

**CITY OF LAREDO
CITY COUNCIL MEETING
M2020-S-04
LIVE WEB LINK: <http://laredotx.swagit.com/live>
CITY COUNCIL CHAMBERS 1110
HOUSTON STREET
LAREDO, TEXAS 78040
May 18, 2020
5:00 P.M.**

SUPPLEMENTAL MINUTES

I. EXECUTIVE SESSION

1. Request for Executive Session pursuant to Section 551.071(2) of the Texas Government Code on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter as it pertains to COVID-19 control measures, reporting, and mitigation efforts, and return to open session for possible action.

Motion to go into executive session to discuss this item.

Moved: Cm. Vielma

Second: Cm. Mercurio Martinez

For: 8

Against: 0

Abstain: 0

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

Kristina L. Hale, City Attorney, clarified that the curfew restriction includes the language, "except as necessary for engaging, performing, or in route to engage in an essential service, reopened service, or permitted activity provided herein and in accordance with Governor's Order GA-21, individuals should not leave their place of residence from 10:00 PM to 5:00 AM." This curfew does not contradict the Governor's order, but whether it is needed or continues to serve a purpose is Council's decision.

Mayor Saenz voiced his understanding that since bars are considered a permitted business, then citizens will not be in violation of curfew for attending or traveling to or from bars during curfew hours. If a bar closes at 2:00 a.m. and a patron drives home afterward, they will not be in violation of curfew. He asked for clarification on what remains nonessential to determine if the curfew is still needed.

Robert Eads, City Manager, reminded Council that the curfew was first implemented for juveniles and then was expanded to include adults. As the state reopens, the activities or locations where officials want to discourage coalescence is being chipped away and reduced steadily. Therefore, people attending bars are not stopped by the curfew. Mrs. Hale confirmed that social gatherings are still prohibited activities, but many activities and establishments have become permitted, some at a reduced capacity. Mr. Eads suggested

that Council clearly iterate that public and social gatherings are still prohibited if they are trying to clarify what is permitted or not.

Cm. Vielma voiced her opinion that everything is becoming permissible except for public gatherings, suggesting that Council change the curfew language to reflect this.

Cm. Balli conceded that while he may not agree with the Governor, he understands the need to abide by the Governor's directives. He noted that someone could go to a bar until 2:00 a.m., go eat at Taco Palenque afterwards, and go to the gym before 5:00 a.m., essentially being out all night on permissible activities; however, the only thing they could not do is visit or gather with their family or mother at her house. These people could simply gather with family or friends at the gym, bar, or hair salon during curfew hours. He voiced his understanding that social distancing is still needed and the reopening of Texas may have been premature, but Council is obligated to respect that order. He questioned the purpose of the City's curfew anymore given the new establishments and activities being permitted 24 hours a day. Not only does the curfew create a problem for police officers trying to enforce it, but it creates a problem for community members who are struggling to understand what the new rules are. He suggested that Council remove the curfew as now is the time to do so.

Cm. Rodriguez agreed with Cm. Balli's arguments, adding that if Council is to end the curfew then to continue the educational campaign to encourage citizens of social distancing and staying with their shelter groups. He questioned how the City will be able to enforce 25% capacity requirements during late hours.

Dr. Marte Martinez noted that when Council first began addressing COVID-19 in the community, they were very much ahead of the game during an unstable and confusing time. Over the past several weeks, the Governor and state have done a good job of catching up with the best practices, though he voiced his opinion that reopening directives were rushed. Laredo has not had a significant increase in positive COVID-19 cases lately, and he agreed that slowly reopening the community is the right thing to do at this time. The public has understood that the drastic measures taken by the City, while seemingly draconian, were essential to keeping the community as safe as possible for as long a time as possible. He conceded that now is the time to fall in line with the Governor's directives and agreed with Cm. Rodriguez's suggestion to continue to push social distancing and hygiene messages during this transition.

Cm. Vielma initiated a motion to rescind the City's curfew.

Dr. Victor Treviño, health authority for the City of Laredo, informed Council that Multisystem Inflammatory Syndrome in Children (MISC) is affecting children who have previously tested positive for COVID-19; this syndrome has rapidly increased in cases with at least 220 possible and confirmed cases in at least 20 states and Washington, D.C. to-date. These children exhibit fever, and most have severe stomachaches, rash, pink eye, mouth changes, and cracked lips. These symptoms were initially incorrectly categorized, leading to these children being misdiagnosed. He stated that it is possible a child in Laredo has MISC at this

time. These children exhibit MISC symptoms four to six weeks after their COVID-19 infections (whether they were symptomatic or asymptomatic); there have been several deaths to-date. He cautioned Council that there is a threat of a new syndrome that is killing children, advising against removing any measures that do not need to be removed at this time. Health officials still do not know the full behavior of this virus and any subsequent infections, making Dr. Treviño uncomfortable with relaxing precautionary measures at this time. While he conceded that the City must be aligned with the Governor's order, Council should take a very close look at the issue before making a decision on lifting the curfew. He suggested that the curfew stay in place for juveniles to minimize the risk of exposure to children and adolescents. Dr. Treviño asked if the City *must* remove the curfew as per the language of the Governor's order.

