

**CITY OF LAREDO
CITY COUNCIL MEETING
M2020-R-12
LIVE WEB LINK: [http://laredotx.swagit.com/
live](http://laredotx.swagit.com/live) CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
August 3, 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 community member Mike Doyle and the 130 people who have succumbed to the COVID-19 pandemic in Webb County.

IV. ROLL CALL

In attendance:

Pete Saenz	Mayor
Rudy Gonzalez, Jr.	District I
Vidal Rodriguez	District II
Mercurio "Merc" Martinez, III	District III
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: Tricia Cortez of the Rio Grande International Study Center thanked Council for their vote last week to approve the DEFUND THE WALL street mural on Victoria Street in opposition of a harmful and oppressive border wall.

Juan Avila commended Council and City staff for their hard work in keeping the community safe during these difficult times.

Bianca Brewster of RGISC thanked Council for standing on the side of the people of Laredo by approving the DEFUND THE WALL street mural at the last Council meeting and urged them to stand by their decision. Edna de Anda Pena echoed the same sentiments, as did Ricardo Hinojosa, Maxine Rebeles, Margarita Gibler, Isabela Cigarroa, Joaquin E. Cigarroa, Juan Livas, Margarita Araiza, Sister Rosemary Welsh (who reminded Council that the street mural will not cost the City or taxpayers any money at all), Lola Norris, Shellee Laurent, Annalis Cigarroa, Natasha Cigarroa, Melissa Cigarroa, and Jacob Abdallah.

Armando Cisneros noted that Governor Abbott gave permission for Laredo officials to shut down *maquinitas*, but as of today, Council has still not done this. He voiced his opinion that the closing of these establishments should have been done immediately and urged Council to take such action since they were given express authorization to do so.

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

None

VII. PUBLIC HEARINGS

1. Motion to open public hearing #1.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 6

Against: 0

Abstain: 0

Cm. Rodriguez and MPT Torres were not present.

Public Hearing and Introductory Ordinance 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.

There was no public input.

Motion to close public hearing and introduce.

Moved: Dr. Marte Martinez

Second: Cm. Altgelt

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

VIII. INTRODUCTORY ORDINANCES

None

IX. FINAL READING OF ORDINANCES

Motion to waive the final readings of Ordinances 2020-O-074, 2020-O-079, 2020-O-080, 2020-O-087, 2020-O-088, 2020-O-089, 2020-O-090, 2020-O-091, 2020-O-092, 2020-O-093, 2020-O-094, 2020-O-095, and 2020-O-095.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

2. 2020-O-074 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 21, 22, 23 and 24, Block 1, E.G. Business Park, Phase 2, located at 334, 338, 340 and 344 Veterans Blvd., from B-3 (Community Business District) to B-4 (Highway Commercial District); providing for publication and effective date. ZC-42-2020 District II

Motion to adopt Ordinance 2020-O-074.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

3. 2020-O-079 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 20, Block 1, The Loop Subdivision Phase 4, located at 6001 Vero Dr., from B-4 (Highway Commercial District) to R-1 (Single

Family Residential District); providing for publication and effective date. ZC-36-2020 District V

Motion to adopt Ordinance 2020-O-079.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7 Against: 0 Abstain: 0

MPT Torres was not present.

4. 2020-O-080 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, The Loop Subdivision Phase I, located at 6002 Alek Dr., from B-4 (Highway Commercial District) to R-1A Single Family Reduced Area Residential District); providing for publication and effective date. ZC-37-2020 District V

Motion to adopt Ordinance 2020-O-080.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7 Against: 0 Abstain: 0

MPT Torres was not present.

5. 2020-O-087 Authorizing the City Manager to amend the Fiscal Year 2019-2020 Department of Community Development budget by increasing revenues and expenditures in the amount of \$5,947,880 in order to appropriate Community Development Block Grant - Coronavirus (CDBG-CV) and Emergency Solutions Grant - Coronavirus (ESG-CV1 and ESG-CV2) funds available from the U.S. Department of Housing and Urban Development (HUD) through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The City anticipates receiving:

- \$2,264,939 in Community Development Block Grant - Coronavirus (CDBG-CV) funds
- \$1,130,386 through the 1st allocation of the Emergency Solutions Grant - Coronavirus (ESG-CV1) funds and
- \$2,552,555 through the 2nd allocation of the Emergency Solutions Grant - Coronavirus (ESG-CV2) funds

Motion to adopt Ordinance 2020-O-087.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7 Against: 0 Abstain: 0

MPT Torres was not present.

6. 2020-O-088 Amending the City of Laredo Municipal Housing Fund FY2020 Annual Budget by increasing revenues and expenditures in the amount of \$250,000.00 and authorizing the City Manager to execute all necessary documents related to the Texas Veterans Commission's (TVC) Fund for Veterans' Assistance (FVA) Homes for Texas Heroes Grant (H4TXH). There is no match requirement. The program will provide for the home modification, of our Veteran community and their families that are home owners, within the City of Laredo area. The grant will provide up to \$15,000.00 per household based on a house assessment and incomes at or below 80% of the area median income as set annually by the U.S. Department of Housing and Urban Development (HUD).

Motion to adopt Ordinance 2020-O-088.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

7. 2020-O-089 Authorizing the City Manager to accept and enter into a contract from the Texas Veterans Commission's (TVC) Fund for Veterans Assistance (FVA), amending the FY 2019-2020 budget by appropriating revenues and expenditures in the amount of \$150,000.00 and amending the FY 2019-2020 Full Time Equivalent (FTE), Position Listing by adding one (1) Health Educator II, R32 position for the City of Laredo Health Department (CLHD) Veterans Mental Health Project for the term period of July 1, 2020 through June 30, 2021.

Motion to adopt Ordinance 2020-O-089.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

8. 2020-O-090 Authorizing the City Manager to amend the City of Laredo Municipal Housing Fund FY2020 Annual Budget by increasing revenues and expenditures in the amount of \$50,000.00 and authorizing the City Manager to execute all necessary documents related to the Texas Veterans Commission's (TVC) Fund for Veterans' Assistance (FVA)

Financial Assistance Grant Program. There is no match fund requirement. The program will provide for a one-time utility payment, one-time mortgage or rental payment. Applicant must be a veteran and qualify at or below the 80% of the area median income as set annually by the U.S. Department of Housing and Urban Development (HUD) or be disabled.

Motion to adopt Ordinance 2020-O-090.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7 Against: 0 Abstain: 0

MPT Torres was not present.

9. 2020-O-091 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 3, 4, & 5, Block 1215, Eastern Division, located at 2111 & 2115 Chihuahua St., from R-O (Residential/Office District) to B-3 (Community Business District); providing for publication and effective date. ZC-45-2020 District III

Motion to adopt Ordinance 2020-O-091.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7 Against: 0 Abstain: 0

MPT Torres was not present.

10. 2020-O-092 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 8, Block 1345, Eastern Division, located at 2302 Rosario St., from R-O (Residential/Office District) to R-3 (Mixed Residential District); providing for publication and effective date. ZC-46-202 District III

Motion to adopt Ordinance 2020-O-092.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7 Against: 0 Abstain: 0

MPT Torres was not present.

11. 2020-O-093 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 1, Block 1, International Commercial Plat, located at 1302 International Blvd., from B-1 (Limited Business District) to B-3 (Community Business District); providing for publication and effective

date. ZC-44-2020 District VI

Motion to adopt Ordinance 2020-O-093.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

12. 2020-O-094 Authorizing the City Manager to execute a lease agreement between City of Laredo, as LESSOR, and General Services Administration (GSA), as LESSEE, for approximately 1,533 square feet constituting office space occupied by the Transportation Security Administration (TSA) located at 5210 Bob Bullock Loop at the Laredo International Airport. The monthly rent shall be \$5,327.18 and will be adjusted annually according to changes in the Consumer Price Index (CPI). The term shall be for three (3) years commencing on November 18, 2020 and ending on November 17, 2023.

Motion to adopt Ordinance 2020-O-094.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

13. 2020-O-095 Authorizing the City Manager to execute an amendment to a lease agreement between the City of Laredo, as LESSOR, and Laredo Aero Center, Inc. dba Signature Flight Support, as LESSEE, to amend section 1.05 titled, TERM OF LEASEHOLD, by adding to the current lease end term of May 31, 2021 two options to extend the lease term until May 31, 2026 and until June 30, 2030; and to amend Section 1.06 RENTAL OBLIGATION AND MODE OF PAYMENT by adding adjustment of rental value based on appraised fair market value of the leased premises on anniversary date in 2021 and 2026; in support of the existing Fixed Based Operator license and match the license term ending date. All other terms and conditions remain unchanged and in effect.

Motion to adopt Ordinance 2020-O-095.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 7

Against: 0

Abstain: 0

MPT Torres was not present.

14. 2020-O-096 Ordering and proclaiming a General City Election to be held on Tuesday, November 3, 2020; for: the Election of City Officials; a special election for the proposed referendums, City Charter amendments; designating polling places; designating a runoff date; providing for publication; and authorizing the City Manager to enter into a contract with Webb County elections administrator for the purpose of conducting a joint election with the County of Webb, City of Rio Bravo, City of El Cenizo, Laredo College District, Laredo Independent School District, United Independent School District, and the Webb consolidated Independent School District; and other matters relating thereto.

Jose A. Valdez, Jr., City Secretary, reminded Council that staff provided a copy of the Charter Revision Commission recommendations to-date as of March 2020.

Cm. Vielma voiced her concern that changes or additional Charter propositions at this meeting would not give proper notice to the public. She also stated that Council's Charter amendments should be reviewed by the Charter Revision Commission, who will gather public input. Without the input from the public and Council's appointees on the Commission, now seems too late and non-transparent to haphazardly add amendment propositions to the ballot. She encouraged Council to remain consistent with Council's previous action to defer all Charter amendments for a Special Election after 2020 in order to give the propositions their due diligence. She initiated a motion to affirm Council action to have a special election for any propositions amending the City Charter.

Dr. Marte Martinez agreed but noted that Council should be allowed to discuss what propositions should *not* go on the special election ballot for any legal reason or otherwise.

MPT Torres disagreed with Cm. Vielma's motion as circumstances have changed since that Council action was taken. It is more difficult for voters to go out to the polls as it is, and asking them go out again in an off-year for a special election is going to reduce the voter turnout greatly as opposed to what it would have been during a uniform election year. Council was elected by their constituents to review all propositions to the City Charter. He voiced his opinion that some of the proposed amendments should be reviewed for this election and noted the ways in which a voter may cast their vote from their car or through a mail-in ballot.

Cm. Rodriguez agreed that when Council voted to hold a special

election for Charter amendments, nobody anticipated that the community would be entrenched in a global pandemic.

Dr. Martinez noted that while Council has seen these propositions before, time is needed to prepare for this discussion and any decision regarding their place on the ballot. Going through them now would likely not give them the importance and time that they deserve. He noted that if Council were to set a special meeting, however, he would support that and use the opportunity to thoroughly review and prepare for this discussion. He agreed with MPT Torres's argument regarding the voter turnout during a major, uniform election. Cm. Mercurio Martinez agreed with the argument to maximize the number of people who show up to vote, so he would support a special meeting to tackle the Charter amendment propositions on the table in anticipation of this or a future election.

Cm. Vielma amended her motion to have a special meeting to discuss any Charter amendment propositions with sufficient notice to the public and to have Charter Revision Commission members present for any presentations or recommendations.

Mr. Valdez stated that staff did not expect to add anything to the election order at this meeting; if anything is added to the election order, then the City needs to have two readings and an adoption before the deadline of August 17, 2020. Kristina L. Hale, Assistant City Manager and Acting City Attorney, noted that any Charter amendments require two public hearings.

Motion to affirm Council action to have a special meeting to discuss any City Charter amendment propositions with sufficient notice to the public and to have Charter Revision Commission members present for any presentations or recommendations, as amended.

Moved: Cm. Vielma
Second: Cm. Altgelt
For: 8 Against: 0 Abstain: 0

MPT Torres initiated a motion to call for the election of all pertinent Council Member district races in the 2020 general election (District IV, V, VII, and VIII).

Motion to call for the election of all pertinent Council Member district races in the 2020 general election (Districts IV, V, VII, and VIII).

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

Dr. Martinez explained that this matter is under the purview of Webb County, not the City of Laredo. He initiated a motion to remove the hospital district from the referendum and to instead add a referendum to adopt a hospital authority as per Chapter 262 of the Health and Safety Code. He asked staff to bring this back as an ordinance at the August 17 Council meeting.

Motion to remove the hospital district issue from the referendum and to replace it with the creation and adoption of a hospital authority as per Chapter 262 of the Health & Safety Code.

Moved: Dr. Marte Martinez

Second: Cm. Gonzalez

For: 8

Against: 0

Abstain: 0

Dr. Martinez initiated a motion to remove the call for voting on tax increases from the referendum, explaining that there is a forthcoming presentation to justify this removal. There are ramifications from a procedural standpoint regarding this topic, especially around the ending and beginning of fiscal years.

Robert Eads, City Manager, explained that a possible consequence of this referendum being approved by the voter would be to the long-term detriment to the City's financial health because of the City's apparent ability to pay back its debts. This referendum could result in a lower credit rating because it tells lenders that the City's capabilities are not in the hands of Council or staff. The savings that would be realized on the tax side would actually cause a greater burden to the taxpayer due to higher interest rates.

Noe Hinojosa of Estrada-Hinojosa & Co. explained that if the tax rate never changes and people are unable to pay their taxes, then the City will have a critical problem of less revenue and ever-growing expenses. Property taxes have performed very well this year despite the bridge and sales tax hits to the economy this year. However, due to the uncertainty of the next year, he could not confirm if the City will be able to collect 99% of their property taxes again. The City of Houston passed a similar action to what Council is considering, and their credit rating took a significant hit. The City of Laredo's credit rating is very good; the last thing that Council should want to do is to put restrictions on its financial health unnecessarily. He estimated that following through on this course of action would result in an automatic downgrade of the City's credit rating. While he noted that Council intends to do right by the constituents who they represent, they could actually be harming the taxpayer as a result of taking tax increases to the voters.

MPT Torres countered that while the City has not raised taxes in over 17 years, property values continue to increase almost every year. While that is not under Council's or the City's control, it must be considered. He stated that the City of Laredo is one of the highest taxing entities in the State of Texas; other cities have hospital districts and utilities districts, and other taxing entities. If anybody's income is lowered, they borrow less; he noted that if the City has a loss of revenue, then they should borrow less, as well. Council and staff have to consider different ways of generating income other than through taxation. For these reasons, he noted that he could not support Dr. Martinez's motion to remove this item from the referendum.

Cm. Altgelt voiced his agreement to MPT Torres's arguments, noting that by Council not having access to the taxpayers' purse so easily, they will be compelled to curb frivolous spending and make better use of their resources. Taking a lower credit rating is probably likely to happen anyway in light of the economic situation. He voiced his opinion that with the way Police and Fire are consuming so much of the City's General Fund and with the spending and borrowing history, the City is not providing a way for financial sustainability as it stands.

Mr. Hinojosa informed Council that no other city in the state of Texas has the type of restriction that Council is proposing, adding his opinion that this action is not just a limitation but a restriction. Laredo has the lowest property tax-supported debt, and the City will have to continue providing essential services to its community members in perpetuity.

Dr. Martinez stated that Council's responsibility is to decrease wasteful spending; if at any time they tell creditors that they are limiting their revenue sources, it sends a message of instability to those creditors. A potential consequence of that instability message to creditors will result in higher interest rates as the City borrows, which destabilizes its one advantage: its credit rating. An adversely-affected credit rating will negatively impact the City's ability to bond and slowly invest in its communities in meaningful ways. This action will therefore cost the taxpayers tens of thousands of extra dollars. The proposed referendum is a prime example of short-term thinking and will hobble the City if it is passed, limiting the City's abilities to actually achieve its financial sustainability objectives.

