

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
BRIAN KENNEDY, DISTRICT 1  
ALEXSANDRA ANNELLO, DISTRICT 2  
CASSANDRA HERNANDEZ, DISTRICT 3  
JOE MOLINAR, DISTRICT 4  
ISABEL SALCIDO, DISTRICT 5  
ART FIERRO, DISTRICT 6  
HENRY RIVERA, DISTRICT 7  
CHRIS CANALES, DISTRICT 8

**SPECIAL CITY COUNCIL MEETING MINUTES**  
**December 18, 2023**  
**COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY**  
**9:00 A.M.**

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The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:00 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alessandra Anello, Joe Molinar, Isabel Salcido, and Art Fierro. Late arrivals: Henry Rivera and Chris Canales at 12:39 p.m. Absent: Cassandra Hernandez.  
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**AGENDA**

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1. **RESOLUTION CANVASSING RETURNS  
OF THE DECEMBER 9, 2023 CITY SPECIAL ELECTION FOR  
DISTRICT REPRESENTATIVE NO. 2**

**WHEREAS**, the City Council of the City of El Paso ordered a special election to be held in said City on December 9, 2023, for the purpose of filling the vacancy in the office of Representative for District No. 2; and

**WHEREAS**, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said Special Election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the resolution calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election by the resident, qualified electors of said City, who voted at the election:

**DISTRICT REPRESENTATIVE NO. 2**

Veronica "Vero" Carbajal	781	35.92%
Judy Gutierrez	528	24.29%
Josh Acevedo	775	35.65%

Ben Mendoza

90

4.14%

3. That in the case of the office of **District Representative No. 2**, no person received more than a 50% majority of all votes cast for the candidates for such offices, and accordingly no one for this office is declared elected and a runoff election is to be called by the City Council in accordance with the Texas Election Code; and that the number of votes cast for each person who was a candidate for such offices, according to the returns, is shown in paragraph 2 hereof.

4. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2023 City Special Election showing the number of votes cast in each precinct for each candidate.

5. That this Resolution is adopted subject to the right of any person to contest such election in any way provided by law.

6. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

7. This Resolution shall be spread upon the minutes of the City Council.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Molinar, Salcido, and Fierro

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Rivera and Canales

ABSENT: Representative Hernandez

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**2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS CALLING FOR A RUNOFF ELECTION TO BE HELD ON JANUARY 20, 2024, FROM THE DECEMBER 9, 2023, SPECIAL ELECTION TO FILL THE VACANCY CREATED IN THE OFFICE OF REPRESENTATIVE FOR DISTRICT NO. 2.**

**WHEREAS**, following its Special Election held on December 9, 2023, the City of El Paso ("City") has found it necessary under the City of El Paso Charter and the laws of the State of Texas to hold a runoff election to fill the vacancy in the office of Representative for District No. 2; and

**WHEREAS**, the City will hold a runoff election on January 20, 2024 to fill the aforementioned vacancy, to be elected by a majority of the votes cast.

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

**SECTION 1 – OFFICIAL POSITION TO BE FILLED WITH RUNOFF ELECTION**

A runoff election of the City of El Paso is hereby called to take place on January 20, 2024 to elect the following named officer of the City of El Paso:

District Representative No. 2

Such runoff election shall be held in the manner and form prescribed by the laws of the State of Texas. At such runoff election, all qualified voters of the City will be permitted to vote, and shall vote at the polling place designated for the election precinct in which they reside. The qualified voters who reside in the Representative District No. 2 may vote in this runoff election. The candidate receiving a majority of the votes cast for the position will be declared elected to such office.

Such election shall be held at the precincts and the polling places designated in Exhibit "A"\* or such other locations as may be designated prior to the election by the El Paso County Elections Administrator or City Clerk, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

## **SECTION 2 – ELECTION SERVICES CONTRACT WITH COUNTY**

As necessary, the City Manager is hereby authorized to execute a contract, joint or otherwise, with the El Paso County, through the El Paso County Elections Administrator for the purpose of having El Paso County furnish all or any portion of the election services and equipment needed by the City Clerk to conduct the runoff election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and all other applicable statutes and laws.

