

**CITY OF LAREDO
SPECIAL CITY COUNCIL MEETING
M2018-sc-10
CITY COUNCIL CHAMBERS 1110
HOUSTON STREET
LAREDO, TEXAS 78040
November 14, 2018
12:00 P.M.**

I. CALL TO ORDER

Mayor Pete Saenz called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Pete Saenz led in the pledge of allegiance.

III. MOMENT OF SILENCE

Mayor Pete Saenz led in a moment of silence.

IV. ROLL CALL

In attendance:

Pete Saenz	Mayor
Rudy Gonzalez, Jr.	District I
Vidal Rodriguez	District II
Alejandro "Alex" Perez, Jr.	District III
Alberto Torres, Jr.	District IV
Norma "Nelly" Vielma	District V
Charlie San Miguel	District VI
George J. Altgelt	District VII
Roberto Balli	District VIII
Jose A. Valdez, Jr.	City Secretary
Horacio De Leon	City Manager
Cynthia Collazo	Deputy City Manager
Kristina L. Hale	City Attorney

Cm. Altgelt joined at 12:06 p.m.

Cm. Rodriguez joined at 12:13 p.m.

Cm. San Miguel joined at 12:14 p.m.

Citizen comments

Mellie Hereford asked why District VI precincts ran out of ballots, calling the situation inexcusable. She asked how many people left the polling sites without waiting for the duplicate ballots and therefore without voting. Many people worked very hard to register voters in anticipation of the election, and such an event was very disappointing. Although she was present and did not witness any wrongdoing at the Elections Administration

office, she asked Council how the City can convince the public that every function was performed legitimately and that no mistakes were made. If the City wants the people to continue participating in the election process, then their perception of City business must be prioritized.

V. RESOLUTIONS

1. 2018-R-161 Canvassing the returns of the General and Special Election of the City of Laredo held on Tuesday, November 6, 2018 for: the Election of City Officials; a Special Election for proposed propositions; approving the results and ordering a runoff election; authorizing the City Manager to enter into contract with the Webb County Elections Administrator for the purpose of conducting a joint election with Laredo College (LC); designating a runoff date; and providing for publication.

Tiffany L. Franklin, Deputy City Secretary IV, presented the City of Laredo's General Election results as follows:

Mayor

<u>Candidate Name</u>	<u># of Votes Received</u>	<u>Percentage</u>
Pete Saenz	21,864	47.68%
Avelino Juarez	988	2.15%
Roque Vela, Jr.	12,814	27.95%
Charlie San Miguel	9,358	20.41%
Randall Walden	827	1.80%

Municipal Court Judge

Jesus "Chuy" Dominguez	20,305	45.46%
Nathan Chu	11,690	26.14%
Rodolfo "Rudy" Morales, III	12,671	28.37%

Council Member, District I

Rudy Gonzalez, Jr.	2,766	59.05%
Roger Benavides	1,392	29.72%
Luis A. Cisneros	526	11.23%

Council Member, District II

Vidal Rodriguez	2,472	47.21%
Gabriel Lopez	972	18.56%
Jose R. Perez, III	1,792	34.22%

Council Member, District III

Christina "Crissy" Perez	1,262	31.13%
A. "Tacho" Barrera	126	3.11%
Juanita "Janie" Ramon	340	8.39%
Abey Lugo	786	19.39%
Mercurio "Merc" Martinez, III	1,288	31.77%
Manuel "Manny" Osorio	252	6.22%

Council Member, District VI

Francisco "Frank" Castillo	489	4.89%
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Rafael Duenas	1,076	10.76%
Terri Guzman McGraw	320	3.20%
Juan Alejandro	70	0.70%
Juan "Junior" Ramirez	575	5.75%
Marte Martinez	1,858	18.58%
Rick Laurel	1,347	13.47%
George Rodriguez	691	6.91%
Fernando "Nando" Alarcon	718	7.18%
Javier "Cuate" Mendoza	554	5.54%
L. Vish Viswanath	2,301	23.01%

Proposition A

For (A Favor)	23,246	53.38%
Against (En Contra)	20,304	46.62%

Proposition B

For (A Favor)	18,492	42.79%
Against (En Contra)	24,726	57.21%

Total Number of Voters as indicated by ERM Report: 48,203

Cm. Altgelt reported receiving multiple phone calls regarding problems at the polling sites in North Laredo, particularly District VI. There were not enough ballots printed for District VI, and he voiced his opinion that common sense would have alerted the Elections Administration that Beto O'Rourke's Senate campaign would result in a higher voter turnout than anticipated. He asked what went wrong and what could be done differently in the future to prevent a similar situation.

Roberto Tellez, Interim Webb County Elections Administrator, informed Council that the Elections Administration order 65,000 ballots for the City in anticipation of the "Beto O'Rourke Effect" and the surge of voters coming out to vote for the many District VI candidates. He reminded Council that of the six District VI precincts, only three ran out of ballots. The Elections Administration only used 286 duplicate ballots, which is a very small percentage of the total votes cast. It is impossible to definitively predict what the voter turnout will be, but the Elections Administration looked at the voting pattern in many previous City elections, which led to the decision to order as many as were ordered. The surge in voter turnout was due to many voters showing up solely to vote for Beto O'Rourke. Mr. Tellez noted that some individuals have been quick to criticize him from the first day of his appointment as Interim Elections Administrator. He acknowledged that there is a faction that is unhappy with his selection and performance, but he assured Council that he will answer all questions about the election for the sake of transparency. He also reminded Council that there was electronic voting available to the voters of all districts; the problem is that Webb is one of the few counties that still uses paper ballots because of a mistrust of electronic voting machines. To Cm. Altgelt's question of how this

situation can be avoided in the future, Laredo and Webb County needs to go to 100% electronic voting. Mr. Tellez stated that he hopes to undertake education of the electronic voting system to alleviate the community's mistrust.

Mr. Tellez reported that the three polling sites that ran out of ballots were Colonel Santos Benavides Elementary School, Borchers Elementary School, and United High School. Every other polling site throughout the county had enough ballots or were able to transfer identical blank ballots between the sites.

Mayor Saenz reported that he received calls from individuals who said that they did not vote because they were tired of waiting for the ballots to come in. Mr. Tellez stated that these individuals may only be using the wait time as an excuse because after speaking to all polling site judges, the wait time for precincts that ran out of ballots was not long; everybody that was in line at 7:00 p.m. was allowed to vote, resulting in some polling places staying open past 7:00 p.m. to allow all individuals to vote. He reminded Council that if an individual has the intention of voting, they will wait. He also reminded Council that 10 days of early voting were available prior to Election Day.

Cm. Altgelt noted that common sense would tell the Administration that with 12 candidates in the District VI race, more ballots would need to be printed. Mr. Tellez countered that the Administration did in fact order more ballots than ever before, and common sense should tell Council that the Administration took the proper steps to ensure a successful election.

Cm. Altgelt noted that he hears many complaints of an appearance of a conflict of interest for Mr. Tellez, who has a son that served as a campaign manager for a candidate in this election. Mr. Tellez countered that this information is false; his son was not a campaign manager for anyone. He has publically supported a candidate using his first amendment right to free speech, and Mr. Tellez noted that he has another son who supported a different candidate in the same election. However, Mr. Tellez assured Council that he is politically impartial and transparent; the actions and opinions of his adult children is no reflection on his own or an influence on how he has run the Election Administration.

Mr. Tellez informed Council that a ballot shortage occurred throughout the state of Texas, not just in Webb County. When the Administration realized that certain precincts were going to run out of ballots, those precincts were sent duplicate ballots from other precincts and accounted for the numbers on the ballots and the number of duplicate ballots being distributed. The numbers of distributed, used, and unused ballots were all verified. State law allows for duplicate ballots.

Mayor Saenz asked if the signing of ballots by precinct judges are done in a particular location, because the comment was made that

some judges were taking ballots home for signature. Mr. Tellez countered that this was not the case; he was in the Elections Office from 6:00 a.m. on Election Day until 8:00 a.m. the next day; the precinct judges also signed the ballots in the office. He assured Council that none of the ballots went to anybody's home. All ballots remained in the chain of custody of the Elections Administration.

Cm. Torres stated that Laredoans do not expect to wait very long to vote, which may be why many complained of too long a wait time. He also noted that some voters follow their own patterns, such as voting on Election Day and not during early voting. Even if the County offered a month of early voting, people will still wait until Election Day to vote. Mr. Tellez reminded Council that 2/3 of the County's voter turnout occurs during early voting, meaning most voters vote early rather than on Election Day. He added that, even in the precincts that ran out of ballots and had to wait for more, nobody had to wait 90 minutes to two hours. Those voters were able to vote within 45 minutes to an hour.

Cm. Torres recalled that there is a formula that helps determine how many ballots to print for the election based on the cost of printing and then destroying the ballots as well as the accountability of elections officers not wanting more ballots than needed in their office.

Cm. Balli voiced his understanding that no entity in Webb County has approved electronic voting; there are only a few electronic voting machines for people with disabilities or for convenience. There is a long tradition of not using electronic voting machines. However, in Travis County, voters can vote at any polling site because of the widely-used electronic voting system. He recommended that the County consider electronic voting as a way to increase voter turnout who can vote anywhere and avoid running out of paper ballots in future elections. However, he agreed that the community and many candidates do not trust the electronic voting system. Some voting machines issue a receipt showing the voter's selections.

Cm. Vielma asked how many of the 7,500 ballots for District VI were utilized during the early voting process. Mr. Tellez reported that 7,012 people voted in District VI during early voting. On Election Day, the total voter turnout count was 9,729 people, meaning about 2,700 voters voted on Election Day. He informed Council that the City Secretary encouraged the Elections Administration to order whatever they needed for the election, but the Administration had to operate based on a calculation in anticipation of the turnout.

Mr. Tellez noted that as the Elections Administrator, he must anticipate how many voters will turn out for the runoff election. He reminded Council that runoff elections in Webb County have very low voter turnout. The Administration plans to order 35,000 ballots for the mayoral runoff election despite the fact that getting 35,000 actual voter turnout is unlikely.

Cm. San Miguel told Mr. Tellez that he received a phone call from a married couple who live at the same address, where they are both registered. This address is in Laredo's city limits, but for some reason when they went to the polling place to vote, one of the parties was given a ballot that featured the El Cenizo or Rio Bravo mayoral race rather than the City of Laredo. He voiced his confusion as to how this happened, but unfortunately the individual who was given the wrong ballot placed it in the ballot box before notifying a judge. He asked Mr. Tellez if the Elections Administration could educate the public to notify a judge ahead of time if they have any reason to believe they were issued the wrong ballot or if they were not given all of the sheets of their ballot. He added that he also received calls where some voters were not given the second sheet of their ballot throughout the city.

Mr. Tellez assured Council that the Elections Administration received the same complaints. In response, he gave as many impromptu interviews to news media outlets to advise the public on what to do if they experience any problems at the polls. He stated that in all of his interviews, he emphasized that if any voter has an issue with his or her ballot, they were to bring it to the attention of the election judge before placing the ballot in the ballot box. He could not explain how the disparity occurred between the two individuals living at the same address as explained by Cm. San Miguel, but he encouraged the public to put any issues or complaints in writing to him at the Elections Administration.

Cm. San Miguel countered that the complaint from the married couple is in writing as they sent him texts and screenshots. He commended Mr. Tellez for his transparency and dedication during the election process.

Motion to approve the results of the canvass of the election as presented.

Moved: Cm. Torres

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

Cm. Altgelt asked for a recommendation of the best date in December that would encourage voter participation. He noted that the holidays are very near, which makes it more difficult to select a date within the requirement of state law.

Dr. Rodney Rodriguez, Laredo College Elections Officer, noted that LC has been asking for the election date to make sure that it fits the college's schedule. Laredo College will convene for the winter holiday December 20, 2018, through January 6, 2019. In order for the runoff election to be held and then canvass the election by December 20, he recommended that Council consider an earlier date as a partner in the runoff election. He suggested December 8 or December 13 for runoff

dates.

Motion to select December 13, 2018, as the runoff election date.