Mayor Saenz noted that entities or unions can place undue influence on elected officials, and the burden of that influence falls on the taxpayer. Despite the tax rate not being raised, he emphasized that taxes are high in this community, largely because of the school

districts to meet their needs. The City Charter states that the City's overall outstanding debt shall be limited to no more than 10% of the total assessed valuation of the City; while the City complies with that mandate in principal only, he estimated that it would go beyond that 10% if the interest is considered, as well.

To the question of what the City can do to discipline itself financially, Dr. Martinez responded that Council can achieve this by a Comprehensive Plan, by listening to the recommendations of city management and subject experts, and a plan for how to spend money on services and infrastructure. Council must be methodical every year in alignment with City staff.

Cm. Altgelt stated that Laredo is doing well in terms of crime rates and fire incidents; during the public input process in preparing the Viva Laredo Comprehensive Plan, there was not a single individual of the thousands who participated voiced an opinion that the city needed more police or fire resources. The City has some connectivity and infrastructure problems because they do not have the budget for it because so much of the City's money goes to the Police and Fire Departments. He voiced his opinion that this Charter revision would not hinder the City but instead help, especially if the only thing to change would be the City's interest rates when borrowing.

Mr. Hinojosa reminded Council that the City will not stop borrowing or bonding; this is a constant, and the affected credit ratings and interest rates will prove to be negative.

Mr. Eads noted that the City is told every year by their creditors that they are one of the healthiest cities in Texas from a financial standpoint, even though it is not easy to achieve this status. He reminded Council that capping should occur on both sides of the City's ledger, such as expenses as well as taxes. If Council chooses to cap or limit itself for a certain amount, they must honor that by proportionately refrain from spending as well. Every Council Member will have to give up their ability to pay for things as well, even if it includes recreation centers or district priority funds. He reiterated his disagreement to the idea of having the taxpayers perform his job as the CEO of the City of Laredo and Council as the knowledgeable parties to the City's operations and needs. He reminded Council that the majority of taxpayers and constituents do not watch Council meetings and are unaware of the resources needed to provide these essential services or make ends meet.

Cm. Altgelt agreed that Council has been brought recommendations from management before and went behind management to make decisions that ultimately were not sustainable. He conceded that

management and experts has tried repeatedly to bring Council under control, noting that if Council wants to reign in taxation then they should reign in spending as well.

Cm. Martinez reminded Cm. Altgelt that he is disregarding the advice from Mr. Hinojosa as a credit expert by pushing for this referendum. He voiced his willingness to curb Council’s spending because that would be in the best interest of the City; he cautioned Council not to gamble with the City’s bond and credit ratings, which will jeopardize the City’s abilities to serve its community.

Dr. Martinez stated that costs are not fixed, and the Comprehensive Plan has recommendations for smart growth to reduce costs as much as possible in the long term. Limiting spending does not just include trimming or cutting services; it involves planning the City’s development in an intentional way so that over time, the amount of maintenance decreases in proportion to the City’s overall budget. The wrong thing to do would be to limit the tools available to Council.

Cm. Balli stated that he supported this referendum proposal last week, but the presentation at hand has been very eye-opening. While paying down debt is a lofty and respectable goal, he noted that there are some very large projects that would be impossible to pay in one year’s budget. There may be projects with extremely low bonding rates that would be beneficial because of the jobs that they create. Council needs to be good stewards of taxpayer dollars by not raising taxes, but it seems that by supporting this referendum proposal will hurt the City’s ability to borrow and bond, which will come at a much greater cost in the future. The fiscally responsible thing to do would be to not support this item and instead commit to keeping the tax rate the same or lower it, which would give the City the best of both worlds

Motion to remove the call for voting on tax increases from the referendum.

Moved: Dr. Marte Martinez

Second: Cm. Mercurio Martinez

For: 6 Against: 2 Abstain: 0

- | | |
|-----------------------|-------------|
| Cm. Gonzalez | MPT Torres |
| Cm. Rodriguez | Cm. Altgelt |
| Cm. Mercurio Martinez | |
| Cm. Vielma | |
| Dr. Marte Martinez | |
| Cm. Balli | |

Dr. Martinez explained that at the last Council meeting, Cm. Altgelt initiated a motion for a referendum regarding collective bargaining

agreements. Since that action was taken, the City Attorney's Office has informed Council that this is a non-vehicle. Kristina L. Hale, Assistant City Manager and Acting City Attorney, confirmed that the referendum, if passed, would not be enforceable because any CBA overrides the City Charter. Therefore, including it in the Charter would not be effective or enforceable, although keeping it would not be unlawful.

Cm. Altgelt asked that this item be discussed at the special Council meeting to further review Charter amendment proposals. He noted that this was his item but this is the first he has heard of the City Attorney's Office's opinion on the matter.

Dr. Martinez reminded Council that while there are several lawyers on Council, there is only one lawyer whose legal opinion and recommendation is the official one of the City and who is the authority on municipal legal matters.

Motion made by Cm. Rodriguez, but unclear due to bad audio. A vote was taken but the motion failed.

Motion to adopt Ordinance 2020-O-096 as amended.

Moved: Dr. Marte Martinez

Second: MPT Torres

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

15. 2020-O-097 Establishing the City Council Audit and Accountability Committee and further clarifying the role and authority of the Internal Auditor.

Cm. Vielma initiated a motion to amend Section 1 to include contractors or subcontractors so as to remain consistent with Section 7; to amend Section 2 to include Finance as well as Economics; to add language requiring the Internal Auditor to obtain certification from a certified auditing governmental professional organization within six months of the passage of the ordinance; to amend Section 4 to add a plan for certification for the Auditor and personnel; to amend Section 7 to add the right to audit contracts and performance bonds; to amend Section 9 to include contractors and subcontractors.

Robert Eads, City Manager, asked for some flexibility on the timeline as many organizations' timelines for certification or training have been affected by the COVID-19 pandemic.

MPT Torres stated that he would not support this section as it feels

unfair to make any impositions on officials during this time and when they have been serving in the role for a while. He noted that this situation feels similar to when Cm. Altgelt tried to implement qualifications to the Planning Director in order to disqualify the sitting Director from the position.

Cm. Balli agreed with Cm. Balli's argument, noting that if Council imposes this new requirement, they should make it apply to the next Auditor and allow the current Auditor to be excepted from the requirement as she has been doing a great job without this proposed qualification. If her not being able to meet this arbitrary requirement and deadline would result in her being replaced, he would not support the item.

Cm. Vielma conceded and withdrew this portion of the motion.

Dr. Marte Martinez asked if the Internal Auditor's Office has the manpower to accomplish all of these new responsibilities and if this would be too burdensome to place on the Department.

MPT Torres recalled Council deciding that they wanted this ordinance to mirror that of the City of San Antonio, asking how these changes would affect that objective. Kristina L. Hale, Assistant City Manager and Acting City Attorney, explained that these changes are pretty standard in most Internal Auditor's Offices in other cities.

Veronica Baeza, Internal Auditor, noted that the structure of the committee being proposed followed that of San Antonio, which consisted of three Council Members and two residents. The ordinance differs from the original committee structure that Council initially requested.

Motion to amend Section 1 to include contractors or subcontractors so as to remain consistent with Section 7; to amend Section 2 to include Finance as well as Economics; to amend Section 4 to add a plan for certification for the Auditor and personnel; to amend Section 7 to add the right to audit contracts and performance bonds; to amend Section 9 to include contractors and subcontractors, as amended.