Dr. Martinez reminded Council that until very recently there were no cases of this syndrome because overwhelmingly children handle this virus very well. The nature of Kawasaki Syndrome is when a children's immune system attacks its own body by inflaming the system. However, there is only an association of MISC to COVID-19, not a direct relationship. Officials are not certain that these children had COVID-19 or not; this syndrome also came about during the most severe lockdowns that were in place, meaning that the syndrome is manifesting itself whether children are indoors or not. He discouraged Council from making policy decisions or changes based on unclear information. Of course, if the situation changes or more information is presented, Council will use that to inform their decisions.

Mr. Eads stated that aside from the City's ordinance which will expire at the end of next week, there are still many day-to-day decisions that he must make regarding the City's operations that can be informed by Council policy, such as whether City pools are going to be reopened. He noted that if pools are to be reopened for the summer, then the lifeguards should have already been hired. He confirmed that the pools and recreation centers will remain closed until he receives directive from Council otherwise and has a process in place to mitigate congregating and exposure risks.

Cm. Balli noted his respect for the Governor's authority but reiterated his opinion that the orders to reopen the state were premature. He clarified that the Governor's authority does not extend to the City opening its recreation centers or additional park and building spaces. He encouraged Council to keep tight control over these facilities, asking how Council can consciously open recreation centers if no professional sports leagues with billion-dollar franchises are able to play at this time. Council is going to face a very difficult budget process for the next year, so keeping these facilities closed as a cost-savings tactic in addition to public health concerns should be considered. He suggested that these facilities stay closed until fall at the earliest, estimating that schools will not reconvene in the fall.

MPT Torres countered that while he is not advocating for these reopenings, there will be youth camps and recreation centers opening as well as in-person summer school effective May 31, 2020, meaning that Council will soon have to address these issues locally. He suggested that Council do away with the City's order and simply mirror the Governor's order so as not to confuse the public.

Mrs. Hale noted that the other differences between the City's order and the Governor's include the hospital preparedness, masks, the prohibition of minors in stores unnecessarily, and the mandate for corporate hospitals to provide the proper personal protective equipment (PPE) to their staff. Cm. Vielma clarified the intention of her motion to only rescind the curfew and to leave the City's additional measures in place that do not conflict with the Governor's order.

Motion to rescind the City curfew and to mirror the rest of the City's ordinance after the Governor's order except as presented.

Moved: Cm. Vielma

Second: Cm. Mercurio Martinez

For: 5

Against: 3

Abstain: 0

Cm. Rodriguez

Cm. Gonzalez

Cm. Mercurio Martinez

MPT Torres

Cm. Vielma

Cm. Altgelt

Dr. Marte Martinez

Cm. Balli

Cm. Rodriguez initiated a motion to enforce a curfew for persons aged 17 and under. Mrs. Hale clarified that this curfew is already in place via ordinance. Cm. Rodriguez reiterated his motion.

Cm. Vielma asked if minors would be exempted if they were accompanied by an adult; Mrs. Hale confirmed that this is how the current ordinance is worded. Cm. Rodriguez clarified that this curfew is temporary during the quarantine period, noting that he did not intend to amend the current ordinance. Mrs. Hale added that the Governor has allowed anybody, including minors, to be out past curfew hours for essential or permitted activities. Therefore, if a minor is found out of doors during curfew hours and has been engaged in an essential or permitted activity, that has been allowed by the Governor.

Claudio Treviño, Police Chief, reminded Council that the original curfew only applied to juveniles; the Department can work with the existing ordinance or the proposed curfew time as per Council's directive. Mayor Saenz voiced his concern about the City going against the Governor's order; Mrs. Hale countered that the language still allows for exceptions, making curfews an allowable directive from Council without violating the Governor's order as long as those minors were only engaging in the allowed activities.

Dr. Martinez clarified that the curfew does not violate the Governor's order and never has; all the motion intends to do is temporarily change the time of the juvenile curfew. Cm. Vielma agreed with Cm. Rodriguez's motion, noting that with summer coming there will be more kids and teens unsupervised.

Cm. Gonzalez noted that this motion may further confuse the public.

Motion to create a curfew for persons aged 17 and under to begin at 10:00 p.m. to 5:00 a.m.

Moved: Cm. Rodriguez

Second: MPT Torres

For: 8

Against: 0

Abstain: 0

II. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

A. Request by Mayor Pete Saenz

1. Discussion with possible action on status of the 2020 Census and taking any additional steps to maximize the count; and any others matters incident thereto.

Mayor Saenz reported that he had a teleconference with the Secretary of Commerce who had voiced his concerns that Laredo is lagging behind on Census reporting with only about 41% responses received. The Secretary offered some announcements that can be provided by his office or other resources to help increase responses to the Census in Laredo.

Robert Eads, City Manager, confirmed that staff is going to dedicate as many resources as possible to this effort to increase the response rate. Despite the COVID-19 pandemic, there are still staff members that may be reassigned to help address this issue, such as opening some recreation center locations or serve on a phone bank for information delivery. The Census has long-term ramifications in funding and resources for the community.

Dr. Marte Martinez reminded Council that Council's Friday packet a month ago informed them of how low Laredo's numbers were; he called the City Manager at that time to see what programs could be dedicated to this effort despite the COVID-19 matter. He asked Mr. Eads whether any changes were made following their conversations to dedicate some staff members to this cause. Mr. Eads confirmed that he reached out to Tina Martinez of the Community Development Department following their conversation.

Tina Martinez, Community Development Director, reported that staff has been meeting with the Regional Coordinator for the Census and community leaders from the Complete Count Committee; staff are looking for other solutions to the original plan, which included festivals and multiple interactions with the public. She noted her intention to reach out to the libraries and recreation centers to include flyers during their pick-up services. Staff has discussed additional flyer distribution opportunities, such as the food distribution organizations. The areas of Laredo that have lower response rates are those that seem to have less access to social media or more vulnerable populations that are used to one-on-one interactions from staff.

Cm. Mercurio Martinez stated that this matter should be prioritized by many other

departments as it is requires a marketing scheme. He suggested including a Census flyer with utility bills as a mass outreach measure. Mr. Eads reminded Council that the campaign was very aggressive and engaging, but the COVID-19 pandemic made many of those efforts not possible. Every city is having to find creative ways to continually engage and instigate residents to fill out their Census questionnaire.

Cm. Vielma noted that if food banks are federally restricted to ask recipients about their Census response, the inclusion of flyers in the City-sponsored services or utility bills would be helpful as well as any kind of incentive like \$5-\$10 discounts on their water bill. Mayor Saenz agreed that incentivizing Census response may help spur the community to participate, provided there are no legal prohibitions to doing so.

Mr. Eads deferred to the City Attorney on the legality of offering incentives but recalled that City staff were offered raffle prizes for proof of their response to the Census before COVID-19 became such an issue in the community.

Mrs. Martinez confirmed that the City was given an extension for responses to the Census, which gives staff a chance to revamp its outreach. She reported that staff will hold a Facebook Live event Wednesday, May 20 to supplement the question and answer sessions for COVID-19 that have already engaged many community members. Mr. Eads confirmed that staff will provide Council with a monthly status report to see the progression of this effort.

Motion to direct staff to provide a monthly 2020 Census status report to include the areas that need improved responses, as amended.

Moved: Mayor Saenz

Second: MPT Torres

For: 8

Against: 0

Abstain: 0

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

1. Discussion with possible action to assist the South Texas Food Bank with an emergency response COVID-19 food distribution drive for 6,000 families at the Sames Auto Arena on May 30, 2020 or June 6, 2020 (date to be determined); and any other matters incident thereto. (Co-Sponsored by Council Member Roberto Balli)

MPT Torres asked Council to continue to support the South Texas Food Bank in their food distribution drives; the previous one assisted about 3,000 families.

Robert Eads, City Manager, reminded Council that the City's emergency declaration is set to expire at the end of the month; he noted his intention to meet with Mayor Saenz about an extension. The emergency declaration should stand

as long as the emergency is present; He reported that Interim Emergency Management Coordinator and Fire Chief Ramiro Elizondo also recommends extending the emergency declaration.

Cm. Altgelt proposed that Council include the Laredo Regional Food Bank and St. Joseph's Pantry for assistance, as well. MPT Torres clarified that the motion is not providing any financial assistance to South Texas Food Bank; it is only providing the use of the Sames Auto Arena.

Cm. Mercurio Martinez commended the South Texas Food Bank for a very well-organized food drive that was smoothly-operated for such a large group of people. He complimented City staff who assisted with coordination on that day. Cm. Vielma noted that some staff members could provide laptops or tablets so that the families attending the food drive could fill out their 2020 Census. Cm. Martinez countered that the South Texas Food Bank might not be allowed to do this or to allow the City to do this because they receive federal funds.

Motion to approve.

Moved: MPT Torres

Second: Cm. Mercurio Martinez

For: 8

Against: 0

Abstain: 0

C. Request by Council Member Roberto Balli

1. Discussion with possible action to pass a resolution urging Texas Governor Greg Abbott to freeze property tax valuations due to economic hardships in result of the coronavirus pandemic; and any other matters incident thereto. (Co-Sponsored by Mayor Pro-Tempore Alberto Torres, Jr.)

Cm. Balli noted that the Texas Delegation of Congress Members sent a letter to Governor Abbott requesting that property tax valuations be frozen during this time, including Congressman Henry Cuellar. He voiced his opinion that the City should follow suit; property tax valuations have already stayed the same or increased slightly. The protest deadline is next week, and he questioned why the appraisal district should be increasing property tax valuations at this time as it makes no sense. There are hardly any buyers in the real estate market at this time, and many people should be seeing their property values decrease rather than increase.

Cm. Mercurio Martinez noted that he initially put a very similar item on the agenda then had a discussion with the Chief Appraiser who told him that his proposal was not the right venue for this measure. He commended Cm. Balli for this item and voiced his support of the motion.

Motion to approve.

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

III. ADJOURNMENT

Motion to adjourn.

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