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures necessary to conduct the election.

## **SECTION 3 – EARLY VOTING CLERK FOR THE RUNOFF ELECTION**

Lisa Wise, El Paso County Elections Administrator, 500 E. San Antonio, Suite 314, El Paso, Texas, 79901, is hereby appointed as Early Voting Clerk.

## **SECTION 4 – EARLY VOTING**

Early voting by personal appearance shall be conducted at the El Paso County Courthouse, located at 500 E. San Antonio, El Paso, Texas 79901. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at City Hall by the City Clerk. The locations and hours for early voting by personal appearance shall be authorized for such election as set forth in Exhibit "A."\*

In addition, mobile voting stations may be authorized and used for early voting at publicly owned buildings in the City as established by the El Paso County Elections Administrator. The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with El Paso County.

**SECTION 5 – VOTING MACHINES AND ELECTION RESULTS**

Voting machines used for the conduct of the runoff election, shall be procured, maintained, operated, sealed and the votes therefrom tabulated pursuant to procedures established and authorized by the laws of the State of Texas.

The results of the runoff election shall be certified, canvassed, and returned in the form and manner prescribed by law.

**SECTION 6 – NOTICE OF ELECTION**

The notice of the runoff election hereby ordered and called shall be promulgated, published and posted in keeping with the state and local laws. A substantial copy of this resolution shall serve as proper notice of said election.

The City Clerk shall give notice of such runoff election by posting a notice of such election in English and Spanish in the Office of the City/Municipal Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

The City Clerk shall deliver notice of this runoff election to the county clerk and voter registrar of El Paso County, as required by law.

**SECTION 7 – COMPLIANCE WITH APPLICABLE LAWS**

The City Manager and the City Clerk, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the runoff election, whether or not expressly authorized herein.

\*Exhibit available at the City Clerk's Office.

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Salcido, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Molinar, Salcido, and Fierro

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Rivera and Canales

ABSENT: Representative Hernandez

3.

**RESOLUTION**

**WHEREAS**, pursuant to the City's 2024 calendar year City Council regular meeting schedule, City Council is scheduled to meet on Tuesday, January 2, 2024; and

**WHEREAS**, the City Council desires to reschedule the January 2, 2024 meeting to Wednesday, January 3, 2024, and that the regular meetings of the City Council for the 2024 calendar year will resume on January 17, 2024.

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

That in conformity with Section 3.5A of the City Charter, the regular City Council meeting scheduled on January 2, 2024, is hereby rescheduled, for Wednesday, January 3, 2024.

All City Council Rules and Procedures not expressly modified herein remain in full force and effect.

Motion made by Representative Salcido, seconded by Representative Fierro, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Kennedy, Annello, Molinar, Salcido, and Fierro

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Rivera and Canales

ABSENT: Representative Hernandez

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The Special City Council Meeting was **RECESSED** at 9:07 a.m.

The Special City Council Meeting was **RECONVENED** at 12:28 p.m.  
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**EXECUTIVE SESSION**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:29 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 the executive session item:

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Kennedy, Annello, Molinar, Salcido, and Fierro

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Rivera and Canales

ABSENT: Representative Hernandez

Motion made by Mayor Pro Tempore Annello, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 2:07 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Kennedy, Annello, Molinar, Fierro, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Salcido and Rivera

ABSENT: Representative Hernandez

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**EX1.** Workplace Complaint submitted to the City by Chief Internal Auditor. HQ# 23-1372 (551.071)

**NO ACTION** was taken on this item.  
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**ADJOURN**

Motion made by Alternate Mayor Pro Tempore Molinar, seconded by Representative Canales, and unanimously carried to **ADJOURN** the meeting at 2:07 p.m.

AYES: Representatives Kennedy, Annello, Molinar, Fierro, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Salcido and Rivera

ABSENT: Representative Hernandez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk