

**CITY OF LAREDO
CITY COUNCIL MEETING
M2020-R-13
LIVE WEB LINK: <http://laredotx.swagit.com/live>**

**CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
August 17, 2020
5:30 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, remembering the victims and healthcare workers fighting COVID-19.

IV. ROLL CALL

In attendance:

Pete Saenz	Mayor
Rudy Gonzalez, Jr.	District I
Vidal Rodriguez	District II
Alberto Torres, Jr.	District IV, Mayor Pro-Tempore
Norma "Nelly" Vielma	District V
Dr. Marte Martinez	District VI
George J. Altgelt	District VII
Roberto Balli	District VIII
Jose A. Valdez, Jr.	City Secretary
Robert Eads	City Manager
Rosario Cabello	Deputy City Manager
Kristina L. Hale	Asst. City Manager & Acting City Attorney
Riazul Mia	Assistant City Manager

V. MINUTES

None

Citizen comments

Joe Baeza, Interim Public Information Officer, read public comments into the record. Henry Sauvignet recommended that, if applicable, Charter amendments on the November ballot include exclusion clauses so that neither the Mayor or any City Council Member may benefit from the proposed change in order to ensure that the changes are for the greater good and not for personal benefit.

Mellie Hereford stated her disappointment that Council conveniently closed City Hall to the public and denied citizens the right to peaceably assemble or exercise their First Amendment right to freedom of speech. Citizens are also being denied the right to address their government with personal grievances as it relates to the proposed changes to the City Charter as Council ignored the limited public input that was shared about what Laredoans want to see reflected in their Charter. As a District IV resident, she noted that community members met with MPT Torres within two hours of him assuming his office and provided him with a list of expectations for the district. He has now spent over \$2 million in his first term, and she voiced her opinion that residents have not seen a single expectation met with that spent money. She noted that her trust has been violated as well as her opinion that Council, including her representative, has only made decisions that were self-serving or beneficial to their friends and political supporters.

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

1. Appointment by Mayor Pete Saenz of Sigfredo Perez, III to the Ethics Commission.

Motion to approve the nomination of Sigfredo Perez, III, to the Ethics Commission.

Moved: MPT Torres

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

Cm. Rodriguez was not present.

2. Appointment by Mayor Pete Saenz of Javier C. Villareal to the Audit and Accountability Committee.

Motion to approve the nomination of Javier C. Villareal to the Audit and Accountability Committee.

Moved: MPT Torres

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

Cm. Rodriguez was not present.

3. Appointment by Mayor Pete Saenz of Jeff Jones to the Citizens Environmental Committee.

Motion to approve the nomination of Jeff Jones to the Citizens Environmental Committee.

Moved: MPT Torres
Second: Cm. Gonzalez
For: 7 Against: 0 Abstain: 0

Cm. Rodriguez was not present.

4. Appointment by Council Member Nelly Vielma of Joaquin Rodriguez to the Ethics Commission.

No action taken.

VII. PUBLIC HEARINGS

1. Open public hearing #1.

Moved: Cm. Gonzalez
Second: MPT Torres
For: 7 Against: 0 Abstain: 0

Cm. Rodriguez was not present.

Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning approximate 5.01 acres in Porcion 38, Jose Antonio Nasario, Original Abstract 472, located at South of Cielito Lindo Blvd, and East of Ejido Ave., from R-1A (Single Family Reduced Area Residential District) to B-1 (Limited Business District); providing for publication and effective date.

The Planning & Zoning Commission recommended approval of the zone change and staff supports the application. ZC-48-2020 District I

There was no public input.

Motion to close public hearing and introduce.

Moved: Dr. Marte Martinez
Second: MPT Torres
For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

2. Motion to open public hearing #2.

Moved: Cm. Gonzalez
Second: MPT Torres
For: 7 Against: 0 Abstain: 0

Cm. Rodriguez was not present.

Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning approximate 48.08 acres Abstract 762, Survey 34, J. A. Diaz, located at East of Cuatro Vientos Rd., and North of Wormser Rd., from AG (Agricultural District) to R-1A (Single Family Reduced Area Residential District); providing for publication and effective date.

The Planning & Zoning Commission recommended approval of the zone change and staff supports the application. ZC-50-2020 **District II**

There was no public input.

Motion to close public hearing and introduce.

Moved: Dr. Marte Martinez

Second: MPT Torres

For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

3. Motion to open public hearing #3.

Moved: Cm. Gonzalez

Second: MPT Torres

For: 7 Against: 0 Abstain: 0

Cm. Rodriguez was not present.

Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, McPherson Road Vet Clinic Plat, located at 6602 McPherson Rd., from B-1 (Limited Business District) to B-3 (Community Business District); providing for publication and effective date.

The Planning & Zoning Commission recommended approval of the zone change and staff supports the application. ZC-49-2020 District V

Joe Baeza, Interim Public Information Officer, read a public comment from Alfredo Guerra into the record in which Mr. Guerra, representing his client, Jake Spruiell, spoke in favor of the zone change.

Motion to close public hearing and introduce.

Moved: Dr. Marte Martinez

Second: MPT Torres

For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

4. Motion to open public hearing #4.

Moved: Cm. Gonzalez

Second: MPT Torres

For: 7

Against: 0

Abstain: 0

Cm. Rodriguez was not present.

Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 4, Block 178, Western Division, located at 1007 San Dario Ave., from B-1 (Limited Business District) to B-3 (Community Business District); providing for publication and effective date.

The Planning & Zoning Commission recommended approval of the zone change and staff supports the application. ZC-51-2020 District VIII

Cm. Vielma noted her recusal from this item.

Motion to close public hearing and introduce.

Moved:

Second:

For: 6

Against: 0

Abstain: 1

Cm. Rodriguez

Cm. Vielma

Cm. Mercurio Martinez

MPT Torres

Dr. Marte Martinez

Cm. Altgelt

Cm. Balli

5. Motion to open public hearing #5.

Moved: Cm. Gonzalez

Second: MPT Torres

For: 7

Against: 0

Abstain: 0

Cm. Rodriguez was not present.

Public Hearing of the following ordering a special election for the submission of charter amendments to be held within the city on November 3, 2020; and providing for severability, publication, and an effective date.

Proposition A

Shall the City Charter be amended to provide that upon the conviction of a criminal offense, excluding a felony, by the Mayor or a City Council Member, a declaratory judgment action shall be filed with a district court of competent jurisdiction to seek a determination on whether the crime committed is one involving moral turpitude, and if it is so determined, a recall process shall be automatically triggered?

YES ()

NO ()

Proposition B

Shall the City Charter be amended to require the Mayor to execute his/her veto power within the next two regularly scheduled Council Meetings?

YES ()

NO ()

Proposition C

Shall the City Charter be amended to require any candidate filing an application for place on the ballot to submit a filing fee, or signature petition in lieu of the filing fee, with the City Secretary as prescribed by City Ordinance in accordance with the Texas Election Code?

YES ()

NO ()

Proposition D

Shall the City Charter be amended to provide that the Mayor, in addition to City Councilmembers, are excluded from the prohibition against participating in political activity while on duty, in uniform, or using city resources?

YES ()

NO ()

Proposition E

Shall the City Charter be amended to provide that a City Council Member who was elected through a special election to finish an unexpired term may serve the unexpired term in addition to two four-year terms?

YES ()

NO ()

Proposition F

Shall the City Charter be amended to provide that any proposed issuance of a bond valued at over 10% of the comprehensive budget, excluding those issued through the Enterprise funds, for capital improvement projects must be approved through a ballot referendum?

YES ()

NO ()

Proposition G

Shall the City Charter be amended to provide that the minimum qualifications of the City Manager require a Master's Degree and no less than eight years' experience in government, economic development, or related fields?

YES ()

NO ()

Proposition H

Shall the City Charter be amended to provide that the City Tax Assessor and Collector *or his or her contracted designee* shall be responsible for the assessment and collection of taxes levied by the City of Laredo?

YES ()

NO ()

Proposition I

Shall the City Charter be amended to provide that all taxes due the City of Laredo shall be payable at the office of the City Tax Assessor and Collector, or at one or more other designated locations, and may be paid any time after assessments have been made final by the Council."

YES ()

NO ()

Joe Baeza, Interim Public Information Officer, read public comments into the record: Elizabeth O'Connor noted the lack of criteria listed for City of Laredo elected officials. She asked why these Charter amendment proposals are up for vote during a pandemic that limits the public's ability to attend Council meetings, noting her observation that Council appears to be pushing these amendments while "nobody is watching" and during a time in which the public cannot fully participate.

Cm. Altgelt voiced his understanding that Proposition A was amended at the August 13 Special Council meeting to involve an automatic *forfeiture of office*, not an automatic recall election. Kristina L. Hale, Assistant City Manager and Acting City Attorney, clarified that staff reviewed the video of that meeting and a felony was the only automatic trigger of a forfeiture of office. Council's language at that meeting was to trigger an automatic recall election for other crimes involving moral turpitude. Council voted to leave the matter to the voters.

Cm. Altgelt argued that this would be an extra expense for an election and noted that if an elected official is convicted of a crime of moral turpitude, then that official is unfit to serve. He added that there are also ways to safely allow for public comments in Council Chambers to gather more community feedback on the City Charter. Council also appointed members to the Charter Revision Commission and then simply disregarded many of their

recommendations. He emphasized his opinion that this Council is operating in the shadows and that democracy cannot be a casualty of the global pandemic. He initiated a motion to table this public hearing indefinitely until the public has had the opportunity to be heard.

Motion to table.

Moved: Cm. Altgelt

Second: Cm. Vielma

For: 3

Against: 5

Abstain: 0

Cm. Gonzalez

Cm. Rodriguez

Cm. Vielma

Cm. Mercurio Martinez

Cm. Altgelt

MPT Torres

Dr. Marte Martinez

Cm. Balli

Motion fails.

Mayor Saenz noted his inclination to veto putting Charter amendments on the November ballot, voicing his agreement with Cm. Altgelt's arguments regarding the pandemic, the time and dedication of the Charter Revision Commission that was in vain after Council dismissed their recommendations, and the lack of direct public input on these issues.

Cm. Vielma voiced her understanding during the discussion of a conviction of a crime involving moral turpitude that Council agreed triggering a recall election would undermine the declaratory judgment of the Judge as it would be a waste of the judge's time. She also reiterated the same sentiments as expressed by Cm. Altgelt and Mayor Saenz. The City did a disservice to the public by not providing proper notice of the proposed Charter amendments and soliciting feedback.

Mrs. Hale confirmed that the posting of these proposals and notice of Charter amendment discussion is consistent with how the City of has always posted as well as the other municipalities in Texas. She clarified that the Charter amendment workshop was a *workshop* in which Council asked staff to post an agenda for the purposes of discussing what *would* go on the ballot. There was nothing specific at that time; the purpose of the workshop was to discuss and consider what would or would not go on the ballot.

After a brief recess, Cm. Mercurio Martinez voiced his offense taken at Council being accused by one of their own colleagues of hiding the Charter amendment process because the accusation is untrue; there has been public input through this process at the beginning of Council meetings. All propositions came through the Charter Revision Commission, and there were more submitted by the Commission. Council considered all recommendations and voted to include some but not others. Everybody on Council had the opportunity to vote these proposals onto or off of the ballot. The fact that these recommendations came in through the Charter Revision Commission also means that the Commission had public hearings and community feedback during their own meetings and deliberations. He reported that he attended some of the Charter Revision Commission meetings himself and noted that citizens

chose not to attend many of them. The fact that the public did not attend Charter Revision Commission meetings does not mean that there were no public hearings for the items to be considered; the propositions on this agenda went through a democratic process. The dissenting comments from the public who are very vocal and do not agree with the propositions that were included or excluded from the ballot does not mean that there was wrongdoing or misconduct when it comes to soliciting public input. He voiced his opinion that the vast majority of the public that he has heard from are misinformed by very vocal minority groups that get on Facebook and distort the truth about Council's Charter amendment process. Council had received criticism no matter how they have tried to address the matter or what decision they made. The public is going to have their opportunity to vote yes or no on each of the propositions that make it to the ballot.

Cm. Altgelt initiated a motion to amend Proposition A so that a declaratory judgment of a crime involving moral turpitude results in an elected official automatically forfeiting their office rather than triggering an automatic recall election.

Cm. Martinez asked if amending Proposition A would mean that Council needs to have two more public hearings or asked instead if Council should just remove it from the ballot and work on the wording for the next election. Mrs. Hale confirmed that there is no more time for two public hearings, so at this time Council can either approve propositions as they are worded or remove portions of their wording. To change the language to say something else would trigger more public hearings; Council could have changed the language at the last meeting, but there is no time to do so now.

Cm. Altgelt attempted to amend his motion to simply remove "recall election" portion. MPT Torres countered that removing some language is still changing what has been noticed to the public. Mrs. Hale agreed that the introductory ordinance was the time to change language and recalled that there was already a vote to Cm. Altgelt's effect that failed due to lack of a majority. In light of the clarification, Cm. Altgelt withdrew his motion.

Motion to amend Proposition A so that a declaratory judgment of a crime involving moral turpitude results in an elected official automatically forfeiting their office rather than triggering an automatic recall election.

Moved: Cm. Altgelt
Second: Cm. Vielma
Motion withdrawn.

Motion to close public hearing and introduce as it relates to Proposition A.

Moved: Cm. Altgelt
Second: MPT Torres
For: 6 Against: 2 Abstain: 0
 Cm. Gonzalez Cm. Rodriguez
 Cm. Mercurio Martinez Cm. Vielma
 MPT Torres

Dr. Marte Martinez
Cm. Altgelt
Cm. Balli

Motion to close public hearing and introduce as it relates to Proposition B.

Moved: Cm. Altgelt
Second: MPT Torres
For: 8 Against: 0 Abstain: 0

Motion to close public hearing and introduce as it relates to Proposition C.

Moved: Dr. Marte Martinez
Second: Cm. Rodriguez
For: 6 Against: 3 Abstain: 0
 Mayor Saenz MPT Torres
 Cm. Gonzalez Cm. Vielma
 Cm. Rodriguez Cm. Altgelt
 Cm. Mercurio Martinez
 Dr. Marte Martinez
 Cm. Balli

Motion to close public hearing and introduce as it relates to Proposition D.

Moved: MPT Torres
Second: Cm. Rodriguez
For: 7 Against: 1 Abstain: 0
 Cm. Gonzalez Cm. Altgelt
 Cm. Rodriguez
 Cm. Mercurio Martinez
 MPT Torres
 Cm. Vielma
 Dr. Marte Martinez
 Cm. Balli

Cm. Rodriguez initiated a motion to close public hearing and introduce as it relates to Proposition E. Mayor Saenz noted his opposition to this proposition.

Cm. Altgelt reminded Council that Charter amendment propositions need a *two-thirds vote*, not a simply majority, in order to be placed on the ballot.

Motion to close public hearing and introduce as it relates to Proposition E.

Moved: Cm. Rodriguez
Second: Dr. Marte Martinez
For: 5 Against: 4 Abstain: 0

Cm. Rodriguez	Mayor Saenz
Cm. Mercurio Martinez	Cm. Gonzalez
MPT Torres	Cm. Vielma
Dr. Marte Martinez	Cm. Altgelt
Cm. Balli	

Motion fails (lack of a two-thirds vote).

Motion to close public hearing and introduce as it relates to Proposition F.

Moved: MPT Torres

Second: Cm. Vielma

For: 8

Against: 0

Abstain: 0

MPT Torres initiated a motion to close public hearing and introduce as it relates to Proposition G. Dr. Martinez cautioned Council that the city of Laredo and many other municipalities have City Managers with a bachelor's degree only but a significant amount of experience; that experience allowed them to be effective in their position. He noted his concern over how challenging it was to go through the recent City Manager search and selection process and stated that he does not want to make it more difficult to find a City Manager in the future. If Council wants to give the ability to the Human Resources to *try* to look for applicants with a Master's degree would make sense, but to limit applicants for not having one is illogical.

MPT Torres countered that the problem during the last City Manager search was not so much the educational requirements but the experience requirements. Most applicants did have a Master's degree and are more common recently. He voiced his opinion that by requiring a Master's degree, the City is assuring the public that they will receive a quality leader to manage this municipality. Cm. Altgelt agreed to MPT Torres's sentiments.

Cm. Balli agreed with Dr. Martinez and noted that the most talented person for the position may not have a Master's degree. He added that the proposition may be improperly-worded because there are some individuals who have a doctorate degree but no Master's degree; this should be concerning because it is too limiting in its verbiage.

MPT Torres countered that if an individual has a doctorate degree, they exceed the minimum qualification of a Master's degree; there is no conflict here since the Master's degree is the minimum and not a standalone requirement. The salary of the City Manager

Motion to close public hearing and introduce as it relates to Proposition G.

Moved: MPT Torres

Second: Cm. Vielma

For: 6

Against: 3

Abstain: 0

Mayor Saenz	Cm. Rodriguez
Cm. Gonzalez	Dr. Marte Martinez
Cm. Mercurio Martinez	Cm. Altgelt

MPT Torres
Cm. Vielma
Cm. Balli

Motion to close public hearing and introduce as it relates to Proposition H.

Moved: Cm. Vielma
Second: Cm. Altgelt
For: 8

Against: 0

Abstain: 0

Motion to close public hearing and introduce as it relates to Proposition I.

Moved: Cm. Vielma
Second: Cm. Altgelt
For: 8

Against: 0

Abstain: 0

Dr. Martinez voiced his understanding that the Mayor only votes when there is a tie, not when another vote is necessary for the motion to fail or pass. There was not a tie on any of the motions that utilized the Mayor's vote for a two-thirds vote.

Mrs. Hale explained that the last time the Charter was amended, it gave the Mayor the right to vote; there has been some confusion as another section includes some contradictory language that says the Mayor can only vote in the case of a tie. There are two contradictory provisions of the Charter because the "tie vote" language was not removed the last time the Charter was amended.

MPT Torres noted that the Mayor is contributing his vote, which he has been able to do in the past with no question or objection from Council. This situation is no different than being the fifth vote needed on any other motion.

Jose A. Valdez, Jr., City Secretary, agreed with the interpretation of Mrs. Hale and MPT Torres, to which Mayor Saenz and Cm. Altgelt also agreed. Mr. Valdez noted that this discrepancy was presented as a possible Charter amendment proposition to correct in the Charter, but it was not approved for the ballot.

Mrs. Hale added that if the provision is legally challenged, the court decides in favor of the way the provision was applied in the past.

Dr. Martinez voiced his opinion that if there are two conflicting provisions in the Charter regarding the Mayor's voting ability, then the Mayor should exercise an abundance of caution and not vote until the issue is resolved. Otherwise, it is not a fair vote.

Mayor Saenz countered that he will follow the interpretation of the City's legal counsel on this matter. Cm. Rodriguez argued that the provision allows the Mayor to vote if a *fifth* vote is needed, not a *sixth*.

MPT Torres reiterated Mrs. Hale's explanation that, fifth or sixth, the Mayor can cast a vote if he wishes. Mrs. Hale confirmed that the intention when the Charter was last updated: the Mayor has an additional vote. The Charter says, "No action of the Council shall be binding unless adopted by the affirmative vote of at least five Council Members or four Council Members and the Mayor."

MPT Torres reminded Council that Mr. Valdez was correct in stating that staff presented this contradiction to Council for clarification purposes on the ballot; Council did not take up the issue and left the matter off of the ballot.

Cm. Altgelt reminded Council that the Policy and Procedures Manual provides further instruction, which allows the Mayor to vote as a *sixth* vote if a two-thirds vote is required.

Dr. Martinez stated that the Mayor has never voted as a sixth vote, which means that this precedent is not established and could be proven if legally challenged.

[Due to an audio and video malfunction, some portion of the discussion was not recorded.]

Mayor Saenz asked staff to move forward with the propositions and to address any legal challenges if they arise. Mrs. Hale confirmed that the Mayor's vote is a valid action; someone would have to challenge it if they found it to be a violation of the Charter.

VIII. INTRODUCTORY ORDINANCES

6. An Ordinance of the City of Laredo, Texas, amending Chapter 18 of the code of ordinances by adding Article VII which requires the installation of diaper changing stations in all city-owned buildings, newly constructed commercial buildings and commercial buildings undergoing major renovation; providing that this ordinance shall be cumulative; providing a penalty clause; providing a severability clause; providing for publication; and declaring an effective date.

Ordinance Introduction: City Council

7. Authorizing the City Manager to enter into a License Agreement between the City of Laredo, Texas and AT&T Corporation for the use of one (1) innerduct in the Juarez Lincoln Bridge and 555.5 linear feet of right-of-way. Term of the License shall be for five (5) years commencing on August 1, 2020 and terminating on July 31, 2025. Annual duct fee shall be \$32,056.03 and will increase by five percent (5%) every year the License is in place. In addition to the duct fee, Licensee shall pay an \$11.31 linear foot right-of-way fee, and will increase by five percent (5%) every year.

Ordinance Introduction: City Council

8. Authorizing the City Manager to execute the Lease Agreement between Laredo Transit Management, Inc. (Lessor) and Turimex, LLC (Lessee). This is for a leased building space at the Laredo Transit Center, located at 1301 Farragut St., for an approximate square footage

of 2,850 square feet. The building space includes a vacant office of approximately 150 square feet and vacant bus slip# 6, 7, and 8 of 900 square feet each. Initial monthly rent will be \$2,000.00.

Ordinance Introduction: City Council

9. An Ordinance of the City of Laredo, Texas, amending Chapter 18, Article V, Section 18-25 of the Code of Ordinances, to provide for procedures to revoke a certificate of occupancy; providing that this ordinance shall be cumulative; providing for a severability clause; providing for publication; and declaring an effective date.

Ordinance Introduction: City Council

In light of a storm outside, Cm. Altgelt initiated a motion to adjourn the meeting.

Kristina L. Hale, Assistant City Manager and Acting City Attorney, reminded Council that there is a final reading of the ordinance calling for the election.

Motion to adjourn.

Moved: Cm. Altgelt

Second: Cm. Vielma

For: 2

Cm. Vielma

Cm. Altgelt

Against: 6

Cm. Gonzalez

Cm. Rodriguez

Cm. Mercurio Martinez

MPT Torres

Dr. Marte Martinez

Cm. Balli

Abstain: 0

IX. FINAL READING OF ORDINANCES

Motion to waive the final readings of Ordinances 2020-O-098, 2020-O-099, and 2020-O-100.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

10. 2020-O-098 Authorizing the City Manager to execute a lease agreement in the term of five (5) years to the ground lease agreement by and between the City of Laredo, a Municipal Corporation (Licensor), and new Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, (Licensee), with its principal place of business at 1025 Lenox Park Boulevard, NE, 3rd floor, Atlanta, GA 30319. Site ID: 10007674, being a portion located at 1301 Farragut St., Laredo, Webb County, Texas. With the annual rental amount of \$22,150.00 and will increase 2.5% per annum hereinafter, in accordance with the terms as

defined by the agreement and/or modified by subsequent amendments.

Motion to adopt Ordinance 2020-O-098.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

11. 2020-O-099 Authorizing the City Manager to accept and enter into a contract from the Texas Department of State Health Services (DSHS), amending the FY 2019-2020 budget by appropriating revenues and expenditures in the amount of \$131,626.00 for COVID-19 response activities and in the amount of \$1,045,448.00 for COVID-19 Laboratory activities for a total amount of \$1,177,074.00 and amending the FY 2019-2020 Full Time Equivalent (FTE) Position Listing by adding one (1) Public Health Technician, R36 position, two (2) Microbiologist I, R37 positions, one (1) Senior Medical Technologist, R33 position, one (1) Medical Office Assistant II, R30 position, and one (1) Clerk III, R27 position for the City of Laredo Health Department (CLHD) IDCU/COVID-19 Grant Program for the term period from August 1, 2020 (or upon execution) through April 30, 2022.

Motion to adopt Ordinance 2020-O-099.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

12. 2020-O-100 An Ordinance of the City Council of the City of Laredo, Texas, ordering a special election for the submission of charter amendments to be held within the city on November 3, 2020; and providing for severability, publication, and an effective date.

Cm. Vielma requested ample public notice for any changes to the previous precincts. Jose A. Valdez, Jr., City Secretary, confirmed that the Webb County Elections Administration will approve the precincts next week; he assured Council that he would inform them as soon as he is given that information. The Webb County Commissioners choose the precincts, not City officials.

Cm. Altgelt voiced his opinion that there has not been sufficient public notice or opportunity for public feedback on the Charter amendments despite arguments made to the contrary. Cm. Mercurio countered that his arguments stated that many of these propositions came through the Charter Revision Commission, who met prior to the COVID-19 pandemic and went through public hearing processes thoroughly.

Motion to adopt Ordinance 2020-O-100.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

X. CONSENT AGENDA

BRIDGE: STAFF SOURCE YVETTE LIMON, BRIDGE DIRECTOR

13. Authorizing the City Manager to execute a memorandum of agreement between U.S. Customs and Border Protection, U. S. Border Patrol, Laredo Sector (LRT) and the City of Laredo for the rental of thirty (30) parking spaces at the City's parking lot (southwest corner) at Colombia Solidarity Bridge (Bridge III) located at FM 3464 and FM 1472. The term will be for six (6) months at a rate of \$9,000.00 monthly. The effective date of this MOA is the date of the last signature by the appropriate representative for LRT or the City ("Effective Date"), and unless terminated sooner shall be in effect for a period of six (6) months from the effective date. The parties may shorter or extend the terms of this MOA upon written consent in subsequent writing. The purpose of this agreement is to alleviate the Laredo West Border Patrol Station's (LRT) parking shortage due to the additional workforce assigned to assist LRT with operations related to COVID-19.

Cm. Mercurio Martinez asked to ensure that the language in the Memorandum of Agreement is for parking only and not to include the erection of tents or temporary courts.

Robert Eads, City Manager, informed Council that CBP is actually not agreeing to this dollar amount; they are asking for free parking. Staff has brought a dollar amount before Council that is typical of what they would charge any entity for this parking; Council has the purview to direct staff to negotiate with CBP for anything less than this amount.

Dr. Marte Martinez voiced his opinion that the City should be willing to negotiation with their Border Patrol partners. Cm. Balli agreed, as did Mayor Saenz.

Motion to approve and to authorize staff to negotiate and include language in the Memorandum of Agreement that the parking spaces are for parking only and not for the erection of tents or temporary courts, as amended.

Moved: Cm. Mercurio Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

CITY ATTORNEY: STAFF SOURCE KRISTINA L. HALE, ASSISTANT CITY MANAGER/ACTING CITY ATTORNEY

14. Consideration for the City of Laredo to enter into a License Agreement with U.S. Customs and Border Protection for the temporary deployment of Concertina Wire (C-Wire) on

identified riverfront properties owned by the City of Laredo to allow Licensees to erect, repair, and maintain the C-Wire during the term of the Agreement. The term shall be for one (1) year and may be extended for an additional one (1) year term upon mutual agreement of the parties.

Cm. Mercurio Martinez voiced his opposition at the potential appearance of Laredo as a military zone. He initiated a motion to deny.

Robert Eads, City Manager, explained that the area in question is from the rail bridge to Bridge #2. He noted that staff told CBP that this C-wire would be very unsightly and were told that it was needed for operational reasons.

Mayor Saenz noted that he met with CBP officials and told them that the City has an issue with the use of C-wire. He was told that there was not another wire type available and that CBP would obtain the authority to implement the wire whether Council approves the license agreement or not.

Cm. Martinez reiterated his opposition and amended his motion to include that any further negotiations or discussions with the City Manager and/or Mayor include a City Council Member as well.

Mr. Eads noted that CBP assured him that the border wall and this C-wire were two completely different projects.

Motion to deny and to direct that any further negotiations or discussions with the City Manager and/or Mayor include a City Council Member as well, as amended.

Moved: Cm. Mercurio Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

15. Authorizing the City Manager to execute six (6) License Agreements to grant U.S. Customs and Border Patrol Protection (CBP) perpetual licenses to access City owned property, as described in the attached Agreements, to deploy, operate, maintain, repair, and remove one or more temporary and re-locatable surveillance systems for use as part of CBP's border security and enforcement mission; and the City may revoke such License Agreements upon 60 days-notice to CBP.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

HEALTH: STAFF SOURCE RICHARD A. CHAMBERLAIN, INTERIM HEALTH DIRECTOR

16. Authorizing the City Manager to accept and enter into a continuation contract with provider Maurice Click, M.D. for physician services for the City of Laredo Health Department Primary Care, Women's Health and Chronic Disease services in the amount of \$49,000.00 per year for a total amount of \$98,000.00 for the term of July 1, 2020 through June 30, 2022, and may be renewed for another two (2) years, contingent on funding availability and both parties agreeing to enter into a new contract. Funding is available through the Health Department budget.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

HUMAN RESOURCES: STAFF SOURCE MELINA BERMUDEZ, HUMAN RESOURCES DIRECTOR

17. Consideration to renew contract number FY19-079 to provide Temporary Staffing Agency Services to the following vendors:

1. Staff Force Inc., Laredo, Texas;
2. HR Plus, Laredo, Texas.

Both are the primary vendors for set contract services to provide the City of Laredo with a labor pool for those departments that might require temporary staffing throughout the fiscal year. All services will be secured on an as needed basis and the estimated contract amount for this fiscal year would be approximately \$1,000,000.00. This is the first of two extension period options. Funding is available in the respective departmental budgets.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

INFORMATION SERVICES & TELECOMMUNICATION: STAFF SOURCE HOMERO VAZQUEZ-GARCIA, IST DIRECTOR

18. Authorizing the City Manager to enter into and execute a contract between Computer Solutions Company of San Antonio, Texas and the City of Laredo through the Texas Department of Information Resources (DIR) cooperative purchasing program in the amount of \$367,548.75 for the purchase and installation of an upgrade to the City's network firewall systems. Funding is available in the Contractual Obligations Fund – 2019 PPFCO Bond.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

19. Authorizing the City Manager to approve the purchase of a 2021 F-750 Regular Cab Bucket Truck for \$183,281.15 through the Goodbuy Purchasing Program of the Education Service Center Region 2 – Vendor Silsbee Ford. Funding is available in the Information Services and Telecommunications Fund.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

PLANNING & ZONING: STAFF SOURCE JAMES KIRBY SNIDEMAN, PLANNING & ZONING DIRECTOR

20. Motion adopting the following schedule of hearings and proceedings for voluntary annexations for 2020-2021:

Date	Action
8/1/2020	Begin accepting annexation applications.
8/17/2020	Adoption of annexation schedule by the City Council.
8/19/2020 - 10/1/2020	Planning Department staff assists applicants with submittal process and conducts initial review of early submittals.
11/2/2020	Annexation petition/application deadline at 5:00 p.m.
11/3/2020 - 1/4/2021	Review by Planning, Engineering, Utilities, Fire, Police, Environmental, Parks and Public Works Departments. Prepare maps and develop preliminary calculations and recommendations. Coordinate with applicants for clarification/changes to petitions, legal descriptions, zoning information, etc.
1/6/2021	Agenda deadline for submission of materials for 1/19/2021 City Council Meeting.

1/19/2021 (Tuesday after MLK Day)	Council meeting authorizing by motion the drafting of annexation agreements and service plans for submitted annexation requests and refer to Planning and Zoning Commission.
1/20/2021 - 1/27/2021	Prepare annexation agreements and service plans with updated fees. Continue review and develop zoning analysis and recommendations.
2/4/2021	Planning and Zoning Commission meeting and review of proposed annexation and proposed zoning designations.
2/5/2021 - 2/12/2021	Coordinate as necessary with applicants based on recommendations from the Planning and Zoning Commission. Prepare documentation and impact analysis to be presented at public hearing. Prepare draft ordinances, etc.
3/1/2021 *	City Council holds public hearing on proposed annexations. Loc. Gov't Code §43.063.
03/2/2021 - 4/2/2021	Annexation agreements and service plans executed by property owners and submitted to Planning Department and forwarded to Legal Department for processing.
4/6/2021 (Tuesday - Day after Easter Monday)	City Council meeting: Introduction of an ordinance instituting annexation proceedings and adopting a service plan for the areas to be annexed and establishing zoning. (Not more than forty (40) nor less than twenty (20) days from the date of public hearing. (Institution of Proceedings).
4/19/2021	City Council Meeting: Second reading and adoption of annexation ordinance instituting annexation proceedings and adopting a service plan for the areas to be annexed and establishing zoning. (Completion of Proceedings). Loc. Gov't Code §43.064.
* Note:	Date of public hearing may depend on City Council availability during month of March due to annual Washington D.C. trips.

Dr. Marte Martinez noted that developers have been looking for a way to expedite an

annexation schedule due to the number of individuals ready to annex now. The original annexation schedule was set to be completed July 2020. The calendar noted on the agenda expedites the process by two months, and he initiated a motion to amend the calendar by providing a 45-day opening period and to move up the calendar accordingly to complete annexations by January 2021. He noted that Planning Director James Kirby Snideman was not in favor of having an annexation schedule this whole year based on meetings with him.

James Kirby Snideman, Planning Director, reported that the vast majority of lots that were previously reported to Council were created already within City boundaries; most of them added very little extra value to the City because they were already part of the City. He confirmed that he would not stop an annexation cycle but takes his direction from the entire Council. He noted that the City has consistently performed one annexation cycle per year; adding these lots at the same time allows staff to present Council with a strategized approach. Engineers need sufficient time to make the necessary preparations.

Cm. Vielma reminded Council that they hired Mr. Snideman because he has the experience and expertise to provide the leadership needed for the City's development. Through his guidance, the City will have a plan and not make decisions hastily or without professional foresight.

Mr. Snideman noted that staff can move the calendar up by a month or two but not more than that; the biggest lag time comes from the noticing required by the State of Texas. Staff can bring the expedited calendar back to Council as quickly as they are able to do so, though doing so will cut into the analysis.

Motion to amend the calendar by providing a 45-day opening period and to move up the calendar as quickly as possible and direct staff to bring the calendar back to Council, as amended.

Moved: Dr. Marte Martinez

Second: Cm. Mercurio Martinez

For: 6

Against: 2

Abstain: 0

Cm. Gonzalez

Cm. Vielma

Cm. Rodriguez

Cm. Altgelt

Cm. Mercurio Martinez

MPT Torres

Dr. Marte Martinez

Cm. Balli

POLICE: STAFF SOURCE CLAUDIO TREVINO, CHIEF OF POLICE

21. 2020-R-123 Authorizing the City Manager to accept a grant award in the amount of \$93,999.07 from the Texas Department of Transportation for enforcement of the Commercial Motor Vehicle - Selective Traffic Enforcement Program. The grant period will begin October 1, 2020 through September 30, 2021. Grant funding is for Selective Traffic Enforcement Program overtime salaries. This

grant requires a cash match in the amount of \$29,139.71 for a total grant budget of \$123,138.78. Funding will be available in the Special Police Fund.

Motion to adopt Resolution 2020-R-123.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

22. 2020-R-124 Authorizing the City Manager to accept a grant award in the amount of \$109,998.99 from the Texas Department of Transportation for the Comprehensive Selective Traffic Enforcement Program. The grant period will begin October 1, 2020 and runs through September 30, 2021. Grant funding is for Selective Traffic Enforcement Program overtime salaries. This grant requires a cash match in the amount of \$34,099.69 for a total grant budget of \$144,098.68. Funding will be available in the Special Police Fund.

Motion to adopt Resolution 2020-R-124.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

23. 2020-R-125 Authorizing the City Manager to submit a grant application in the amount of \$59,004.00 to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the funding of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2020 for the period of October 01, 2019 through September 30, 2023. The Bureau of Justice Assistance mandates that this grant allocation be divided equally between the City of Laredo and Webb County; \$29,502.00 will be allocated for the LPD Network Specialist and \$29,502.00 for Webb County Sheriff's Office equipment and technology operation enhancements and officer wellness equipment. Funding will be available in the Special Police Fund.

Motion to adopt Resolution 2020-R-125.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

24. 2020-R-127 Authorizing the City Manager to accept additional funds in the amount of \$40,625.00 from the U.S. Customs and Border Protection/U.S. Border Patrol Treasury Forfeiture Fund for joint operations for overtime expenses for a new grant total of \$449,625.00. The City of Laredo required match will be \$13,000.00. Both the additional funds and the grant match are available in the Special Police Fund.

Motion to adopt Resolution 2020-R-127.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

25. Authorizing the City Manager to renew one individual cooperative working agreement and first addendum between the City of Laredo Police Department and the University of Texas Health Science Center at San Antonio Police Department (UTHSCPD) Laredo Campus for the purpose of providing assistance on special needs basis. The Police Department's participation is part of the community service provided to our citizens and our partner law enforcement agencies with no cost to the City of Laredo.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

PUBLIC WORKS: STAFF SOURCE JOHN ORFILA, PUBLIC WORKS DIRECTOR

26. Consideration to award a purchase contract for the purchase of heavy equipment for the Public Works Department utilizing HGAC Contract #HT 06-20, Cooperative Contract Pricing to the following vendors: Houston Freightliner, Houston, TX and Bergkamp, Salina, Kansas in the amount of \$263,610.00 for the purchase of one (1) 2021 Freightliner M2 112 with Bergkamp MA30 Gravity Applicator with Conventional Slurry Box on a Freightliner cab and chassis. This equipment will be utilized by the Public Works Department for paving and construction related projects. Funding is available in the Capital Improvements Fund.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

27. Consideration to award contract number FY20-077 to the Sole Bidder:

1. City Ready Mix, Inc., Laredo, Texas, in an amount up to \$1,000,000.00

for the purchase of ready mix cement (job site delivered) for various City Departments. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. The contract may be extended for three (3) additional one (1) year periods upon mutual agreement. All materials are purchased on an as needed basis. Funding is available in various funds including Waterworks System, Sewer System and General Fund.

Robert Eads, City Manager, confirmed that City Ready Mix, Inc., was the sole bidder for this project and is typically a sole bidder on this type of project.

Dr. Marte Martinez noted that it may be very difficult to submit bids during COVID-19; concrete is also very expensive. He asked if it would be worthwhile to deny this contract and go back out for bids to see if a more competitive bid process is achieved.

John Orfila, Public Works Director, informed Council that staff went out for bids the first time a few months ago and received only one bid, which staff denied. They rebid the project and contacted another vendor to secure some competition. Again, only one bidder responded to the project.

Mr. Eads recommended awarding this contract as staff does not believe that the City will receive a better price.

Motion to approve.

Moved: MPT Torres

Second: Dr. Marte Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Altgelt were not present.

TAX: STAFF SOURCE DORA MALDONADO, TAX ASSESSOR COLLECTOR

28. Approving monthly adjustments to the tax roll. The amounts adjusted for the month of July 2020 represent a decrease of \$20,228.29. These adjustments are determined by the Webb County Appraisal District and by court orders.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

UTILITIES: STAFF SOURCE MICHAEL F. RODGERS, INTERIM UTILITIES DIRECTOR

29. Consideration to award contract FY20-074 to Gutierrez Machine Shop, Laredo, Texas in an amount up to \$400,000.00 for professional welding services for the Utilities Department. The services requested include site repairs to various water and wastewater treatment plants, lift stations, and other municipal utility facilities. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution. Funding is available in the Waterworks System and Sewer System Budget.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

30. Consideration for approval to purchase the pump repair service from Austin Armature Works, LP, Buda, Texas in the amount of \$64,259.64 utilizing the Buy Board Number 589-19. This service is for the labor and material to repair a Fairbanks 300 HP 10,500 GPM submersible pump at the Jefferson Water Treatment Plant. Funding is available in the Water Works Operating Fund.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

31. Consideration to renew annual supply contract number FY18-056 for the purchase of copper pipe type K and crosslinked polyethylene (PEXAa) pipe for the Utilities Department. These materials are purchased on an as needed basis by the Utilities Department- Water Operations for construction and repair projects. The term of this contract shall be for a period of one year and is contingent upon the availability of appropriated funds. There was no price increase during the last extension period. This is the last extension period for this contract. Funding is available in the Waterworks System Fund.

1. Section I - Core and Main, LLC., St. Louis, Missouri, in an amount up to \$150,000.00; and
2. Section II - Tenoch Distribution, LLC., San Antonio, Texas, in an amount up to \$100,00.00.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

32. Authorizing the City Manager for the award of a construction contract to the lowest responsive bidder, being DN Tanks, Inc., Wakefield, MA, in the amount of \$8,111,377.00 for the Lyon Street Booster Pump Station North Ground Storage Tank Demolition and Replacement Project. The contract time is four hundred twenty (420) working days. Funding is available in the Waterworks Fund - 2019 Water Revenue Bond.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

33. Consideration for approval of the selection of engineering consultant, LAN (Lockwood, Andrews & Newnam, Inc.), based on Request For Qualifications (RFQ) received and authorizing the City Manager to negotiate a contract for the Owner's Representative for Tunnel from Zacate Creek WWTP to Chacon Interceptor Project. No financial impact at this stage.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

34. Authorizing the City Manager to award Professional Engineering Services contract in the amount of \$708,939.00 to Ardurra Group, Inc. of Houston, Texas for the preparation of Wastewater Master Plan for the City. Funding is available in the 2019 Sewer Revenue Bond.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

35. Ratification of increase to Purchase Order No. 332713, by \$32,550.00, for a new total of \$111,750.00. NO-DES is near to completing the flushing of SH 359 Boil Water Notice Area. The area took longer than anticipated in the original request. Need to cover additional time in overtime, added days, and increase in number filter to be used for flushing and cleaning of the water lines. Funding is available in the Waterworks System Fund - Construction Division.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

END OF CONSENT AGENDA

XI. STAFF REPORTS

36. Discussion with possible action on ongoing audits and/or irregularities identified by the Internal Auditor including the potential assignment of other and/or additional auditing duties; and any other matters incident thereto.

Dr. Marte Martinez initiated a motion to accept the report; Cm. Rodriguez requested that the

motion be amended to request that the Internal Auditor review the overtime and comptime for all third party employees by SMG and the Transit Department to ensure that they are staying within the budget. Dr. Martinez accepted the amendment.

Motion to accept the Internal Auditor's report and to request that the Internal Auditor review the overtime and comptime for all third party employees by SMG and the Transit Department to ensure that they are staying within the budget, as amended.

Moved: Dr. Marte Martinez

Second: Cm. Rodriguez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Altgelt were not present.

37. Status update on the 2020 Census; and any other matters incident thereto.

MPT Torres reported that he attended a productive meeting with CDBG staff in which good ideas were shared. He noted his embarrassment that City employees had a low response rate to the 2020 Census despite staff trying to incentivize participation. If the City is asking its citizenry to respond then staff should lead by example and respond quickly to the Census.

Tina Martinez, Community Development Director, reported that Census officials have been giving staff response rates. Laredo's response rate is 48.4%; the state average is 58.7% while the national average is 63.6%. Census representatives informed staff that Laredo has the lowest self-response rate in Texas; staff's goal for Laredo is 80% self-response, which means that 22,370 of 69,908 households still need to respond to achieve that goal. She reported that self-response continues; the last postcard was mailed out on July 22, 2020. In mid-August, Census takers will begin or have begun visiting non-responding households across the nation. The Census deadline has been extended to September 30, 2020.

Proposed initiatives for increasing the self-response rate include portable electronic billboards at city parks, census takers at different City departments, parks, the Outlet Shoppes, and other locations, Census takers at the Annex drive-through during water bill due dates, ads on the City's water bills for September, providing Census information on Public Access, sending Census information via text messages to City employees, a Census parade, social media notices, and a joint press release from Secretary Ross and Mayor Saenz. Mrs. Martinez reminded the community that their responses inform where over \$675 billion is distributed each year for needed programs and services.

MPT Torres asked if the City could offer employees any leave time as a reward for responding to the Census. Robert Eads, City Manager, confirmed that staff will encourage responses to the Census, but time off is another question due to budgetary constraints.

Kristina L. Hale, Assistant City Manager and Acting City Attorney, confirmed that leave or time off would require an ordinance amendment. Rosario Cabello, Deputy City Manager, stated that the City does not have an allocated budget for this purpose, but there are ways

to provide some funding depending on what Council wants to enact.

Dr. Marte Martinez noted that competition between Departments is typically successful and could be considered with a prize to the winner. Mayor Saenz suggested that the City could also challenge other entities such as the university or school districts.

Mr. Eads asked Council to let staff perform a cost analysis of providing paid time off as a reward for completing the Census. Mrs. Cabello agreed since this would have a bigger impact on large departments versus small departments.

Cm. Vielma suggested a small discount on users' water bills for completing the Census. MPT Torres confirmed that he would reach out to Bill Green of *The Laredo Morning Times* to help in the endeavor to encourage more responses to the Census.

No action taken.

38. Status update on the parkland dedication of Jose Medina; and any other matters incident thereto.

Tina Martinez, Community Development Director, reported that the donation agreement was delayed due to the fact that the donor did not agree on the City's appraised value of the parkland, which was \$294,000 when this matter was brought to Council last year. When the agreement was presented to the donor, he brought forth a new appraisal which was valued at \$1.5 million. The parties could not agree, and management asked staff to get a review appraisal. That review appraisal did not agree with the valuation of \$1.5 million, so the value opinion is not adequately supported in the donor's appraisal report. She noted that Council can direct staff to stick with its offer of \$294,000 or to negotiate a third and final appraisal (at which point the City could pay half while the donor pays the remainder of the appraisal cost). She clarified that the value is a credit amount established for the donation of land.

Robert Eads, City Manager, explained that parkland dedication values can be used in other subdivisions moving forward; they have more uses than just the donor's benefits on their taxes. He recommended that Council accept parkland dedication based upon a real appraised value and not other conditions; he also recommended that the City split the cost of a third appraisal with the donor.

Motion to direct staff to split the cost of a third appraisal with the landowner/donor.

Moved: Cm. Altgelt

Second: Dr. Marte Martinez

For: 8

Against: 0

Abstain: 0

39. Discussion with possible action on the recommendation by the City Manager for the position of Fire Chief in accordance with the Texas Local Government Code, Section 143.013, and any other matters incident thereto.

Robert Eads, City Manager, reported that the City opened the Fire Chief position on May 15, 2020, and received 25 applications, 11 of which did not qualify, 3 were incomplete, and 11 were complete and qualified. Four applications received veteran preference, and staff interviewed four candidates. He recommended Guillermo Heard as management's appointment of the new Laredo Fire Chief. MPT Torres initiated a motion to confirm this appointment.

Mr. Eads noted that staff spent about a few hours with each candidate conducting interviews, background reviews, and other measures. He noted that he spoke with a cross-section of the community and Fire Department, receiving significant and varied feedback on the candidates.

Cm. Altgelt voiced his understanding that the committee included Mr. Eads, Rosario Cabello, Melina Bermudez, Riazul Mia, and Kristina L. Hale. He asked if any other committee members had any reservations or comments to voice before Council's confirmation, to which nobody voiced any objections.

Motion to confirm the appointment of Guillermo Heard as Laredo Fire Chief.

Moved: MPT Torres

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

MPT Torres thanked Ramiro Elizondo for his service as Interim Fire Chief and Emergency Management Coordinator throughout the search for the new Fire Chief, especially during the COVID-19 outbreak. Chief Elizondo received a standing ovation by those in attendance.

Mayor Saenz also commended Chief Elizondo, noting that his steadfastness even as some of his own family members fell ill and passed away from the virus, offering his condolences. Cm. Altgelt shared his respect to Chief Elizondo and commended the other candidates who were considered for the Fire Chief position. Cm. Vielma added her well wishes to both Chief Elizondo and newly-confirmed Chief Heard, voicing her optimism that his management of the Department as COVID-19 continues will be highly successful. Cm. Gonzalez reiterated the same sentiments as shared by Council, as did Cm. Mercurio Martinez and Cm. Rodriguez.

Cm. Altgelt commended Mr. Eads for his leadership in this selection process and sticking to his principles despite any pressure or expectations placed upon him. Mayor Saenz thanked Mr. Eads as well as Council.

Ramiro Elizondo, Interim Fire Chief and Emergency Management Coordinator, thanked Council for the recognition and noted this role was not easy to fill over the last several months. He stated that he will continue moving forward to support the new Fire Chief. Dr. Marte Martinez voiced his opinion that Chief Elizondo was an honorable and favorable representative of the Department, especially as he continued to serve the City every day in the face of personal tragedy during the pandemic. He congratulated Chief Heard on his confirmation and reminded him of the great responsibility he is assuming as a role model,

firefighter, and manager within the Department.

Cm. Balli thanked Chief Elizondo for his service as a true leader in the City during an emergency on such short notice. He commended Chief Heard on his confirmation and voiced his optimism to work with him during this challenging time.

Mr. Eads explained that Guillermo Heard has been an accomplished member of the Fire Department for the past 20 years. He was born and raised in Laredo and graduated from Cigarroa High School in 1995. He developed his passion for public service at the Laredo Fire Academy and was quickly promoted through the ranks. As Deputy Chief EMS, he was third in command overseeing emergency response, training, operations, finance, and IT. He is the Chair of the regional advisory committee to the surrounding counties for the State of Texas; Chief Heard is a certified paramedic with a Bachelor of Science in Nursing. He worked in the intensive care unit (ICU) at Laredo Medical Center from 2006-2011 and also received a Master's degree as a Nurse Practitioner in 2011. He worked as a Nurse Practitioner at several organizations and used that skillset to contribute greatly to the Laredo Fire Department in its EMS program. Mr. Eads reminded Council that he hires the person first based on their intangible qualities rather than what's just hanging on their wall. Hiring the right person first is of upmost importance; all other things can be taught.

Guillermo Heard, newly-confirmed Fire Chief, thanked God and his family for their continued support. While the community is still going through a difficult time and shaken to the core of this global pandemic, he noted that he is ready to assist the City in any way that he can. He inherited a great Department and team and noted his humility for Council's trust and confidence in his abilities. He stated that his first official order as Fire Chief would be to appoint Ramiro Elizondo as his Assistant Fire Chief. He confirmed that he will take over the duties of Emergency Management Coordinator, as well.

Assistant Chief Elizondo presented Chief Heard with a pin.

40. Discussion with possible action to extend the Utility assistance program through the end of September 2020. Under the program late fees, disconnections, and credit card fees for online payment have been suspended. The disconnections, credit card payment fees, late fees will resume from October 1, 2020 but the Utility assistance program of up to \$125.00 for the qualified residential account with supporting unemployment/underemployment documentation from Texas workforce Commission will continue until further notice.

MPT Torres initiated a motion to extend the Utility assistance program as recommended by staff. Robert Eads, City Manager, explained that the Utility assistance program has cost about \$285,000, generally. Where staff has growing concerns is the growing number of utilities customers who have stopped paying their bills and risk disconnections. The reconnection fees, credit card processing fees, late payment fees, and other fees or costs that have been waived as well as Council's decision not to disconnect services have led many residents to simply stop paying their bill since there are no consequences of losing their service. There are about 3,400 customers who have simply stopped paying their utility bill every month.

Riazul Mia, Assistant City Manager, noted that the cost of these bill suspensions is about \$1.4 million; the Utilities Department has to-date given about \$241,000 to users that take advantage of the program. MPT Torres asked if staff could start calling these delinquent customers to remind them of the assistance program if they are struggling to pay and qualify for the assistance. If residents are not taking advantage of the program, it may be because they are not aware of the program's existence; staff can help educate them and ensure that they do not have their services disconnected.

Mr. Eads stated that staff may be able to do this but reminded Council that there is no incentive for the users to pay, which is likely why many of them are not paying as opposed to their inability to pay. The number of users choosing not to pay increases every month.

MPT Torres asked that staff attempt a phone bank to see how many nonpayers apply for the assistance program and then later pursue harsher measures. Mr. Mia noted that the Department wants to start disconnecting October 1, 2020; staff has almost six weeks to notify nonpayers of their risks of disconnection in order to get them on the assistance program or to begin making their payments.

Cm. Vielma noted that there are restrictions and qualifications to take advantage of the Utility assistance program, including showing documentation from Texas Workforce Commission. There may be a lot of people who do not have documentation or did not get an unemployment notice from their employer which might disqualify them from the program automatically.

Mr. Eads cautioned Council that in the future, these nonpayers will transfer the burden of a nonsustainable situation onto the ratepayers who are actually paying their bills during this pandemic. Offering both the assistance program and non-disconnection at the same time is draining the reserves that Utilities has.

Mr. Mia confirmed that the Utilities Department has a revenue shortfall of \$2.9 million due to the waived fees as mentioned previously.

Dr. Marte Martinez noted that the humanitarian crisis and deep budget shortfalls make this a very difficult situation to navigate. He voiced his desire to help those who need it but noted that sit may require notifying all nonpayers of pending consequences in order to make those that need help actually ask for that help so that staff can assist them. He stated his experience that phone banks do not really work because many people do not answer the phone or respond to those types of questions. Mail-outs are also minimally successful since many customers pay their bill without looking at the mailers or do not open and pay their bills in the first place. Sending out disconnection notices may help truly get to the heart of who needs assistance paying their Utility bill and compelling those who are simply choosing not to pay to do so. Dr. Martinez also voiced his opinion that credit card processing fees and late fees should be reinstated as they account for hundreds of thousands of dollars in revenues.

MPT Torres amended his motion to send a proposed disconnect notice with the information on the Utility assistance program available and then subsequently send a disconnect notice

if needed.

Motion to extend the Utility assistance program as recommended by staff and to send a proposed disconnect notice with the information on the Utility assistance program available to all nonpaying accounts and then subsequently send a disconnect notice if needed, as amended.

Moved: MPT Torres

Second: Cm. Gonzalez (not present by the time the vote was taken)

For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

XII. EXECUTIVE SESSION

Motion to go into executive session.

Moved: MPT Torres

Second: Cm. Mercurio Martinez

For: 6 Against: 0 Abstain: 0

Cm. Gonzalez and Cm. Vielma were not present.

41. Request for Executive Session pursuant to Texas Government Code 551.071 and 551.072 related to possible litigation and the Offer to Sell Real Property being 15.464 acres located in La Grulla, Texas owned by the City of Laredo pursuant to Federal Condemnation Case No. 7:18-CV-375; styled United States of America v. 801.077 Acres of Land, more or less, situated in Starr County, State of Texas, and City of Laredo, et al.; closed in the U.S. Southern District of Texas, McAllen Division; and return to open session for possible action.

Following executive session, Mayor Saenz reported that no action was taken.

Cm. Mercurio Martinez initiated a motion to sell the land as discussed by staff. Cm. Vielma asked that Council designate the proceeds from the sale for the secondary water source. Cm. Martinez accepted the amendment.

Dr. Marte Martinez voiced his opinion that it is premature to dedicate this money to a project considering the amount of infrastructure that the City may have to make as well as the budget shortfall this year. Dedicating money to a secondary water source is wise but premature at this time. The Water Master Plan is in progress and incorporates a secondary water source study. He urged Council to wait for the recommendations of the City's consultants on that matter before making funding decisions.

CM. Vielma noted her understanding that the City has been charging its citizens for a secondary water source with nothing to show for it and no plan.

Riazul Mia, Assistant City Manager, explained that the water availability fund will be used when the City secures a secondary water source. He agreed with Dr. Martinez that Council should wait for the Water Master Plan, which will include proposals for Council's consideration upon its completion. He clarified that the City is not billing customers to build a secondary water source.

Cm. Vielma withdrew her amendment. Cm. Altgelt countered that the amendment shows that the City is making a commitment to the secondary water source. Mayor Saenz noted that Council can always reconsider the amendment if it passes now should the City need to reverse the action. Cm. Vielma reinstated her amendment with the stipulation that Council can reallocate those proceeds if needed.

Motion to direct staff to sell the 15.464 acres located at La Grulla, Texas, and to designate the proceeds from the sale for a secondary water source with the stipulation that Council can reallocate those monies if needed, as amended.

Moved: Cm. Mercurio Martinez

Second: Cm. Vielma

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

42. Request for Executive Session pursuant to Texas Local Government Code 551.071 related to litigation involving Civil No. 5:20-CV-101; United States of America v. 207.9395 Acres of Land, more or less, situate in Webb County, State of Texas and City of Laredo; pending in the United States District Court for the Southern District of Texas Laredo Division; and related to possible litigation pursuant to a request from the United States of America for a Right of Entry for a period of twelve (12) months on property owned by the City of Laredo along the Rio Grande River for the purpose of conducting environmental assessments and property surveys, including the right to temporarily store, move and remove necessary equipment and supplies; survey, stake out, appraise, bore and take soil and/or water samples, and perform any other such work which may be necessary and incidental to the Government's assessment of the Property for Border Infrastructure Projects in the Laredo Sector area of responsibility; and return to open session for possible action.

Following executive session, Mayor Saenz reported that no action was taken.

Motion to direct staff to proceed as discussed in executive session.

Moved: MPT Torres

Second: Cm. Mercurio Martinez

For: 6

Against:

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

XIII. RECESS AS THE LAREDO CITY COUNCIL AND CONVENE AS THE LAREDO MASS

TRANSIT BOARD

Motion to recess as the Laredo City Council and convene as the Laredo Mass Transit Board.

Moved: MPT Torres

Second: Cm. Mercurio Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Vielma were not present.

43. 2020-RT-10 Authorizing the City Manager and staff to accept and execute the Texas Department of Transportation State Urban Grant No. STATE-U-2020 Laredo-00195 in the amount of \$637,564.00 for FY2021 to be used for Preventative Maintenance for the City of Laredo Transit Department.

Motion to adopt Resolution 2020-RT-10.

Moved: MPT Torres

Second: Cm. Altgelt

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Vielma were not present.

44. 2020-RT-11 Authorizing the City Manager to accept and execute the Section 5307 Urbanized Area grant program authorized under the new Fixing America's Surface Transportation (FAST) Act, in the amount of \$3,528,686.00 to the Federal Transit Administration (FTA) operating grant for Fiscal Year 2020. Funding will be used for Operating Assistance and Preventative Maintenance to the El Metro's Bus Operations The required local match for this grant will be funded with Transit's Local Sales Tax.

Motion to adopt Resolution 2020-RT-11.

Moved: MPT Torres

Second: Cm. Altgelt

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Vielma were not present.

45. 2020-RT-12 Authorizing the City Manager to accept and execute a grant application No. TX-2020-141-00 in the amount of \$500,352.00 from the Federal Transit Administration (FTA) for FY2020 Section 5339 Bus and Bus Facilities Program under the new Fixing America's Surface Transportation (FAST) Act The FTA federal portion is \$415,500.00 and Local Match required is for \$77,822.00. Funding will we be used for the purchase of three (3) paratransit vans and one (1) Medium Duty Bus. The fifteen (15) percent local match will

be funded with Transit's Local Sales Tax.

Motion to adopt Resolution 2020-RT-12.

Moved: MPT Torres

Second: Cm. Altgelt

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Vielma were not present.

XIV. ADJOURN AS THE LAREDO MASS TRANSIT BOARD AND RECONVENE AS THE LAREDO CITY COUNCIL

Motion to adjourn as the Laredo Mass Transit Board and reconvene as the Laredo City Council.

Moved: MPT Torres

Second: Cm. Mercurio Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Vielma were not present.

46. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

A. Request by Council Member Mercurio Martinez, III

1. Discussion with possible action to approve the purchase of exercise equipment for Garcia Vela field in the Three Points Neighborhood; and any other matters incident thereto. District 3 Priority Funds will be used for this project.

Motion to approve.

Moved: Cm. Mercurio Martinez

Second: Dr. Marte Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

B. Request by Council Member Nelly Vielma

1. Discussion with possible action to assign a City Employee as a Business Liaison at the Building Department; and any other matters incident thereto.

Motion to table.

Moved: Cm. Vielma

Second: Cm. Mercurio Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

C. Request by Council Member George Altgelt

1. Discussion with possible action regarding an update on the abandoned building ordinance and the xeriscape ordinance; and any other matters incident thereto.

Motion to table until the next Council meeting.

Moved: Cm. Altgelt

Second: Cm. Mercurio Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

2. Discussion and possible action to connect the City's extension of Bob Bullock road through and onto Riverbank road; and any matters incident thereto.

Riazul Mia, Assistant City Manager, reminded Cm. Altgelt that he made a motion a few months ago directing staff to use District VII Priority Funds for this extension.

Motion to approve and to direct staff to proceed with proposed striping along Riverbank Road, as amended.

Moved: Cm. Altgelt

Second: Cm. Mercurio Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

D. Request by Council Member Rudy Gonzalez, Jr.

1. Discussion with possible action on status update regarding the Tax Increment Reinvestment Zone (TIRZ); and any other matters incident hereto. (Co-Sponsored by Council Member Dr. Marte Martinez)

Motion to table.

Moved: Cm. Vielma

Second: Cm. Mercurio Martinez

For: 6

Against: 0

Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.

XV. ADJOURN

Motion to adjourn.

Moved: Cm. Vielma

Second: Cm. Mercurio Martinez

For: 6 Against: 0 Abstain: 0

Cm. Gonzalez and Cm. Rodriguez were not present.