Parks and Recreation Director

The following members of the public commented:

1. Mr. David Ochoa
2. Mr. Fred Borrego

1ST MOTION

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Annello, and unanimously carried to **DIRECT** staff to continue with the process of adopting the property tax rate at the rollback rate of 0.907301.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

2ND AND FINAL MOTION

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **DIRECT** staff to set aside funding for a park at Chelsea where the Chelsea pool is currently located, whether in this budget or part of the 2020 Capital Improvement plan; to be determined by staff at next meeting.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera, and Lizarraga
NAYS: None

INTRODUCTION AND PUBLIC HEARING

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

4.1. ORDINANCE 018961

The City Clerk read an Ordinance entitled: **AN ORDINANCE ORDERING A BOND ELECTION TO BE HELD IN THE CITY OF EL PASO, TEXAS, ON NOVEMBER 5, 2019, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.**

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

Representative Hernandez commented.

Mr. Paul Braden, outside bond counsel, commented.

The following City staff members commented:

1. Ms. Karla Nieman, City Attorney
2. Mr. Tommy Gonzalez, City Manager

Motion duly made by Representative Rivera, seconded by Mayor Pro Tempore Ordaz Perez, and carried that the Ordinance be **ADOPTED**.

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera, and Lizarraga
NAYS: None

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

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

- 5.1.** Motion made Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **AWARD** Solicitation No. 2019-1034R Professional Auditing Services to Moss Adams, LLP for a one year contract and four (1) year options to extend with Moss Adams, LLP for auditing services in conjunction with the City's annual audit for fiscal years 2019 through 2023, for an amount \$291,000.00 for the initial year, for the first option year \$293,000.00, for the second option year

\$295,000.00, for the third option year \$297,000.00, for the fourth option year \$299,000.00 for a total contract amount not to exceed \$1,475,000.00 is hereby approved; and in addition, the City Manager or designee be authorized to sign an Agreement/Letter of Engagement for Professional Auditing Services ("Agreement") for the fiscal year ending August 31, 2019 and authorize the City Manager or designee to sign an Agreement for the subsequent four fiscal years subject to review by the City Attorney's Office, provided that there is no default and there are no material changes to the scope of work and compensation.

The Purchasing & Strategic Sourcing Department and the Office of the Comptroller recommend award as indicated to Moss Adams, LLP the second highest ranked vendor.

Mayor Margo commented.

Mr. Tayo Sokale, Purchasing and Strategic Sourcing Assistant Director, commented.

AYES: Representatives Svarzbein, Annello, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

REGULAR AGENDA - PUBLIC HEARINGS AND OTHER BUSINESS

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

6.1. 2ND PUBLIC HEARING ON THE PROPOSED FY 2019 - 2020 PROPERTY TAX RATE OF \$0.907301

The Public Hearing was opened at 10:33 am.

Motion duly made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and carried to **CLOSE** the Public Hearing at 10:34 am.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

ITEMS 6.2 AND 6.3 WERE TAKEN TOGETHER

6.2. Public Hearing on the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 19, 2019, which begins on September 1, 2019 and ends on August 31, 2020.

The Public Hearing was opened at 10:34 a.m.

**CITY OF EL PASO
FISCAL YEAR 2020 BUDGET RESOLUTION**

WHEREAS, on July 19, 2019, the City Manager of the City of El Paso filed the Fiscal Year 2020 ("FY 2020") 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 30, 2019, 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 2020 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, 2019, by the City Council regarding the City of El Paso's Proposed Budget at which all interested persons were given the right to be present and participate; and

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

That the Proposed Budget for the City of El Paso filed by the City Manager with the City Clerk on July 19, 2019, is hereby approved and adopted by the City Council as the Annual Budget for the FY 2020, which begins on September 1, 2019 and ends on August 31, 2020.

1. 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.
2. 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, 2020 with a financial report showing all appropriations for FY 2020 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. That the City Manager or his/her designee is authorized to issue, without further City Council action, purchase orders against any contract offered through the Cooperative Purchasing Network, the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, the Texas Association of School Boards, Inc. (TASB, Inc.) Cooperative Purchasing Buy Board, the ESC-Region 19 Cooperative Purchasing Program, the Harris County Department of Education Cooperative Purchasing Program, Tarrant County Cooperative Purchasing Program, Texas Procurement and Supportive Services (TPASS), Texas Multiple Award Schedule (TMAS and TXSmartBuy), State of Texas Department of Information Resources (DIR), OMNIA Partners, Technology Bidding and Purchasing Program (PEPPM), U.S. General Services Administration (GSA) and any other cooperative purchasing program authorized by the City Council. The City Manager or his/her designee has the authority to sign any and all agreements related to purchases pursuant to this paragraph to effectuate the purchase.
15. That the City Manager or his/her designee is authorized to issue, without further City Council action, purchase orders against any cooperative contract through the electronic catalog maintained /Equal Level. The purchase of vehicles, trucks and/or fire apparatus/pumpers shall be expressly prohibited from being sourced through the e-catalog.
16. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.
17. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer or the City Manager's Designee before the closing of the Fiscal Year, and in accordance with procedures established by the City Manager or his/her designee.
18. That the City Manager or his/her designee is hereby authorized to issue, without further City Council action, purchase orders for annualized insurance coverage in accordance with the amount of funding established for such coverage in FY 2020 budget when the award of such contracts or Interlocal Agreements for coverage has been previously approved by Council.

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, 2020. 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.

That the amounts of the annual non-uniformed employee pay increases for FY 2020 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 percent (1.0%) increase, unless a higher percentage increase results from the implementation of a compensation study. 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. Employees at the maximum pay range, will receive a one-time lump sum payment in an amount not to exceed an additional one percent (1.0%) of the maximum of their range. Employees whose one percent (1.0%) increase will exceed the maximum of their pay range will be increased to the maximum of the pay range, the difference beyond the maximum of the range, as a result of the one percent (1.0%) increase, will be given in a one-time lump sum payment. The total increase is not to exceed one percent (1.0%) of their annual salary prior to the increase.
22. 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 2020. 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**.
23. That for purposes of recognizing the service time of an employee (classified, unclassified and/or contract) other than uniformed employees covered under collective bargaining agreements an amount that most closely approximates a one and one half percent (1.5%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two percent (2%) on the anniversary date of ten (10) years of service, two percent (2%) on the anniversary date of fifteen (15) years of service, and two and one half percent (2.5%) on the anniversary date of twenty (20) years of service and for any other five year incremental period on or beyond twenty-five (25) years of service accrued by an employee.
24. That all performance-based and goal-based increases and/or one-time payments shall be subject to the availability of funds and expended as determined or

authorized by the City Manager or his/her designee, except for such increases and/or payments that are otherwise governed by an employment contract.

25. 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 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 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

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

26. 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.

27. 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.

28. That based on the availability of funds, the City Manager is authorized to expend no more than \$75,000 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.

That the City Manager or his/her designee is hereby authorized to accept and appropriate funds from the El Paso Museum of Art Foundation in an amount not to exceed \$25,000 for the purpose of augmenting the Art Museum Director's annual salary from the City.

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 facilities with administrative functions designated by the City Manager, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.
30. 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.
31. 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.
32. That any travel expenditure for a City Council member that exceeds the FY 2020 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.
33. 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.
34. 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.

35. 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.
36. That the Full-Time Equivalent (FTE) positions funded by the FY 2020 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 2020 Budget and the estimated impact on expenditures for FY 2021.
37. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2020 Budget, shall be funded until the earlier of October 14, 2019 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.
38. 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 2020.
39. 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 \$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.
40. That all non-expended appropriations in the General Fund and Enterprise Funds shall lapse at the end of FY 2020, unless reviewed and approved not to lapse by the City Manager or his/her designee.
41. 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.
42. 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.
43. That the annual parking meter revenue in account number 440200 (Parking Meter Revenue) may be allocated on a monthly basis to a restricted account called Plaza

Theater Sinking Fund in the Debt Service Fund to satisfy debt requirements for the fiscal year, that the City Manager or his/her designee be authorized to appropriate additional funding from this account for the replacement of parking meters upon approval of the City Manager of a meter replacement program based on availability of funds in this account, and that all funds exceeding the debt service requirement and meter replacement capital requirements for the fiscal year be deposited to the General Fund.

44. 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.
45. That appropriation control for expenditures shall be at the Object Level.
46. That expenditures shall be in accordance with the City of El Paso – Strategic Plan.
47. 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. 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.
48. That the City Manager or his/her designee is authorized to determine when it is practicable for the City to accept payments by credit card of a fee, fine, court cost or other charge in accordance with City Ordinance No. 15051. Service charges added to the payment shall be in conformity with state statutory requirements and will be in such amount(s) as listed in Schedule C, provided that in the event that bank charges imposed on the City relating to credit card acceptance increase during the fiscal year, the City Manager is authorized to increase the service charge amount(s), so as to cover the City's increased costs.
49. 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.
50. 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.

51. That in addition to City created programs, activities, presentations, classes ("City programs") and City produced or supported publications that are offered to the public in conjunction with the missions of the various departments for which the fees are separately established in Schedule C, the City Council authorizes City department directors to create and offer new City programs and publications, on a trial or temporary basis, as may be of benefit to the public and as the directors may deem appropriate and within his/her department's capacity for providing new City programs or publications. The fee for participation in each such new City program or the cost to obtain such a publication shall be established in an amount that will recover the City's costs to present each such City Program or provide the publication, as reviewed and approved by the City Manager or his/her designee. The City Manager or his/her designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.
52. That the City Council sets the level of City funding support to persons and organizations seeking such support for parades that fulfill a public purpose in accordance with the process, criteria and other provisions of Section 13.36.050 E of the City Code, in an amount not to exceed \$175,000, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.
53. 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 2020. Receipt of scholarship funds for the Club Rec Program does not count towards the \$150 maximum per child limit.
54. 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.
55. That the Director of Parks and Recreation Department is authorized to waive or reduce park fees in Schedule C for Regional Water Parks and Regional Sports Complexes.
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, 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 2020 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 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.
61. That the environmental service franchise fee will be used as follows:
\$6,600,000 for residential street maintenance.
\$2,700,000 for the purchase and acquisition of Fire Department replacement vehicles.
\$1,300,000 for Police Department major capital equipment.
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 his/her designee be authorized to negotiate, award and enter into agreements and other documents on behalf of the City for the annualized computer licenses and maintenance of software and hardware specified in **Schedule E**, and any software or hardware that are available only from one source

pursuant to applicable laws, in amounts not to exceed the amounts in the FY 2020 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 2019 shall be allocated to the discretionary fund of each respective City Council representative in FY 2020.

A City Council member shall not expend funds from their discretionary accounts during the Lame Duck period, which is the time period from the date of any City election until inauguration of those elected.

68. That the City Manager is authorized to establish or amend the budget for the Parkland dedication fees special fund for FY 2020, 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.

That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2020 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 Hernandez commented.

The following City staff members commented:

1. Mr. Robert Cortinas, Chief Financial Officer
2. Mr. Tommy Gonzalez, City Manager

Mr. Juan Benitez, citizen, commented.

Motion Made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried **CLOSE** the public hearing at 10:35 a.m. and **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera, and Lizarraga
NAYS: None

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6.4. Discussion and action to ratify the property tax increase reflected in the Annual Budget
for FY 2019 - 2020 for the City of El Paso.

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative
Salcido, and unanimously carried to **RATIFY** the property tax increase reflected in the
Annual Budget for FY 2019 - 2020 for the City of El Paso.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz
Perez, Rivera, and Lizarraga
NAYS: None

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REGULAR AGENDA - OTHER BUSINESS

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

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7.1. RESOLUTION

WHEREAS, as a result of a mass shooting incident that took place at a local
Walmart on August 3, 2019, the City of El Paso wishes to host a memorial event for
the community to come together to honor the victims and their families; and

WHEREAS, said memorial event will take place at Southwest University Park
downtown, with various overflow locations both downtown and elsewhere in the City;
and

WHEREAS, City Code Subsection 12.56.020F allows for the International
Bridges Director to make a recommendation to City Council for exceptions to the days
and times when parking meters shall apply; and

WHEREAS, the City Council finds that the memorial event constitutes a special
downtown event as contemplated in City Code Subsection 12.56.020F.1; and

WHEREAS, the City Council wishes to waive all applicable fees and permits for
said event.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council, in accordance with the provisions of City Code Subsection
12.056.020 F.1, hereby exempts city-wide the regularly designated parking meter fees
on Wednesday, August 14, 2019, for the City-sponsored memorial event which will be
held at Southwest University Park and at various overflow locations downtown and
elsewhere in the City; and,

THAT the City Council authorizes that all applicable fees and permits
associated with said memorial event be waived; and

THAT City Manager be authorized to utilize all donations received in support of said memorial event and to effectuate budget transfers as necessary in order to meet the requirements of said event.

Ms. Tracey Jerome, Managing Director of Museums and Cultural Affairs, Libraries and Tourism, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Margo and Representatives Svarzbein, Annello, and Ordaz Perez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Laura Cruz Acosta, Strategic Communications Director
3. Mr. Jay Banasiak, Mass Transit Director

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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The City Council Meeting was **RECESSED** at 10:38 a.m. in order to convene the Mass Transit Department Board meeting.

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

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8. MANAGEMENT UPDATES

- 8.1. Briefing from Police Chief Greg Allen and Fire Chief Mario D'Agostino regarding the active shooter incident on August 3, 2019, at 7101 Gateway Boulevard West (as necessary).

Police Chief Greg Allen and Fire Chief Mario D'Agostino briefed Council.

Representatives Svarzbein, Ordaz Perez, and Rivera commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:44 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 EX1.:

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

NAYS: None

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to adjourn the Executive Session at 12:04 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

NAYS: None

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:11 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

NAYS: None

Motion made by Representative Salcido, seconded by Representative Morgan, and unanimously carried to adjourn the Executive Session at 12:34 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

NAYS: None

EX1. Briefing from counsel on legal guidelines for communicating with citizens about a bond election.(19-1065-118) (551.071)

NO ACTION was taken on this item.

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ADDITIONS TO THE AGENDA

REGULAR AGENDA

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1. Discussion and action on Permanent Public Art Project in Memory of Victims of August 3, 2019.

Ms. Tracey Jerome, Museums and Cultural Affairs, Libraries, and Tourism Managing Director, briefed Council.

Mayor Margo and Representative Ordaz Perez commented.

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera, and unanimously carried to **DIRECT** staff to move forward with the project.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

NAYS: None

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2. Discussion and action to direct the City Manager and staff to coordinate with organizations seeking to provide support to those affected by the active shooter incident on August 3, 2019.

Ms. Nicole Ferrini, Community and Human Development Director, Ms. Tracy Yellen, Chief Executive Officer for the Paso del Norte Community Foundation and Ms. Stephanie Karr, Fund Distribution Coordinator, briefed Council.

Mayor Margo and Representative Ordaz Perez commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Salcido, and unanimously carried to **DIRECT** the City Manager and staff to work with the Paso del Norte Community Foundation and the El Paso Community Foundation to assist in victims fund distribution.

AYES: Representative Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera, and Lizarraga

NAYS: None

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ADJOURN

Motion made by Representative Morgan, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** this meeting at 12:34 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk