

**CITY OF LAREDO CITY COUNCIL  
MEETING M2018-S-08  
CITY COUNCIL CHAMBERS 1110  
HOUSTON STREET  
LAREDO, TEXAS 78040  
June 4, 2018  
5:30 P.M.**

**SUPPLEMENTAL AGENDA**

**VII. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES**

1. Appointment by Mayor Pete Saenz of the Chair and Vice Chair of the City Charter Revision Commission.

Cm. Torres information Council that the Code of Ordinances does not give the Mayor the authority to appoint the Chair or Vice Chair. That will be done by the Commission during their first meeting.

Motion to table in order to comply with the Code of Ordinances.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 6

Against: 0

Abstain: 0

Cm. Balli was not present.

**I. RESOLUTIONS**

1. 2018-R-67 Authorizing the City Manager to accept and enter into a continuation contract with the Department of State Health Services (DSHS) in the amount of \$577,009.00 to further support the City of Laredo Health Department (CLHD) to provide Public Health Preparedness and Response, specifically against the Zika virus, and extending the term period through July 31, 2019.

Motion to adopt Resolution 2018-R-067.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 5

Against: 0

Abstain: 0

Cm. Perez, Cm. Altgelt, and Cm. Balli were not present.

2. 2018-R-74 Authorizing the City Manager to submit continuation grant application in the estimated amount of \$178,721.00 from the Texas Department of State Health Services (DSHS) for the City of Laredo Health Department (CLHD) Tuberculosis Prevention & Control/Federal Program to continue Tuberculosis prevention, clinical care and treatment and surveillance for early detection for the term of January 1, 2019 through December 31, 2019 and further authorizing the City

Manager to execute any and all documents resulting from the award of these grants.

Motion to adopt Resolution 2018-R-074.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 5

Against: 0

Abstain: 0

Cm. Perez, Cm. Altgelt, and Cm. Balli were not present.

3. 2018-R-75 Authorizing the City Manager to submit continuation grant applications in the estimated amount of \$316,356.00 with the Texas Department of State Health Services through the South Texas Development Council (STDC) for the continuation of the City of Laredo Health Department State Services Program and State Services Rebate for HIV prevention and education for the term of September 1, 2018 through August 31, 2019 and further authorizing the City Manager to execute any and all documents resulting from the award of these grants.

Motion to adopt Resolution 2018-R-075.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 5

Against: 0

Abstain: 0

Cm. Perez, Cm. Altgelt, and Cm. Balli were not present.

4. 2018-R-76 Authorizing the City Manager to accept and execute a contract amendment from the Department of State Health Services (DSHS) in the amount of \$331,135.00, with a cash match of \$33,114.00 for the continuation of the City of Laredo Health Department Public Health Emergency Preparedness (PHEP) and Response services for emergency management for the term period from July 1, 2018 through June 30, 2019.

Motion to adopt Resolution 2018-R-076.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 5

Against: 0

Abstain: 0

Cm. Perez, Cm. Altgelt, and Cm. Balli were not present.

## II. MOTIONS

5. Consideration to award a contract to LMC Corporation, San Antonio, Texas in the total amount of \$260,932.98 for the renovation upgrades to the Canseco House, located at 1415 Chihuahua. Contract project improvements include: renovation upgrades for first floor interior finishes and all other work as instructed on construction documents provided by the city. The purchase of these services shall be made utilizing the BuyBoard Cooperative Purchasing Program, Buy Board Contract No 520-16. Funding

is available in the Canseco House Improvements - 2015 CO Bond and 2016 CO Bond.

Motion to approve.

Moved: Cm. Torres

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Perez, and Cm. Altgelt were not present.

### **III. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS**

#### **A. Request by Council Member Alejandro "Alex" Perez**

1. Status update on possible Secondary Water Source and progress of the Secondary Water Source Ad Hoc Committee. (Co-Sponsored by Council Member Vidal Rodriguez)

No discussion or action taken.

#### **B. Request by Council Member Alberto Torres, Jr.**

1. Discussion with possible action on the recommendation by the Municipal Court Judge on the appointment of an Associate Municipal Court Judge in accordance with section 5.02 of the Laredo City Charter and Section 20-21(a) of the Laredo Code of Ordinances, and any other matters incident thereto.

Jose A. Valdez, Jr., City Secretary, clarified that this item was requested by Municipal Court Judge Rosie Cuellar but was inadvertently left off of the regular Council agenda. The item was co-sponsored by Mayor Pro-Tempore Charlie San Miguel and Cm. Vidal Rodriguez. In order to be placed on the agenda, it had to be placed under Cm. Torres's items.

Rodolfo "Rudy" Morales III, speaking as both a private citizen and a candidate for Municipal Court Judge in the November 2018 election, reminded Council that in the last four years, the Municipal Court has not had an Associate Municipal Court Judge. The Charter allows for two associate judges: one as appointed by the Municipal Court Judge and one as recommended by the City Manager. He asked Council why an associate judge is being appointed right now after four years of functioning without one. The Municipal Court Judge has been able to perform her duties and manage her political campaign for the upcoming election without the need for an associate. He noted that Council has referenced the City's budget shortfall multiple times during this meeting and the hiring freeze in place. The Associate Municipal Court Judge is not a critical position and is not needed. He voiced his opinion that filling the position at this time would be a waste of taxpayer money. Mr. Morales added that earlier in the fiscal year, the Municipal Court Judge was given a raise in salary; part of the justification of that raise was that she was also performing the duties of the Associate Municipal Court Judges. He asked why Council is trying to appoint an associate judge now if just a few meetings ago they praised Judge Cuellar for doing a great job without associates and awarded her with a raise.

As a candidate for the Municipal Court Judge position, Mr. Morales asked for a fair election. He noted that he was not aware who Council intends to appoint to the Associate position, but he discourage Council from selecting an individual who is also running for the Municipal Court Judge position. With over 300 qualified attorneys in Laredo who can serve this position if it is severely needed, Council can find other appointees other than ones running for office in November. Mr. Morales noted that to-date, two attorneys have filed campaign treasurers for the Municipal Court Judge position, including himself. He asked Council again for a fair decision that does not contradict their earlier statements that the City budget and hiring freeze should be respected. He reiterated that this position is not needed.

Rosie Cuellar, Municipal Court Judge, noted that she wished to exercise her right to have an appointed Associate Judge, as she has not had one for the last three years, meaning she has not had a vacation in over three years. If she were to become ill or need time away from work, there is nobody on staff to perform her duties. She stated that this is why she is requesting an Associate for an as-needed basis only in the event that she is unavailable to oversee a case. In terms of fairness to Mr. Morales, Judge Cuellar recalled running against an appointed Judge for the Municipal Court Judge position. Based on that experience, she voiced her opinion that Mr. Morales or anyone else would not be placed at an unfair disadvantage during his campaign. Her appointee, whoever they may be, would have to do their work in a fair and just way. The Municipal Court has been collecting revenues above the projected each month for an estimated \$500,000 by the end of this fiscal year.

Cynthia Collazo, Deputy City Manager, confirmed that the City does have a hiring freeze in place, which Council can waive if they deem it necessary. The City has 520 hours budgeted for two Associated Municipal Court Judges at \$51 per hour with no benefits.

Mayor Saenz asked if the appointee is a candidate in the November 2016 election. Judge Cuellar clarified that the appointee is Jesus Dominguez, who is a candidate for the Municipal Court Judge.

Lakshmana "Vish" Viswanath recalled that in March 2018, Cm. Torres told Judge Cuellar that she was doing a great job, to which he agreed. Council gave Judge Cuellar a raise, with which Mr. Vish also agreed. He reminded Council that the record reflects they all justified her raise because she is performing all of the duties without the intention of filling the Associate positions. He asked what happened to the sentiment that the Associate judge positions will not be filled, which was a pretext for her raise. He asked that if Council approves the new position per her recommendation, that they rescind her raise. Mr. Vish also reiterated that Jesus "Chuy" Dominguez is a candidate for Municipal Court Judge. Mr. Vish supports his candidacy but stated that appointing him as an Associate Judge looks bad when he is running opposed in the upcoming election. He asked City Management to put Mr. Morales in the other Associate Judge position so that both candidates are given the same treatment and experience in preparation for the election. He reminded Council that if Mr. Dominguez receives the appointment, he will have definitely received an unfair advantage. Mr. Vish claimed that Cm. Torres is a well-known friend of Mr. Dominguez, which is not problematic; however, with Mr. Dominguez running for

an elected position and Cm. Torres being the Democratic Party Chair, then Cm. Torres should abstain from the item. If Council supports this appointment, they are also contributing to the unfair advantage of a political candidate. He reiterated that both the Municipal Court Judge and Council Members stated a few Council Meetings ago that Judge Cuellar does not need an Associate.

Cm. Torres clarified that Judge Cuellar's raise was given a year ago, not in March 2018. He also stated that the position of Municipal Court Judge is a non-partisan position, so his position as Democratic Party Chair is not relevant to this discussion. He noted that he originally committed to supporting Mr. Morales's campaign when he was first approached by him, but when he learned that his friend Mr. Dominguez was running as well, Cm. Torres contacted Mr. Morales and removed his support. As an elected official, he noted that he is respecting the decision of Judge Cuellar. The financial impact will be minimal as Judge Cuellar's term is only three months more in the fiscal budget, and he asked Council to approve the nomination.

Cm. Vielma voiced her opinion that Council should not influence the election by showing support to any particular candidate. She recalled Judge Cuellar notifying Council that she could manage not only her docket but also the Parking citation appeals. Council increased her salary because she said that she had not used the money for the Associate Judges. With a budget deficit as drastic as currently exists, in addition to the hiring freeze, Cm. Vielma voiced her opinion that it would not be appropriate to hire anyone to this position, let alone someone who is running for that same position in the upcoming election. If Judge Cuellar truly needs the position filled, then Cm. Vielma encouraged her and Council to find a neutral individual who could fill the position that isn't running for office. She noted that neither candidate should be the temporary appointee.

Judge Cuellar countered that if Cm. Vielma feels that way, she should step down during her next re-election cycle to be fair to everyone that runs against her. She noted that her appointee would have to do what is fair and just, and the position functions as needed. She countered that her raise was justified because as Municipal Court Judge, she could not have her own private practice. The Associate Judge can. She also noted that she is the only judge at the local level, causing a great savings to the City. Adding one Associate will still be a savings if Council compares her position to the equivalent positions at the County level. She stated that if Council doesn't think that the Municipal Court Judge should have an Associate, then Council should repeal the ordinance that grants her the authority to appoint one with Council confirmation.

Cm. Vielma reiterated that the appointment should be politically neutral. She agreed that Judge Cuellar deserves to take time off given her heavy workload the past three years, thanking her for her dedication. However, she stated that the fair and balanced act would be to appoint someone who is not running for an elected position.

Judge Cuellar countered that the appointment is her decision to make, and Mr. Dominguez is the individual that she wants in the position. Council's vote will determine whether that appointment is approved, and she will accept the result. She added that serving as an Associate Judge does not guarantee the election in the Municipal Court Judge election.

Cm. Altgelt pointed out that the Deputy City Manager reminded Council of the hiring freeze and budget deficit during this discussion. By approving the appointment, Council is ignoring the City Manager's Office, the Budget Department, and the Finance Director. This is not a critical position, and Council can wait a little while longer to make a decision to see how the next fiscal year budget is going to be impacted.

Motion to approve the nomination of Jesus Dominguez for Associate Municipal Court Judge as recommended by the Municipal Court Judge and to waive the hiring freeze for this position.

Moved: Cm. Torres

Second: Cm. Perez

For: 5

Against: 2

Abstain: 0

Cm. Gonzalez

Cm. Vielma

Cm. Rodriguez

Cm. Altgelt

Cm. Perez

Cm. Torres

Cm. Balli

#### **IV. ADJOURNMENT**

Motion to adjourn and bring the items that weren't addressed to the next Council meeting.

Moved: Cm. Gonzalez

Second: Cm. Rodriguez

For: 7

Against: 0

Abstain: 0