Moved: Cm. Vielma

Second: Dr. Marte Martinez

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

X. CONSENT AGENDA

BUILDING: STAFF SOURCE ARTURO GARCIA, BUILDING DIRECTOR

16. 2020-R-110 Authorizing and approving a fee waiver and a tax abatement agreement between the City of Laredo and Vanessa G Garcia for the proposed project located at 1518 E. Stewart Street, Lot 8, Block 835, Eastern Division that consists of a new residence, in accordance with authorized guidelines and criteria established for the Neighborhood Empowerment Zone (NEZ). This agreement will be for a five (5) year period and will abate taxes on new improvements for the purpose of economic development. The project has an estimated capital investment total of \$165,000.00, estimated annual tax abatement total of \$1,046.11 and estimated total fee waiver of \$1,365.00. Guidelines and criteria for the agreement are set forth in the attached agreement and information. The application has been certified under the expedited building permit fee waiver process and is being provided for final consideration and approval by City Council.

Motion to adopt Resolution 2020-R-110.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

17. 2020-R-111 Authorizing and approving a fee waiver and a tax abatement agreement between the City of Laredo and Isaias Martinez for a proposed project located at 1103 E. Travis St, Lot 3, Block 654 Eastern Division that consists of a new residential, in accordance with authorized guidelines and criteria established for the Neighborhood Empowerment Zone (NEZ). This agreement will be for a five (5) year period and will abate on new improvements for the purpose of economic development. The project has an estimated capital investment total of \$50,000.00, estimated annual tax abatement total of \$317.00 and estimated total fee waivers of \$516.50. Guidelines and criteria for the agreement are set forth in the attached agreement and information. The application has been certified under the expedited building permit fee waiver process and is being provided for final consideration and approval by City Council.

Motion to adopt Resolution 2020-R-111.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

18. 2020-R-112 Authorizing and approving a fee waiver and a tax abatement agreement between the City of Laredo and Robert Johnson for a proposed project located at 1920 Mier Street , Lot 7 and 3' of lot 8, Block 1090, Eastern Division that consists of a new construction, in accordance with authorized guidelines and criteria established for the Neighborhood Empowerment Zone (NEZ). This agreement will be for a five (5) year period and will abate on new improvements for the purpose of economic development. The project has an estimated capital investment total of \$50,000.00, estimated annual tax abatement total of \$317.00 and estimated total fee waivers of \$516.50. Guidelines and criteria for the agreement are set forth in the attached agreement and information. The application has been certified under the expedited building permit fee waiver process and is being provided for final consideration and approval by City Council.

Motion to adopt Resolution 2020-R-112.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

COMMUNITY DEVELOPMENT: STAFF SOURCE TINA MARTINEZ, COMMUNITY DEVELOPMENT DIRECTOR

19. 2020-R-119 Accepting the conveyance of 4,139.70 square feet of land, more or less out of Lot 2, Block 1, North Plantation Plaza, City of Laredo, Webb County Texas, recorded in Volume 30, Page 46, Map Records, Webb County, Texas, for the purpose of serving as a waterline easement in order to install, construct, replace, repair, and perpetually maintain a water meter, water mains, and the right of free, full, and unimpeded access to the City's equipment. Said Easement is further described by boundary survey and metes and bounds in the attached Exhibit B; and providing for an effective date.

Motion to adopt Resolution 2020-R-119.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

20. 2020-R-121 Accepting the conveyance of 15,987.03 square feet of land, more or less out of Lot 2, Block 1, North Plantation Plaza, City of Laredo, Webb County Texas, recorded in Volume 30, Page 46, Map Records, Webb County, Texas, for the purpose of serving as a waterline easement in order to install, construct, replace, repair, and perpetually maintain a water meter, water mains, and the right of free, full, and unimpeded access to the City's equipment. Said Easement is further described by boundary survey and metes and bounds in the attached Exhibit A; and providing for an effective date.

Motion to adopt Resolution 2020-R-121.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

ENVIRONMENTAL: STAFF SOURCE JOHN PORTER, ENVIRONMENTAL DIRECTOR

21. Authorizing the City Manager to execute and approve Amendment #5, for the additional Engineering Services contract with Crane Engineering - Laredo, Texas in the amount of \$3,000.00. The total contract amount with this amendment is \$617,475.32 for the Eastern Chacon Creek 18" -36" Interceptor from Vaquillas Lift Station to India and Gates. Amendment #5 provides for additional field investigations requested by the Texas Historic Commission (THC) and the U.S. Army Corps of Engineers for the nationwide permit pre-construction notice (PCN). Funding is available in the 2016 Environmental Certificate of Obligation.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

22. Authorize the City Manager to negotiate with Killam Development for drainage improvements to Ponderosa and Towne East Subdivisions. These negotiations may include property contributions and in-kind donations. Ponderosa Subdivision has experienced flooding issues which can be alleviated through an upstream detention pond on Killam property.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

PARKS & RECREATION: STAFF SOURCE JUAN J. GOMEZ, JR., PARKS & RECREATION DIRECTOR

23. Consideration to renew annual service/supply contract FY19-081 for the repairs/replacement/new installation of shades for the Parks & Recreation Department to the following vendors:

1. Impression Design, Laredo, Texas, in an amount up to \$300,000.00 (Primary Vendor); and
2. RIYED Enterprises, Laredo, Texas in an amount up to \$100,000.00 (Secondary Vendor).

All services will be secured on an as needed basis. This contract establishes a percentage discount on original manufacturer shades and a labor rate for these services. The City of Laredo Purchasing Department shall obtain quotes from the primary and secondary vendor for all estimated projects that exceed \$7,000.00. The City of Laredo may add additional locations for the replacement/repair/new installation of shades throughout the contract period. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution and is contingent upon the availability of appropriated funds. There was no price increase during the last extension period. This is the first of three extension periods. Funding is available in the General Fund - Parks Maintenance Division Budget.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

POLICE: STAFF SOURCE CLAUDIO TREVINO, CHIEF OF POLICE

24. 2020-R-120 Authorizing the City Manager to accept a grant award in the amount of \$658,970.00 from the Texas Motor Vehicle Crime Prevention Authority to fund the Laredo Auto Theft Task Force for the period of September 1, 2020 through August 31, 2021. This grant pays for

salaries and supplies for the LPD Auto Theft Unit. The grant requires a cash match in the amount of \$446,700.00 for a total grant amount of \$1,105,670.00. Funding is available in the Auto Theft Task Force Fund.

Motion to adopt Resolution 2020-R-120.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

25. Consideration to award contract number FY20-053 Police Uniform Laundry Services and Non-Uniform Dry Cleaning Services to Holguin Cleaners, Laredo, Texas in the amount of \$8,000.00 per month for providing laundry and dry cleaning services for non-uniform and uniform police officers. The term of this contract shall be for a period of (1) one year beginning as of the date of its execution. The contract may be extended for (3) three, additional one (1) year period each upon mutual agreement of the parties. Funding is available in the Police Department General Fund Budget.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

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 06-18, Cooperative Contract Pricing to the following vendor: Bergkamp, Salina, Kansas in the amount of \$263,610.00 for the purchase of one (1) 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. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

TAX: STAFF SOURCE DORA MALDONADO, TAX ASSESSOR COLLECTOR

27. Refund of property tax in the amount of \$2,000.00 payable to Caz Creek Holdings LLC due to an overpayment. Tax account # 948-30009-003.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

TRAFFIC SAFETY: STAFF SOURCE DANNY MAGEE, TRAFFIC DIRECTOR

28. Consideration to award contract FY19-095 to sole bidder Professional Account Management (PAM), LLC/ Duncan Solutions, from Milwaukee, WI for Parking Enforcement Collection Services. There will be no cost to the city at the moment as payment for the services is based on fees collected by PAM.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

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

29. Authorizing the City Manager to amend the contract with Lockwood, Andrews & Newnam, Inc. (LAN) for the Utilities Department Asset Management Plan Phase II (implementation) for Amendment #3 in the amount of \$200,342.00 for a revised total amount of \$701,761.00. Funding is available in the Waterworks Fund.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

30. Consideration to ratify various purchase orders issued to Grace Water Services, LLC, Katy, Texas in the amount of \$27,294.00, to existing contract awarded on

January 21, 2020 in the amount of \$82,630.00, award an additional \$48,652.00 for required work and add \$20,000.00 for possible future services. This contract is for the installation of a permanent chlorination feed system at the Las Blancas 0.5 MG Elevated Tank. The installed chlorination equipment will allow for increased levels of chlorine residual in the water distribution system discharging from Las Blancas elevated tank which feeds to the following locations: Pueblo Nuevo, Tanquecitos I & II, Las Blancas Subdivision, San Carlos I & II, Laredo Ranchettes, and Los Altos. Total contract amount will be \$178,576.00. Funding is available in the Utilities Waterworks Fund and in the 2016 Water Revenue Bond.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

31. Authorizing the City Manager for the approval of Change Order #1 resulting in a credit in the amount of \$82,161.00 to the City for the installation of a 36-inch sewer line on the San Francisco project. This change order is to account for actual quantities of work completed in the field and the addition of items because of unexpected field conditions. With this change order the new contract amount with Southern Trenchless Solution is \$913,828.10, with the addition of one hundred forty-two (142) working days to the contract. Funding is available in the 2015 Sewer Revenue Bond.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

32. Consideration to renew annual service contract number FY19-080 with the following vendors:

1. Rafter P. Transport Inc., Floresville, Texas in an amount up to \$100,000.00 (Primary Vendor);
2. Laredo Concrete Cutting & Sandblasting, Laredo, Texas in an amount up to \$75,000.00 (Secondary Vendor);

for the removal and disposal of dry sludge from the Jefferson & El Pico Water Treatment Plants to the City of Laredo landfill. The frequency and number of loads vary depending on the City's need. When the primary vendor is unavailable for the pickup of sludge, the secondary vendor shall be contacted. The term of this contract

shall be for a period of one (1) year beginning as of the date of its execution and is contingent upon the availability of appropriated funds. There was no price increase during the last extension period. This is the first of three extension periods. Funding is available in the Utilities Department – Water Treatment Division Budget.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

33. Consideration to award supply contract number FY20-072 to the following low bidders:

1. Sections I to Core & Main, St. Louis, Missouri, in an amount of up to \$772,371.92;
2. Section II to Ferguson Waterworks, Mission, Texas, in an amount of up to \$219,750.50;

for the supply of lift station sewer fittings, composite manhole rings and covers for the Utilities Department. The term of this contract shall be for a period of one (1) year beginning as of the date of its execution and is contingent upon the availability of appropriated funds. This contract can be extended three (3) additional one (1) year periods, upon mutual agreement. Funding is available in the Sewer System Fund.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

34. Consideration for approval to purchase the service from U.S. Underwater Services, LLC, Mansfield, Texas in the amount of \$69,895.00. This service contract is for the installation of four tank mixers on top of elevated tanks: Las Blancas 0.5 MG, Cuatro Vientos 2.0 MG, Bartlett 3.0 MG, and Killam 2.0 MG and for other plant maintenance and repairs. The installed tank mixers will enhance chlorine residual in the tank reducing the chemical stratification and eliminate thermal stratification. Previous purchase orders totaling \$40,495.00 for water plant maintenance and repairs have been issued for this vendor during the current fiscal year. The new service contract total for this vendor will be \$69,895.00. Funding is available in the Utilities Waterworks 2016 Revenue Bond and Waterworks System Fund.

Motion to approve.

Moved: Dr. Marte Martinez

Second: Cm. Balli

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

END OF CONSENT AGENDA

XI. STAFF REPORTS

35. 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.

Motion to accept the Internal Auditor's report.

Moved: Dr. Marte Martinez

Second: Cm. Vielma

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

36. Status report on the Recycling/Trash collection services; and any other matters incident thereto.

Motion to table.

Moved: MPT Torres

Second: Cm. Altgelt

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

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

Motion to table.

Moved: MPT Torres

Second: Cm. Altgelt

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

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

Motion to table.

Moved: MPT Torres

Second: Cm. Altgelt

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

39. Presentation by Noe Hinojosa of Estrada/Hinojosa, & Co. Inc. on the City's debt overview and a possible Utilities refunding with possible action.

Noe Hinojosa of Estrada/Hinojosa & Co., reported that the City's net debt is \$164 million with very good credit and bonding ratings. He reminded Council that interest cannot be included for municipal debt reports until it has been incurred. The bonding agency does not focus so much on the City's interest but its ability to pay back its debts. The City would not have its current excellent ratings if not for its history of paying its debts back sufficiently. Borrowing money establishes a pattern of activity; over the course of that pattern, incentives and economic tools such as TIRZs and TRZs have become available for the City that otherwise would not.

Cm. Altgelt commended Mr. Hinojosa for his expertise but voiced his opinion that Council should be receiving advice from several experts in order to make a comprehensively informed decision. Dr. Marte Martinez countered that other experts would charge the City for their advice, which is counterintuitive to Cm. Altgelt's own suggestion.

Robert Eads, City Manager, reminded Council that governmental financing is unique in the field of financing; Laredo operates very similarly to some of the biggest and best cities in Texas; he commended the skills of the City's experts and in-house staff members. He noted that while Mr. Hinojosa assists staff in reporting the City's ratings, he is not involved in the day-to-day financial operations or the City's budget preparations for Council. Mr. Hinojosa is not selling anything and will likely not present at the budget workshops; the purpose of this item is to discuss potential refunds or lowering of utility rates for the City's ratepayers.

Mr. Hinojosa reported that the City has about \$40 million that can be refunded. While the utilities side is performing well, the sewer side of the Department is not. Riazul Mia, Assistant City Manager, explained that the sewer division had a high rate increase commercially, but with the pandemic, many commercial users reduced their consumption significantly. Mr. Hinojosa noted that he could have recommendations for Council for the budget workshops, though he would like to see the general performance for a little while longer.

Motion to approve the funding of bonds as presented.

Moved: Dr. Marte Martinez

Second: Cm. Altgelt

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Rodriguez, and MPT Torres were not present.

40. Status, discussion, and possible action on the proposed mural to be painted on Victoria Street by the No Border Wall Coalition, and for the adoption of a street painting permit process to ensure public safety and to comply with Section 2.06 (b) of the ethics code, and any other matter incident thereto.

Joe Baeza, Interim Public Information Officer, read public comments into the record: Juan Ruiz thanked Council for supporting the street mural calling to defund the border wall; he noted that the community is galvanized about this project and asked for Council's continued support.

Virginia Garcia spoke in opposition of the border wall and in favor of the street mural with the message DEFUND THE WALL.

Joel H. spoke in opposition of the street mural saying that if a DEFUND THE WALL mural is to be painted in front of the old federal court house, another mural should be painted along the straight street in favor of the wall. Favoring one message over the other will show bias. Kellianne Skelton echoed the same sentiments, as did Sandra Mauro, Fernando Baldazo, Javier Elizondo, Michelle Winterroth, and Eric Wickstrom, II.

Gan Golan noted that over 20 other cities have also approved murals and street signs with messages relevant to their communities to-date. There is no reason to be concerned about ethics violations or legal obstacles; this mural simply makes Laredo part of a growing trend. Carlos Flores echoed the same sentiments.

Raquel De Anda noted that the wall is not a done deal and can be stopped; the federal government is rushing to complete this project before November and to silence the voice of its citizens.

Antonio Taylor noted that immigration issues will not be solved by a wall, which is merely a monument of an ideology but not an actual solution. She voiced her support of the DEFUND THE WALL mural as a reflection of Laredo as the "Gateway City." Julia Orduña echoed the same sentiments, as did Efrain Lopez.

Kristina L. Hale, Assistant City Manager and Acting City Manager, explained that staff brought this item before not because of anything related to the content of the message but rather the issue that the City has no street painting permit process for this mural. The City has received several additional requests for street murals since the last Council meeting, and the situation will rapidly become problematic without a permitting process. She noted that the other cities that have approved street murals have permitting processes, so the City of Laredo needs to adopt one with regards to locations, duration, materials, design, and other aspects of a mural on

the street. Safety is also an issue; this matter was sent to the Traffic Safety Committee, and the Chair did not recommend this process on the matter of safety at this particular location.

Cm. Balli initiated a motion to direct staff to bring an ordinance proposal in October 2020 but to move forward with this street mural as approved by Council.

Cm. Vielma asked why a mural that she had requested was denied due to a determination of a political statement whereas this was not found to be such. Mrs. Hale voiced her understanding that the mural to which Cm. Vielma referred was denied over an issue of bond monies being used, not because of a political message. Bond monies can only be used for brick and mortar projects and not paintings; the mural did not meet the qualifications for the use of bond monies. The Ethics Code requires that everyone be granted the same opportunities, meaning that any message that is requested in the form of a street mural needs to go through the same process. She clarified that even if this message is determined to be a political statement, it is allowable if all citizens and groups are provided the same opportunity to memorialize their message in street murals through the same process. Since there is no prohibition for political messages on streets, the City would need to adopt a policy addressing this.

Cm. Vielma voiced her concern that this matter is more ethically-entangled than explained by staff. She noted her reversal of support on this matter due to the political implications that may result, especially when it comes to her law enforcement constituents. She also voiced her opposition that the street mural will not change any attitudes in federal government and may only impact the City's sources of federal funding.

Cm. Mercurio Martinez asked Cm. Balli to consider an amendment to prohibit the painting or marking of a public street unless authorized by the Traffic Safety Department, with the exception of this street mural. Cm. Balli agreed but noted that Council has sent items to a particular Department, where they are never seen through to completion. He stated that by approving an item, Council should not put it back on the agenda for review or re-approval as if they did not make informed decisions the first time. Council spent an hour on this matter at the last Council meeting, and he voiced his opinion that the matter should not have been brought back to this meeting.

Cm. Martinez added that the street painting ordinance should include language that the materials be water-soluble so that the City does not overextend resources removing the temporary murals after they have exceeded their duration. Cm. Balli noted that the organization has a plan and is using house paint that can be easily removed; he agreed with Cm. Martinez's argument and noted that an ordinance should exist for future processing of these types of requests from the citizens.

MPT Torres voiced his opinion that Council sometimes "puts the cart before the horse," adding that some organizations would have already put this mural up. He

agreed with Cm. Balli's sentiments about the redundancy of bringing approved items back to Council in subsequent meetings.

Robert Eads, City Manager, explained that staff already made the request to Ms. Cigarroa that the organization use materials that can be removed; the organization agreed to do so. Color selections were also made in order to prevent safety concerns. He confirmed that staff will continue to work with Ms. Cigarroa to ensure that the mural is placed safely.

Cm. Gonzalez noted that he had received a request for a street mural in support of law enforcement; as a member of law enforcement, he brought the matter to Mrs. Hale's attention in an abundance of caution for any ethics or conflict of interest matters. He stated that he would not bring that request forward until the ordinance is in place so that it goes through a permitting process outside of his influence as a Council Member.

Cm. Altgelt noted that many of his constituents are members of law enforcement, and this mural is one of much debate.

Dr. Marte Martinez noted that the Ethics Code notes "elected officials" and "personal, political purpose" but argued that Council collectively passed this action, which serves no personal political purpose to Council as a whole. He questioned whether this section of the Ethics Code has the potential for violation in this instance. MPT Torres agreed and added that the message from the group requesting the mural is not political. Mrs. Hale could not confirm whether this mural would not be considered "personal and political" since somebody added it to the Council agenda on July 27. She noted that no private surface can be used as a mural with City resources unless all citizens are given the same opportunities with the same resources.

Motion to direct staff to bring an ordinance proposal in October 2020 for a street painting permit process and to move forward with the street mural as approved by Council and to further send the ordinance to the Traffic Safety Committee for approval with the exception of this project, as amended.

Moved: Cm. Balli

Second: MPT Torres

For: 6

Against: 2

Abstain: 0

Cm. Gonzalez

Cm. Vielma

Cm. Rodriguez

Cm .Altgelt

Cm. Mercurio Martinez

MPT Torres

Dr. Marte Martinez

Cm. Balli

41. Discussion with possible action on the recommendation by the City Manager for the position of City Attorney in accordance with the City Charter of the City of Laredo,

Article IV, Section 4.02, and any other matters incident thereto.

Motion to table until after the budget workshop process.

Moved: Cm Gonzalez

Second: Dr. Marte Martinez

For: 6 Against: 2 Abstain: 0

Cm. Gonzalez Cm. Mercurio Martinez

Cm. Rodriguez MPT Torres

Cm. Vielma

Dr. Marte Martinez

Cm. Altgelt

Cm. Balli

42. 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.

Motion to table until after the budget workshop process.

Moved: Cm Gonzalez

Second: Dr. Marte Martinez

For: 6 Against: 2 Abstain: 0

Cm. Gonzalez Cm. Mercurio Martinez

Cm. Rodriguez MPT Torres

Cm. Vielma

Dr. Marte Martinez

Cm. Altgelt

Cm. Balli

XII. EXECUTIVE SESSION

Motion to go into executive session to discuss Items #43 and 44.

Moved: Cm. Mercurio Martinez

Second: Cm. Gonzalez

For: 8 Against: 0 Abstain: 0

43. 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 return to open session for possible action.

Following executive session, MPT Torres reported that no action was taken.

Dr. Marte Martinez requested that staff proceed as directed.

44. 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 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.

Following executive session, MPT Torres reported that no action was taken.

Dr. Marte Martinez requested that staff proceed as directed.

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

No action taken.

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

No action taken.

45. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

A. Request by Mayor Pete Saenz

1. Discussion with possible action on status of compliance of paving ordinance for industrial sites and parking lots within those sites; and possible alternatives to those property owners not yet in compliance, and any other matters incident thereto.

Mayor Saenz noted Laredo's pride in being the #1 land port but has fallen in its ranking as a national port. During these unprecedented times, it has been very difficult for some industry stakeholders and property owners to pay the fees associated with the paving ordinance.

Cm. Altgelt noted that he receives phone calls when adjacent property owners suffer from large dust clouds because their neighbors are not paying for the necessary paving. Alternatively, some property owners have said that if they are allowed to move into their newly-acquired property and stop paying rent elsewhere, they will be better equipped to pay those high paving costs and obtain their certificate of occupancy. He asked if Council can allow these entities to gradually move into their facilities or perform their paving requirements.

Mayor Saenz suggested a moratorium for the time being and noted that equity should be addressed as well. Robert Eads, City Manager, confirmed that management has taken the charge to comply with the Land Development Code,

which requires the paving of these roads.

Arturo Garcia, Building Development Services Director, explained that staff enforces the Land Development Code, which requires all commercial parking lots to be paved with concrete or asphalt; the 1990 original ordinance allowed a five-year, 20% rate of compliance when it was implemented. On September 3, 2019, Council took action not to allow any further exemptions for paving for “dead storage” properties, which eliminated caliche/oil mixtures for parking considered “dead storage.” On January 23, 2020, management approved staff’s recommended enforcement “compliance” action plan that provided a warning to the approximately 80 non-compliant sites initially. Businesses are allowed 60 days to acquire a building permit, which would allow them six months to pave those lots. Any failure to acquire a permit or pave their lots results in a \$500 citation; further non-compliance would result in legal action by the City to enforce the requirement. He reported the estimated costs per acre for pavement as follows:

Asphalt	\$350,000
Concrete	\$425,000
Caliche/Oil Mixture (allowed previously for dead storage only)	\$125,000

Building staff identified 15 commercial parking lots and issued 80 warnings for unpaved lot violations. They also issued 16 citations for failure to pave and continue to issue citations as time permits due to COVID-19 enforcement efforts. Mr. Garcia reminded Council that the City’s TCEQ TPDES storm water permit requires the City to reduce sediment and pollutants to the maximum extent practical. Also, the unpaved lots add additional workload burdens on the Public Works Department as they have to sweep the excess sediment and repair damage from sediment causing ponding and potential infiltration. With the recent rains that occurred, there are stagnation and infiltration issues and damages, which adds more work to Public Works.

Cm. Vielma reiterated that this year is a particularly difficult year for business owners. She agreed with Mayor Saenz’s suggestion for a moratorium as well as further discussion of staff’s compliance action plan. Cm. Altgelt noted that the common law about nuisances does not go away with the passage of a moratorium; mitigation and dust control measures can be put in place to help reduce the nuisance. He suggested that Council pass the moratorium and pass mitigation measures for dust control in the interim.

Dr. Marte Martinez asked if the City could allow for other paving materials if a moratorium is determined to be unfair. Cm. Altgelt noted that if Council were to pass the moratorium, it would have to apply to industrial properties at a certain distance from residences to prevent further nuisances.

Cm. Rodriguez countered that if Council is to remain consistent for some

requirements, then this requirement should remain consistent as well or be applied across the board.

John Porter, Environmental Services Director, explained that some municipalities use a vegetable-based oil for dust control, which may be applicable in Laredo. Improving the entrance of an industrial property so that it knocks the sediment off of trucks like at a construction site could be made a requirement to help mitigate dust control or pollutants. Cm. Altgelt initiated a motion to direct staff to bring a solution back to Council for a temporary, year-long moratorium on the paving ordinance as well as a mitigation for dust, debris, and nuisance issues that would also increase the competitiveness of the port.

Motion to direct staff to bring a solution back to Council for a temporary, year-long moratorium on the paving ordinance as well as a mitigation for dust, debris, and nuisance issues that would also increase the competitiveness of the port.

Moved: Cm. Altgelt

Second: Cm. Vielma

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

B. Request by Council Member Vidal Rodriguez

1. Discussion with possible action to instruct the City Manager to authorize staff to install speed humps at the following locations, under the Special Provision of the Speed Hump Installation Policy, and to authorize the use of asphalt type speed humps, instead of cushions, which is currently required under the policy; and any other matters incident thereto. City Council District II Priority Funds will be used for this project.

- Speed Hump on Cheyenne Drive between Black Kettle Ln and Feather Ct
- Speed Hump on 3300 S. Malinche
- Speed Hump on 100 Madrid between 103 Madrid and 105 Madrid

Joe Baeza, Interim Public Information Officer, read a public comment from Jonathan Gonzalez into the record: Mr. Gonzalez stated that instead of spending money on services that are not available to residents during this pandemic, elected officials should direct monies to economic relief and lower taxes and utilities for the citizens. He noted that the City Manager mentioned layoffs or furloughs due to the constrained budget, but Council continues to spend millions of dollars for parks and sidewalks while also urging their constituents to stay home, indoors.

Motion to approve.

Moved: Cm. Rodriguez

Second: Cm. Vielma
For: 6 Against: 0 Abstain: 0

Cm. Gonzalez and Cm. Mercurio Martinez were not present.

2. Discussion with possible action to allocate District 2 priority funding for the following District 2 parks; and any other matters incident thereto.
 - Lago Del Valle Park \$135,300.00;
 - Vista Nueva Park Parking Lot \$30,000.00;
 - Basketball Shade Canopy Structure for Concord Hills \$30,000.00; BBQ pits, tables, benches and metal trash cans for District 2 parks \$20,000.00; and
 - Cheyenne Park playground \$49,000.00.

Motion to approve.

Moved: Cm. Rodriguez
Second: Cm. Mercurio Martinez
For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

3. Discussion with possible action to allocate \$200,000.00 to sidewalks in District 2; and any other matters incident thereto.

Cm. Rodriguez clarified that District II Priority Funds will be used for this project.

Motion to approve.

Moved: Cm. Rodriguez
Second: Dr. Marte Martinez
For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

C. Request by Council Member Mercurio Martinez, III

1. Discussion with possible action to convert during the budget workshop process the building fire review/inspection fire fighter staff to civilian personnel under the direction of the building department; and any other matters incident thereto.

Cm. Mercurio Martinez noted a disparity between inspections performed by fire fighters and civilian personnel; under the collective bargaining agreement, a trained fire fighter who becomes a fire inspector has a much higher salary than the civilian personnel performing the same duty. He voiced his intention to see the budget workshop address this disparity and convert the fire inspection duties to civilian-only positions. He initiated a motion to this effect.

Kristina L. Hale, Assistant City Manager and Acting City Attorney, explained that the fire union's collective bargaining agreement stipulates that the union has to agree to any change in positions or personnel matters that fall under their purview.

Motion to direct staff to address the salary disparity between fire inspectors who are trained as fire fighters and those who are civilian personnel with the option to convert the fire inspector position to a solely civilian one at the budget workshops.

Moved: Cm. Mercurio Martinez

Second: Cm. Altgelt

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

D. Request by Mayor Pro-Tempore Alberto Torres, Jr.

1. Discussion with possible action to instruct the City Manager to authorize staff to install speed humps at the following locations under the Special Provision of the Speed Hump installation Policy and to authorize the use of asphalt type speed humps instead of speed cushions which is currently required under the policy and any other matters incident thereto. City Council District IV Priority Funds will be used for this project.

- Speed Hump on 1700 E. Frost St. between North Tapeyste Ave. and North Mendiola Ave.
- Speed Hump on 400 O'Kane between Maryland Ave. and Springfield Ave.

Motion to approve.

Moved: MPT Torres

Second: Dr. Marte Martinez

For: 5

Against: 0

Abstain: 0

Cm. Gonzalez, Cm. Mercurio Martinez, and Cm. Altgelt were not present.

2. Discussion with possible action to evaluate the code pertaining to sanitation bins at apartment complexes including clothes and items donation bins; and any other matters incident thereto.

MPT Torres explained that Council continues to receive phone calls about bins that are not provided by the Solid Waste Department. He asked if any code or ordinance governs the size of a bin depending on the number of apartment units in the complex or ensures that large bulky items like mattresses do not end up in the street. The calls report nuisances and illegal dumping at complexes.

Tina Martinez, Community Development Director, explained that sanitation bins at apartment complexes is governed and regulated through an ordinance by the Health Department Code Enforcement officers. Richard Chamberlain, Interim Health Director, noted his ignorance of any specific ordinance regarding the size or number of users per sanitation bins. However, when complaints are received by the Health Department, they go to the location to inform the tenants or landlord that the bins need to be emptied and/or sanitized.

Arturo Garcia, Building Development Services Director, stated that there is no size requirement for sanitation bins; the ordinance provides code enforcement officers discretion as they oversee this matter, and the ordinance only requires the maintenance and repeated service of the bins.

Cm. Balli voiced his opinion that Council should make a determination on the size and number of bins required based on either square footage or bedrooms of the complexes. There are apartment complexes using private company bins that are not being maintained frequently enough, are not the suitable size for the number of users, or the tenants are leaving objects in front of the apartment complex, which does take any responsibility for the items. The residents deserve to have their garbage picked up regularly and typically have to pay for that service since the landlords or owners pass the cost to them.

Robert Eads, City Manager, suggested that City staff can easily find a way to quantify this issue for a formula to move forward on adding regulations for these bins. He asked for time to bring this item back with those recommendations.

Motion to direct staff to come back with recommendations on the size or number of sanitation bins at apartment complexes.

Moved: Cm. Balli

Second: Cm. Gonzalez

For: 5

Against: 0

Abstain: 0

Cm. Rodriguez, Cm. Vielma, and Dr. Marte Martinez were not present.

MPT Torres noted that another issue brought to his attention was the inclusion of donation boxes placed at apartment complexes for residents to donate clothing and items, such as Goodwill or Salvation Army collection boxes. These bins are typically overflowing which has caused health concerns, especially during the COVID-19 pandemic. He initiated a motion to instruct staff to research a permit and/or fee for every donation bin that is placed within the City.

Motion to instruct staff to research a permit and/or fee for every donation bin that is placed within the City.

Moved: MPT Torres

Second: Cm. Mercurio Martinez
For: 5 Against: 0 Abstain: 0

Cm. Rodriguez, Cm. Vielma, and Dr. Marte Martinez were not present.

3. Discussion with possible action to allocate the following appropriations within District 4 District Priority Funds; and any other matters incident thereto.
 - \$250,000- Districtwide Sidewalks;
 - \$50,000- Speed humps and Traffic Safety; and
 - \$82,000- Districtwide Beatification.

MPT Torres noted an amendment to reflect an additional \$50,000 for park improvements.

Motion to approve with the amendment of an additional \$50,000 for park improvements.

Moved: Cm. Mercurio Martinez
Second: Cm. Gonzalez
For: 5 Against: 0 Abstain: 0

Cm. Rodriguez, Cm. Vielma, and Dr. Marte Martinez were not present.

E. Request by Council Member Nelly Vielma

1. Discussion with possible action to explore moving the Fire Fighter's Mechanic Shop at Station 6 and consolidating with Fleet Department; and any other matters incident thereto.

Cm. Vielma noted that Station 6 is located on precious real estate and is being underutilized; she asked staff to research some solution options on this matter.

Cm. Rodriguez voiced his opinion that this matter is a budgetary issue and initiated a motion to bring it back during the budget workshop.

Motion to bring this item back during the budget workshop.

Moved: Cm. Rodriguez
Second: Dr. Marte Martinez
For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

2. Discussion with possible action to provide cost analysis and EMS needs to allocate for an ambulance at Station 6; and any other matters incident thereto.

Cm. Vielma noted that this is a budgetary issue and can be discussed during the budget workshop but asked Council to consider that Fire Station 6 does not have an ambulance and has been denied one for several years. She asked staff to prepare for this conversation during the budget workshop.

Motion to bring this item back during the budget workshop.

Moved: Cm. Vielma

Second: Dr. Marte Martinez

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

3. Discussion with possible action to establish a Virtual COVID Casualty Farewell Memorial and walking trail at El Progreso Park; and any other matters incident thereto.

Cm. Vielma noted a comment from a community member that the individuals who have succumbed to the COVID-19 virus are not just a number; given the nature of the pandemic, many people have not been able to grieve for their loved ones in a traditional manner.

Joe Baeza, Interim Public Information Officer, read a public comment from Alyssa Cigarroa into the record: Ms. Cigarroa stated her support of the Farewell Memorial and walking trail at El Progreso Park to honor those that have been taken from their families; due to the COVID regulations restricting funeral services, many have not been able to properly say goodbye to their loved ones. She commended Council and City staff for making every effort to mitigate the spread of COVID-19 by imposing preventive measures like face masks and social distancing. She voiced her hope that this memorial will provide comfort to those who have lost a loved one or want to honor their memory.

Cm. Vielma clarified that the funding source for this memorial and walking trail is District V Priority Funds. She initiated a motion to approve and added her understanding that there is no cost associated with the virtual memorial; it is a webpage. The district priority funds will be used for the outer wall of the walkway and other actual brick and mortar elements.

MPT Torres questioned whether district priority funds could be used for the landscaping and maintenance or personnel costs that would be associated with the upkeep of this trail and the webpage. Robert Eads, City Manager, confirmed that staff will execute this directive contingent to any restrictions or requirements of the funds as they affect City Departments.

Motion to approve.

Moved: Cm. Vielma

Second: Cm. Altgelt
For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

F. Request by Council Member Dr. Marte A. Martinez

1. Discussion with possible action on the status of roads that have been paved by linear feet/miles and number of blocks from last year to when paving project were halted due to funding; and any other matters incident thereto.

Dr. Marte Martinez noted his intention to see how much progress has been made on this objective for the purposes of planning or pre-planning any other portions of the City.

John Orfila, Public Works Director, explained that more funding is needed for the upcoming year, but paving continues. The Department lost \$4 million this past year due to COVID-19, but he reported the completed paving as follows:

<u>District</u>	<u>City Blocks</u>
I	23
II	24.5
III	26.5
IV	21.5
V	21
VI	14.5
VII	17.5
VIII	17

Dr. Martinez noted that the roads are deteriorating in some districts more than others, and the need is not equal across all districts even though every district has need. He urged Council to prioritize this matter during the budget workshop to shore up the City's fundamental duties.

Robert Eads, City Manager, reminded Council that they approved the purchase of a piece of equipment that will greatly assist the City in resurfacing roads. As soon as it is acquired, staff will put it to use.

No action taken.

2. Discussion with possible action on the status of the Water and Sewer Master Plan and status on current projects to include but not limited to interceptor lines, tunnels, water towers, and cleaning of lines since the last burn; and any other matters incident thereto.

Michael Rodgers, Interim Utilities Director, explained that the consultant has developed some surveys online from now until the end of the year; the Water

Master Plan is on schedule for a September 2021 Final Report and Plan. Staff is reviewing the consultant's scope and fee in preparation to present to Council at the August 17, 2020 meeting for the Wastewater Master Plan. The Eastern Chacon Creek project has been extended due to the Army Corps of Engineers requesting additional information for the pre-construction submittal; the bid has been extended until September 30, 2020. The Unitec Wastewater Treatment Plant Phase I Expansion project has been awarded to ACP, Ltd., and the estimated completion date is March 2022. Staff is reviewing and evaluating consulting firms for the Zacate Crfeek Wastewater Treatment Plant Tunnel project and anticipate that the submittals will be graded shortly. The Zacate Creek WWTP Alternative Treatment Process evaluation and design is ongoing, and an engineering report should be available in September or October. The engineer for the Lyon Street Ground Storage Tank project is writing up his evaluation of the submittals for the project currently, to be presented to Council at the August 17, 2020 meeting. Mr. Rodgers noted that the System Wide Disinfection Improvements are ongoing and should be completed or activated shortly. The next post-chlorination is scheduled for August 17, 2020, as well. Staff leased a contract with a company to perform a no-charge redistribution flushing for the area of Hwy. 359 that underwent a boil water notice.

No action taken.

G. Request by Council Member George Altgelt

1. Discussion with possible action to modify the ethics code and lobbying ordinance to identify as a conflict of interest a Council Member voting to approve appointments of Laredo Police Chief or Fire Chief if the applicant was a member of the Union Board and the Council Member previously received a campaign contribution from the union or other such quid pro quo; and any other matters incident thereto.

Motion to table.

Moved: Cm. Altgelt

Second: Dr. Marte Martinez

For: 7

Against: 0

Abstain: 0

Cm. Gonzalez was not present.

2. Discussion with possible action on an update regarding Santa Maria Bike Lanes; and any other matters incident thereto.

Motion to table and bring back with the language to rename the bike lanes after Mike Doyle.

Moved: Cm. Altgelt

Second: Dr. Marte Martinez

For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

3. Discussion with possible action on the Peachtree Recovery Services (PRS) a claims recovery firm to help generate a monthly revenue stream at no cost and no effort to the city; and any other matters incident thereto.

Motion to table.

Moved: Cm. Altgelt

Second: Dr. Marte Martinez

For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.

H. Request by Council Member Roberto Balli

1. Discussion with possible action to allocate the following appropriations within District 8 District Priority Funds; and any other matters incident thereto.
 - \$300,000- District wide Sidewalks;
 - \$500,000- District 8 Parking Facilities;
 - \$75,000- Speed humps and Traffic Safety; and
 - \$250,000-Districtwide Lighting.

Cm. Balli noted an amendment to change the amount for District 8 Parking Facilities from \$500,000 to \$400,000 and to add an additional \$100,000 for park improvements.

Motion to approve with amendments as presented.

Moved: Cm. Balli

Second: Cm. Gonzalez

For: 5 Against: 0 Abstain: 0

Cm. Rodriguez, Cm. Vielma, and Dr. Marte Martinez were not present.

XV. ADJOURN

Motion to adjourn.

Moved: Cm. Altgelt

Second: Dr. Marte Martinez

For: 7 Against: 0 Abstain: 0

Cm. Gonzalez was not present.