Moved: Cm. Torres

Second: Cm. Perez

For: 8

Against: 0

Abstain: 0

Jose A. Valdez, Jr., City Secretary, informed Council that state law mandates that early voting not take place earlier than 17 days before the election date. With December 13, 2018, as the selected election date, early voting cannot take place earlier than November 26, 2018. He reminded Council that the Elections Administration cannot conduct an election on such short notice. He asked Mr. Tellez to advise Council on the earliest date that the Elections Administration could conduct early voting.

Cm. Torres reminded Council that state law requires a rest period of three days before Election Day, meaning that early voting could go as late as December 9, 2018. He mentioned that there is very low voter turnout on Sundays and recommended that Council consider distributing the five hours normally offered on Sunday to the other days of early voting. Mr. Valdez clarified that the law requires that early voting polling sites remain open for at least as long as the site is open for business. This would mean that early voting would take place Monday, December 3, through Saturday, December 8, from 8:00 a.m. to 8:00 p.m.

Motion to establish early voting dates and times as Monday, December 3, 2018, to Saturday, December 8, 2018, from 8:00 a.m. to 8:00 p.m.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

Mr. Tellez voiced his opinion that the rush to vote on the early voting dates and times was premature as he was asked questions and was not given the opportunity to respond. He explained that all political subdivisions are canvassing their election results this week. The Elections Administration talked to its ballot provider and were told that if Webb County wants to hold a runoff election by December 13, 2018, all ballot orders should have been mailed by today at 5:00 p.m. Unfortunately, not all political subdivisions are canvassing today by 5:00 p.m. However, Mr. Tellez reported that he received projected dates of when the ballots can be sent to the Elections Administration. The best case scenario would be receiving the ballots on November 26, 2018. Mr. Tellez reminded Council that he only has three permanent employees; everyone else is a temporary worker for the

election. An election on December 13 will put a strain on the Elections Administration staff, and the more temporary workers brought in will result in a more expensive election.

Mayor Saenz asked if the Elections Administration's budget is restricted, since the political subdivisions pay for their portions of the election. Mr. Tellez clarified that he does not have budget constraints because the political subdivisions do pay for the election with the exception of his involvement. He noted that his preference for an election day would have been December 18, 2018, but Council already voted on the matter. However, he acknowledged the concerns.

Motion to adopt Resolution 2018-R-161 with the amendments as discussed and approved.

Moved: Cm. Torres

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

Cm. Altgelt was not present.

VI. EXECUTIVE SESSION

None

VII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

A. Request by Council Member Alberto Torres, Jr.

1. Discussion with possible action to assist Laredo ISD with the annual Christmas Posada and Tree Lighting Ceremony to take place on Friday, November 30, 2018, from 6:00 p.m. to 10:00 p.m. on the grounds of the Vidal M. Trevino School of Communications and Fine Arts, in District IV; and any other matters incident thereto.

Cm. Torres noted that this event has historically been held at the Laredo Civic Center, and he voiced his enthusiasm to bring the event to the heart of District IV and show the work being to beautify the area and add to its character.

Veronica Castillon, Laredo ISD Director of Communications, informed Council that the goal of the posada is to raise money for scholarships for the LISD Class of 2019. The festive event has been scheduled for Friday, November 30, 2018, starting at 6:00 p.m. on the grounds of the Trevino magnate school by Lyon and Malinche Streets. Parking and admission to the event are free to the public, and the event will feature many fun, safe activities for families. The lighting ceremony for the 41-foot tree will take place at the end of the event. There will be two live entertainment stages and 30 booths for games and activities. She noted that the City of Laredo Health Department is conducting a training workshop for food handlers that will work the booths at the event.

Motion to direct management and staff to assist Laredo ISD in whatever way is needed for the Christmas Posada and Tree Lighting Ceremony and to use District IV promotional funds for any costs incurred.

Moved: Cm. Torres

Second: Cm. San Miguel

For: 7

Against: 0

Abstain: 0

Cm. Altgelt were not present.

VIII. ADJOURNMENT

Motion to adjourn.

Moved: Cm. Torres

Second: Cm. Perez

For: 7

Against: 0

Abstain: 0

Cm. Altgelt was not present.