

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

**SPECIAL CITY COUNCIL MEETING MINUTES
CITY HALL, 300 N. CAMPBELL
COUNCIL CHAMBERS
November 18, 2019
9:00 AM**

The City Council met at the above place and date. Meeting was called to order at 9:08 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Aleksandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido and Henry Rivera. Late Arrival: Claudia Ordaz Perez at 9:13 a.m. Peter Svarzbein requested to be excused. Cissy Lizarraga was absent.

AGENDA

1. **A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City Council (the *Council*) of the City of El Paso, Texas (the *City*) previously ordered an election to be held on November 5, 2019 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and such election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

WHEREAS, the Council hereby canvasses the returns of this election, at which there was submitted to all resident, qualified voters of the City for their action thereupon, the following proposition:

CITY OF EL PASO, TEXAS PROPOSITION A – PUBLIC SAFETY

“SHALL the City Council of the City of El Paso, Texas, be authorized, in accordance with applicable law, to issue bonds of the City, in one or more series or issues and in the aggregate principal amount of \$413,122,650, with such series or bonds, respectively, to mature serially or otherwise within a period not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for permanent public improvements and public purposes, to wit: acquiring, planning, designing, constructing, renovating, improving,

expanding and equipping public safety facilities, including acquiring land and rights-of-way necessary thereto or incidental therewith, acquiring motor vehicles and equipment for the Police Department and the Fire Department, and acquiring and installing public art related to and being a part of some or all of the foregoing; and whether annual ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the interest on the bonds and provide a sinking fund to pay the principal of the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

and;

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully provided to the Council by the judges, clerks and administrator holding and conducting such election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, the Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

CITY OF EL PASO, TEXAS PROPOSITION A – PUBLIC SAFETY

“THE ISSUANCE OF \$413,122,650 GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES INCLUDING POLICE DEPARTMENT AND FIRE DEPARTMENT MOTOR VEHICLES AND EQUIPMENT AND THAT TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE IMPOSED”

	<u>For</u>	<u>Against</u>
Early Votes (including mail ballots)	9,259	5,643
Election Day Votes	9,492	7,168
TOTAL	18,751	12,811

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS HEREBY FINDS, DECLARES AND RESOLVES THAT:

SECTION 1. A MAJORITY of the resident, qualified voters of the City voting in such election, having voted FOR the authorization and issuance of the bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Council hereby finds and determines that Proposition A carried at the election, that the election was duly called, that proper notice was given, that the election was held in all aspects in conformity with the law, and that the Council is hereby accordingly authorized to issue the bonds and to levy the tax in accordance with the authority granted in the Proposition and applicable law.

SECTION 2. The Council officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given, that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the election, that due returns of the results of the election have been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and the United States of America, and the order calling the election.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Resolution shall be in force and effect from and after its final passage and it is so resolved.

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

2.

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**RESOLUTION CANVASSING RETURNS
OF THE NOVEMBER 5, 2019 CITY SPECIAL ELECTION FOR
DISTRICT REPRESENTATIVE NO. 3**

WHEREAS, the City Council of the City of El Paso ordered a special election to be held in said City on November 5, 2019, for the purpose of filling the vacancy in the office of Representative for District No. 3; 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. 3

Cassandra Hernandez	2,588	46.32%
Ana M. Dueñez	328	5.87%
Will Veliz	1,614	28.89%
Brooks Vandivort	1,057	18.92%

3. That in the case of the office of **District Representative No. 3**, 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 2019 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, and the City Clerk shall record the amendments so adopted in the separate book kept in her office for such purpose.

Motion made by Representative Rivera, seconded by Representative Ordaz Perez, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Anello, Hernandez, Morgan, Salcido, Ordaz Perez, and Rivera

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

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3. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS
CALLING FOR A RUNOFF ELECTION TO BE HELD ON DECEMBER 14, 2019**

**FROM THE SPECIAL ELECTION TO FILL THE VACANCY CREATED IN
THE OFFICE OF REPRESENTATIVE FOR DISTRICT NO. 3.**

WHEREAS, following its Special Election held on November 5, 2019, 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. 3; and

WHEREAS, the City will hold a runoff election on December 14, 2019 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 December 14, 2019 to elect the following named officer of the City of El Paso:

District Representative No. 3

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. 3 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 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.

Representative Annello asked Ms. Laura Prine, City Clerk, if the Chayo Apodaca location has been previously used as an early voting site. Ms. Prine replied it has.

1ST MOTION

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **AMEND** Exhibit A, early voting schedule, to include the El Paso County Annex located at 2350 George Dieter.

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Ordaz Perez, and unanimously carried to **APPROVE** the Resolution, **AS REVISED**.

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

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EXECUTIVE SESSION

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:22 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items posted on the agenda:

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera and unanimously carried to adjourn the Executive Session at 9:57 a.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

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- EX1.** Public Utility Commission of Texas Docket No. 49849, Joint Report and Application of El Paso Electric Company, Sun Jupiter Holdings LLC, and IIF US Holding 2 LP for Regulatory Approvals under PURA §§ 14.101, 39.262, and 39.915; Matter: 19-1008-126 (551.071) (551.087)

NO ACTION was taken on this item.

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EX2. El Paso Electric Company Franchise; Matter: 19-1008-132 & 19-1008-126.001
(551.071) (551.087)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Mayor Pro Tempore Ordaz Perez, seconded by Representative Rivera and unanimously carried to **ADJOURN** this meeting at 9:58 a.m.

AYES: Representatives Anello, Hernandez, Morgan, Salcido, Ordaz Perez, and Rivera

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk