

**CITY OF LAREDO
SPECIAL CITY COUNCIL MEETING
M2019-SC-10
CITY COUNCIL CHAMBERS 1110
HOUSTON STREET
LAREDO, TEXAS 78040
October 2, 2019
5:00 P.M.**

I. CALL TO ORDER

Mayor Pete Saenz called the meeting to order.

II. PLEDGE OF ALLEGIANCE

Mayor Pete Saenz led in the pledge of allegiance.

III. MOMENT OF SILENCE

Mayor Pete Saenz led in a moment of silence.

IV. ROLL CALL

In attendance:

Pete Saenz	Mayor
Rudy Gonzalez, Jr.	District I
Mercurio "Merc" Martinez, III	District III
Alberto Torres, Jr.	District IV
Norma "Nelly" Vielma	District V
Dr. Marte Martinez	District VI
George J. Altgelt	District VII
Roberto Balli	District VIII, Mayor Pro-Tempore
Jose A. Valdez, Jr.	City Secretary
Rosario Cabello	Co-Interim City Manager
Robert Eads	Co-Interim City Manager
Kristina L. Hale	City Attorney

Cm. Vielma joined at 5:08 p.m.

Dr. Marte Martinez joined at 5:11 p.m.

Cm. Altgelt joined at 5:24 p.m.

Citizen comments

Cynthia Vazquez voiced her disappointment in Council's failure to ensure safe drinking water for the people of Laredo, noting that it is their responsibility. Given the hot weather, access to clean and safe drinking water is essential, and the residents of South Laredo have been without it for several days. She stated that the public's understanding is that of the Co-Interim City Managers, Mrs. Rosario Cabello is in charge of the finances while Mr. Robert Eads is in charge of public works. She voiced her opinion that if the City Managers cannot handle the water needs of the community, they should not be in charge of anything.

Francisco Garza cautioned Council that the City is playing with people's lives; water is vital and is needed in homes, nursing homes, and hospitals. He noted that he has paid the rising utility costs throughout his time in Laredo and has a child to raise who needs clean, safe water. Laredoans pay double or triple what McAllen residents pay, and for those costs, the citizens expect water that they can use and drink. He reported his findings that, according to TCEQ, nobody in the Utilities Department has enough hours needed to be certified.

V. COUNCIL DISCUSSIONS AND PRESENTATION

A. Request by Council Member Alberto Torres, Jr.

1. Discussion with possible action on citywide boil water notice issued on Saturday, September 28, 2019 including investigative report of causes, timeline, remedies, plan of action; and any other matters incident thereto. (Co-Sponsored by Mayor Pro-Tempore Roberto Balli, Council Member Rudy Gonzalez, Jr., and Council Member Mercurio Martinez, III)

Cm. Torres reported that he requested this item to be placed on the agenda. Council wanted to act quickly to meet TOMA requirements while still addressing the issue in a timely manner. He voiced his understanding that Council would first hear from staff and management so that the public may have their questions and concerns addressed during staff presentations.

Dr. Marte Martinez added that Council wanted the public to know that they are trying to figure out what happened and what to do moving forward. Cm. Gonzalez stated that Council is here for the people and will continue fighting for the community. He noted that he is as upset as any other citizen; he too has children and lives in South Laredo, so his water was also affected. While this event should not have happened, Council is going to find answers and solutions for residents in the south.

Cm. Mercurio Martinez noted that the Utilities, Health, and City Manager's Office have been working diligently to correct the problem. Nobody has been sitting back watching the events unfold. Cm. Vielma agreed, noting that Council is upset as constituents and water consumers themselves. The issue is not about North or South Laredo; Laredo is one community. Mayor Saenz agreed, asking for citizens' patience through the process.

MPT Balli noted that since this news broke on Saturday, he received a message immediately. He was concerned particularly as the father of a newborn. Through this meeting, he voiced his hope that the public would have all of its questions and concerns addressed and alleviated as quickly as possible.

Robert Eads, Co-Interim City Manager, read from a prepared joint statement written by himself and Co-Interim City Manager Rosario Cabello: "Understandably, there are many questions and concerns regarding the city-wide boil water notice that was issued this past weekend which remains in effect for certain sectors of our community. As Managers, we welcome the opportunity and have the responsibility to update City Council and community residents regarding the status of the City's water quality and the efforts being undertaken to address this vital community concern. Irregularities in the chlorine composition within certain sectors of the City, namely the

southern, eastern, and central areas, came to our attention this last Thursday evening on September 26, 2019. We received notification from the Texas Commission on Environmental Quality that some of the water samples taken in this area reported low levels of chlorine in the water. It is important to note that no bacteria was found in any of the samples taken. Upon learning of the irregularity last week, we immediately directed staff to take aggressive corrective steps, which continued on into the weekend.

“Even with these extensive efforts, the chlorine levels continued to fluctuate. It was at this time that TCEQ mandated that the City issue a precautionary city-wide water boil notice. Initially, the boil water notice was issued for all areas of the City based on the premise that the City maintain a single water pressure plane. On Sunday, with the assistance of State Senator Judith Zaffirini and State Representatives Richard Raymond and Tracey King, the City was successful in communicating to TCEQ that the City maintains two distinct and separate water pressure planes. After this, TCEQ continued to remove the boil water notice from the northern and western sections of the City. It was also noted that the chlorine levels had been reported low since May. It is important to clarify that these findings at no time reached the alert threshold by TCEQ to management. As irregularities were reported, the City’s Utilities Department took the necessary corrective actions. The City performed daily tests of the city’s drinking water, and these results are shared with TCEQ. We empathize with the community who reside within those areas generally east of Zacate Creek and south of Canal Street, principally the central, eastern, and southern sectors of the city and who continue to be impacted by the boil water notice, which is still in effect. We recognize that this not only represents an inconvenience but also creates a concern for the safety of Laredo’s water supply quality.

“Residents in this area should remain assured that the water in this area remains safe to consume by taking the precautionary measure of boiling the water for three minutes. As we proceed, Dr. Hector Gonzalez, our Public Health Director, will speak more to that. We also want to assure Council, the Mayor, and our residents that the City continues to investigate the cause of the chlorine fluctuations and to take the necessary corrective measures to remedy the situation and provide relief to those impacted as quickly as possible. Mr. Riazul Mia, Utilities Director, will speak to the technical aspects of the water quality test and the corrective actions being taken. Again, we as a management team do not take this situation lightly. We are sympathetic to the inconvenience this has caused. We remain cognizant of its severity, the importance of rectifying the situation as quickly as possible, and working with Council to provide a long-term solution. Finally, we will be seeking the authorization from City Council to initiate the engagement of an independent audit and investigation into this entire matter.”

Rosario Cabello, Co-Interim City Manager, agreed with Mr. Eads’s reading of the statement but clarified that management received notification via email very late on September 23, and the severity grew on September 26, which is when management came to realize the full effect of the situation.

Cm. Torres voiced his understanding that the boil water notice was issued on September 28, and between September 23 and 23, the City was given the opportunity to correct the irregularities that were found.

Riazul Mia, Utilities Director, presented the timeline of events that occurred throughout this incident. He informed Council that the Utilities Department has 340 employees, all of whom were also affected by the boil water notice. The last thing that any Utilities employee would want would be for their family to have unsafe drinking water. On September 20, 2019, TCEQ notified that City of low chlorine based on their sampling and requested that the City issue a boil water notice; he noted that typically, TCEQ gives cities 24 hours before boil water notices. That same day, the City responded that they need 24 hours to resample, flush the lines, and replace two broken valves in order to be in compliance. From September 23-27, samples were collected by City staff and TCEQ.

On September 28, TCEQ performed more sampling in the areas that previously reported low chlorine. That same day, City staff began drafting a boil water notice for isolated areas of the City; The City sent a draft boil water notice to TCEQ at 2:52 p.m. at which time TCEQ requested a map of the affected areas. At 5:43 p.m., the City sent TCEQ the map and began to distribute the boil water notices to affected areas in South Laredo at 7:30 p.m. At 8:33 p.m., the boil water notice for certain areas was issued to the public, and a conference call was placed at 8:45 p.m. to TCEQ by management and staff. TCEQ requested that the City produce a pressure plane map immediately or issue the City-wide boil water notice by 10:00 p.m. At 9:00 p.m., the City updated its press release and issued it for the entire city.

Mr. Mia continued that at 10:00 a.m. on September 29, City staff prepared the pressure plane map, and a revised map was sent to TCEQ by 11:41 a.m. At 1:45 p.m., a press conference was held by management to remove the northern and western sections of town from the boil water notice. He explained that a pressure plan map shows pressure and capacity along the City's utility infrastructure. Mr. Eads added that while the water system is one system, the City actually operates with two pressure planes acting separately. This is why the northern and western sections of Laredo were so quickly taken off of the boil water notice, because the only areas that were confined in the pressure plane with low chlorine were affected.

Mayor Saenz asked why TCEQ required more areas be notified than the ones that staff provided to them. Mr. Mia noted that TCEQ wanted to make sure the water was completely separated and not crossing from one subdivision to another. He reported that the requirement as per 30 TAC Section 290.110(f) states, "If a PWS has more than 5% of samples collected that measure less than the minimum residual disinfectant concentration each month ('% below MIN' on the DL QOR) for any two consecutive months, it commits a 'nonacute treatment technique violation.' Nonacute violations require public notice to customers." The City of Laredo has 150 routine sampling sites based upon the US Census. The number of sampling sites are determined by the population of the city. These sites are chosen throughout the city at random with certain specifications; samples are collected to test for any impurities, bacteria, *E. coli*, and total coli forms. He explained that if the City has samples that are over the total chlorine threshold by more than 5% in two consecutive months, they must issue a written notice to every member of the public that the City did not meet the required chlorine residuals. Mr. Mia clarified that this notice is not the same thing as a boil water notice; this notice was not sent because the City has not exceeded the chlorine threshold by 5% or more.

Mr. Mia explained the low chlorine residual protocol when low chlorine is discovered.

First, the City must notify its distribution by phone or email within 24 hours. Distribution sends a serviceman to flush the hydrants and main water lines in the area and elevate the residual to acceptable levels 0.50 total chlorine or above. Once maintenance is done, the distribution calls the Water Pollution Control Division (WPC), whose sampler returns to the site, collects samples, and following the sampling procedures.

If a routine sample tests positive for total coliform bacteria and/or *E. coli*, the City collects three repeat samples according to its Sample Siting Plan. One sample is taken from the original sample site; one is taken upstream within five connections of the original sample site; and one sample is taken downstream within five connections from the original sample site. The City is to continue collecting repeat samples until a full set are negative for both total coliform bacteria and *E. coli* or until a treatment technique exceedance triggers an assessment. To the best of his knowledge, the City has never tested position for *E. coli* in its water supply.

Dr. Hector Gonzalez, Health Director, confirmed that of the five samples in 2019, one tested positive for *E. coli* and the others tested positive for coliforms. Once the City finds a bacteria, they report it to TCEQ immediately. Staff then works with the Utilities Department to find the cause of the bacteria contamination and perform remediation. He reminded Council that there is an amount threshold for bacteria in the water supply, which the City routinely monitors. None of the positive samples were found in the boil water affected areas. When the bacteria were found, the Utilities Department took appropriate remediation action, which TCEQ approved. The Health Department then retested the areas, and they were negative for bacteria. Having chlorine at the standard level will prevent bacterial growth as well as good filtration and flow. He clarified that he accidentally misinformed Council regarding whether bacteria had been found; he clarified that he had said there had been no bacteria found in the water samples, but he meant in the boil water notice-affected areas. Isolated cases of bacteria-positive samples were found elsewhere in isolated cases.

Jaime Garza, Texas Commission on Environmental Quality Regional Director, explained that the Regional Office goes into the field and performs compliance investigations, either scheduled or as the result of a complaint or emergency. The City of Laredo is required to take about 150 samples from the entire City and send test results to Austin. In any investigation, the Regional Office will investigate water pressure, chlorine residual, and any plant data that the organization may have. If the water supply has less than the TCEQ standard (0.5 mg/L) for chlorine, the water could have bacterial growth which leads to water-borne illnesses. TCEQ works with the City to determine the cause of the low chlorine residual; many times, the cause may be that water is not being used and replenished, which may lead to a reduction of chlorine. On September 23, he received a notice from the Section Manager who reports to him that the City of Laredo was having trouble meeting its chlorine residual standard. When he received the notice, he immediately established contact with Mr. Mia regarding the requirements to issue a boil water notice within 24 hours. Texas Administrative Code 290.36 stipulates these requirements.

Mr. Mia clarified that the bacterial samples were taken and site-selected by TCEQ. Mr. Garza added that after granting the 24-hour period to flush the City's water supply, after which chlorine residuals were still low, TCEQ took 14 samples, which

were consistently low. When he received the pressure plane map, Mr. Garza noted that the boil water notice happened to be the areas where TCEQ sampled. This caused him concern because TCEQ only sampled representative areas. He therefore asked why the City was excluding other neighborhoods and was told that the City did not have concerns in this area. He rejected that reasoning and asked for documented proof that the water from South Laredo is not interconnected to the water from North Laredo. This is done through a pressure plane zone map; if the City could not provide that proof and reassuringly demonstrate that the South Laredo water will not intermingle with North Laredo water, then the entire City would need to be put on a boil water notice. The City Managers then agreed to issue a City-wide boil water notice. Mr. Garza explained that the next day, Mr. Mia provided the information needed, and TCEQ approved removing the north side of Laredo from the boil water notice. He confirmed that TCEQ is in the process of rescinding the boil water notice completely. The cause of the low chlorine residual is still under investigation because fresh water from the plant coming in after line flushing did not have lasting chlorine residual in the standard range.

Mr. Mia explained that the City cannot confirm if the cause of low chlorine levels was due to nitrification since the City performs free chlorine of the system twice a year, which normally burns off any nitrification. The City decided to expedite the free chlorine as a result of this incident.

Mr. Garza confirmed that flushing the lines was an appropriate response to the situation. The boil water notice came after TCEQ found that the City was unable to maintain chlorine residuals consistently.

Michael Rodgers, Assistant Utilities Director, reported that on TCEQ's website, there was a January *E. coli* report. The City's sample sites are geographically based to give the best view of the City; individual sample reports may not be great. The recent *E. coli* sample in question came from the spigot on the side of a Valero gas station under a large tree and was being utilized by birds. While staff does not think this is a good sampling site, they have to report the results. Samples were also tested upstream and downstream of this site, and the City never hides its data from the public or TCEQ. The City moved the site with permission and approval from TCEQ.

Mr. Vielma asked why the TCEQ investigation had to come from a citizen's complaint and why Council was not informed earlier. Dr. Gonzalez reiterated that the City did not have abnormal bacteria results because the issue was remediated. The chlorine levels were also stabilized each time the lines were flushed.

Mayor Saenz voiced his understanding that the complaint from a private citizen triggered TCEQ to expand their regular sampling and asked if the regular 150 samples would have picked up the chlorine residual deficiency. Dr. Gonzalez explained that the monthly 150 sample tests would show any deficiency. The City's inability to sustain the chlorine level is what caused the boil water notice.

Mr. Mia clarified that the City did pick up on the chlorine deficiency without the citizen complaint. The 150 samples are representative of the entire city. The Department receives complaints routinely regarding low water pressure or cloudy water out of the tap; when that happens, staff will flush the lines and check the samples. The citizen in question complained on August 11, 2019. Staff responded to that complaint and

found that the issue was a private filtration system. The Utilities Department sent staff out to the citizen's residence about 20 times; he was still not satisfied so he complained to TCEQ. Staff has all of the data.

Mr. Torres noted that the citizen made this issue public, and Council now has the right to hear City staff's side of the story based upon what was published in *The Laredo Morning Times*. Mr. Mia noted that the citizen had his filtration system outside of the home, between the home and the water meter. This filter is not meant to be outside of their home because the exposure to direct sunlight and heat will cause damage or algae to the filtration system parts. He reported that on August 11, the customer complained to the Department and an employee tested the line; the chlorine levels were at 0.4 mg/L. The employee flushed the line and retested, and the chlorine level was found to be 0.55 mg/L. A few days later, the customer complained again, and staff repeated the same flushing, which brought the chlorine levels up to 0.58 mg/L. The Department learned that a fire hydrant had been broken, so staff performed the repair. On that Friday, staff received another call from this customer claiming that his filter cartridges were turning green. Staff flushed the lines twice and when the chlorine residual came in at 0.5 mg/L, staff installed an automatic flush device. The next Thursday, the customer called again and claimed that his filters were green. Staff found that these GE filters should not be located outside the home. By this time, the customer was not satisfied and called TCEQ. Mr. Mia presented an image of the customer's filter as well as GE's recommendation for proper installation of the filtration system.

Mr. Garza noted that the TCEQ Regional Office was confident that the City of Laredo did not have a problem with bacteria in its drinking water supply. He emphasized that City staff were cooperative at every point of the process; Mr. Mia answered all of his calls and any matters over which the two disagreed were for valid reasons.

Mr. Eads reminded Council that the water boil notice for low chlorine residuals and the finding of bacteria are two separate events that are being pursued. Mr. Mia noted that the affected area of the City is still not at 0.5 mg/L of chlorine residuals because it is in a free chlorine period. During this period, the City needs to maintain 0.2 mg/L. Dr. Gonzalez clarified that the free chlorine is a disinfection process, and residents still cannot drink their water.

Mr. Mia noted that the water is safe for non-drinking use, but people with compromised or weakened immune systems should avoid the water. Dr. Gonzalez urged those individuals who are sensitive to chlorine to check with their doctor.

Mr. Mia explained that nitrification or low water use are two potential causes for this issue. In addition to the free chlorine every six months and daily testing, the Department has determined that they need additional chlorine booster units at all tanks. Staff has already ordered them and will install as soon as they arrive. He noted that a question had been raised whether the Utilities Department has a certified operator and confirmed that the Department has certified and licensed supervisors, one of whom has the highest license attainable. All plant operators are certified; while Mr. Mia does not have a license, he does not operate the plants and therefore does not need a license.

Mr. Eads confirmed that Mr. Mia is a professional Engineer; the plant operators are

the ones that must carry licenses. Dr. Gonzalez added that today, the City submitted a report of no bacteria in any water sample to TCEQ.

Mr. Garza stated his understanding that there have been discussed as to whether the sampling plan needs amendment.

Mr. Mia reported that the City submitted its nitrification plan after it was recommended by TCEQ. The plan addresses how the City will burn any occurring nitrification with free chlorine, and it was accepted by TCEQ.

Cm. Altgelt voiced his opinion that the increasing utility rates have caused residents to conserve their water usage; combining reduced water usage with rising temperatures as a result of climate change will cause the City's dissolved solids to be dissipated in its water supply. Mr. Mia noted that the City cannot reduce its line size. Homes in South Laredo have smaller lots with smaller irrigation needs. As water sits in the lines, the chlorine will reduce. He reported that the Department will no longer add new subdivisions with dead-end water lines.

Cm. Altgelt noted that with the new traffic impact studies, wastewater issues, and now this particular problem, the City can clearly see symptoms of an unplanned growth in Laredo. Laredo has been without a planner for 10 years until very recently.

Mr. Mia noted that the immediate action would be first to lift the boil water notice. The CIP was also approved with \$72 million being dedicated to South Laredo's utility infrastructure. It takes about three or four years to even increase the storage capacity. Immediate fixes include installing additional post-chlorination systems on all tanks and automatic flushing in all tanks.

Mr. Eads reported that management wants to pursue an independent audit and investigation from a firm that deals specifically in utilities. Mrs. Cabello clarified that these groups are legal firms combined with engineers. MPT Balli asked if these firms would assist the City only in determining what happened or if they will be able to quickly help the City with remedies, which are equally important. Mr. Eads clarified that the intention is for the firm to assist with both.

MPT Balli initiated a motion to move forward with contracting an investigative firm and to direct management to seek an independent contractor for a plan of action for remedying future water supply issues.

Cm. Gonzalez suggested providing a utility bill credit to the citizens that were affected by this boil water notice. He asked management to bring options to the next Council meeting. MPT Balli amended his motion accordingly.

Hutch Musallam, Carollo Engineers Vice President, explained that Corollo Engineers was most recently engaged with the City to help with remedying some of the El Pico plant process errors. Their services to the City during this boil water notice issue is independent of that work. He was contacted by Utilities staff to assist with the City's water issues. The firm's proposed activities include an audit of the entire system as a whole and its individual aspects to develop a plan of action for improvements. He clarified that the firm was contacted after the situation occurred. Corollo Engineers deal exclusively in water and wastewater and have been helping clients solve water

challenges for 86 years. Three of Carollo's most experienced distribution system water quality experts are located in Texas, and the organization's approach to meet water quality goals is holistic in nature.

Justin Sutherland of Carollo Engineers reminded Council that millions of bacteria in food and drinking water are not harmful. Cities distribute drinking water through thousands of miles of pipe and storage tanks to customers. Multiple factors impact the distribution system's water quality, such as the source water quality, treatment, disinfectant types and residuals, nitrification, corrosion of pipes, and the system hydraulics. Maintaining distribution water quality requires several components, as well. Mr. Sutherland reported that nitrification may be occurring in 63% of utilities that use chloramines nationwide; 48% of utilities surveyed nationwide experienced nitrification with 25% of those utilities responding to nitrification two time or more per summer. TCEQ found approximately 150 systems with potential nitrification issues, based on limited water quality results in 2005.

Cm. Vielma noted her concern that Carollo Engineers may have an inherent conflict of interest if City staff reached out to them for help on this matter and given the fact that they have had a relationship with the City for 12 years. She questioned whether an independent audit or investigation is possible, suggesting instead that an entity with no prior relationship with Laredo come to perform this service. Dr. Marte Martinez clarified that the motion already states an independent contractor or firm. Carollo Engineers is only here to provide information, not bid for the audit or investigation.

Mayor Saenz noted his perception that Carollo Engineers was trying to expand their original scope; Mr. Musallam agreed that this was the firm's original understanding, but they were first and foremost responding to a phone call asking them for help. Cm. Torres stated that if Carollo Engineers is looking to bid for the audit or investigation services, then Council should not listen to their presentation at this time as it is an unfair advantage. Mayor Saenz agreed that this suggestion is more appropriate.

Mr. Mia explained that Carollo Engineers already has a contract to help the City with the El Pico plant. Kristina L. Hale, City Attorney, clarified that management is looking to secure a legal firm for the investigation. MPT Balli confirmed that this was the intention of his motion. Mrs. Hale noted that management wanted to find an environmental legal firm with the ability to have consultants on staff.

Cm. Torres countered that hearing from Carollo Engineers would hinder Council from looking for an independent organization because they are getting an unfair advantage by presenting to Council this evening. While the information is valuable, if Carollo Engineers wants the bid, then they should not present to Council.

Mr. Mia explained that the utility master plan RFP is out, and Carollo Engineers is not bidding for that contract. They are only helping the City with its immediately needs. It is not a conflict of interest that they are offering help at this time.

Mayor Saenz agreed with Cm. Vielma's concerns, noting that there is already a degree of distrust from the public with some of Council's decisions. If Council were to bring in an "independent" organization that already has a contract with the City and

has presented before Council on this matter, he questioned the appearance of transparency. Dr. Martinez disagreed, noting that Carollo Engineers is the best in Texas. Mayor Saenz reiterated that it may result in the appearance of impropriety.

Francisco Garza asked if any of these remedies will result in increases to his water bill. Dr. Martinez noted that the utility increase was meant to stabilize the Utilities Department for five years. Going forward, this comprehensive water and wastewater master plan will tell the City exactly what is needed to address the public's needs and questions. There may be potential rate increases or impact fees for developers as a result of this master plan, but there will be charrettes and public input involved. Mr. F. Garza reminded Council that when Council voted for the rate increase, they met at an unusual day and time, and nobody from the public was in attendance.

Mayor Saenz reminded Mr. Garza that the City posted notice of its meetings. Dr. Martinez added that Council welcomes the public at every meeting.

Armando Cisneros noted that while this discussion has included some helpful explanations, it has also been filled with technical jargon and has been trying the public's patience. He asked why the water is not safe to drink but can be used for showering, since water often goes into one's mouth, eyes, ears, and open cuts while bathing. Dr. Gonzalez reiterated that for North and West Laredo, there are no precautions to take when it comes to the water; those residents can carry on as normal. For the affected areas, residents must boil the water for any drinking or cooking; however, the water does not need to be boiled for bathing and washing hands. He cautioned the public not to use the water for bathing any open wounds until they have consulted with their physician.

Dr. Martinez added that, as a surgeon, he would tell his patients to cover their open wounds and not to put any water directly on them during this time. Clean open wounds with water that has been boiled. Dr. Gonzalez reiterated to consult with one's physician. He noted that the amount of water that normally enters one's mouth, ears, or eyes during bathing is so minute that it is not going to cause any problems; therefore, residents can bathe in this water. The water can also be given to pets and plants and be used for brushing teeth.

Mr. Cisneros stated that the City tends to blame its infrastructure for any water problems that arise. However, the City has seen higher utility rates since 2006; he asked why the money has not been used for infrastructure problems when rates first increased in 2006. Mayor Saenz clarified that these rate increases were used for the El Pico treatment plant. Mr. Cisneros countered that as a citizen, he is concerned that the City has been unable to keep up with its infrastructure needs despite increasing rates from its citizens. The Utilities Department has the highest debt of any other City Department and takes out bonds every year. Mr. Cisneros voiced his understanding that in May, the condition existed to issue a boil water notice, but the issue was remediated and a notice was not issued.

Mr. J. Garza explained that the conditions for a boil water notice are listed in the rules which TCEQ follows, and in May, the initial findings of the investigation did not meet the requirements for a boil water notice. He added that the issue with the pressure plane map arose when TCEQ requested the area of the boil water notice; what they received was only a few spots. The Department is required to have a map

available; the one that TCEQ was given did not show the disconnect between North and South Laredo.

Victor Gomez asked for confirmation as to whether it took a private citizen to get TCEQ involved in Laredo's water issue. Mr. J. Garza confirmed that the genesis of this investigation was from a complaint from a private citizen. Mr. Gomez emphasized his disappointment with management after they received information from Utilities a month before TCEQ became involved. Mr. Mia reminded Council that the City would need to have test results over 5% for two consecutive months before a notice to citizens goes out, which is not the same as a boil water notice; in August, those conditions were not applicable.

Mr. Gomez noted that through an employee's response to open records requests, the water quality issue has progressively become worse. He asked if the public could see these records from May to August 2019. Mr. J. Garza noted that the public can request those records from TCEQ, who will compile everything collected through the investigation into one single report made available publically. Investigators typically have 60 days to complete an investigation, and he noted that TCEQ will expedite this report.

Mr. Gomez stated that the public has lost trust in the information being given to them by the City. He countered claims that this has happened in other cities like Austin, Houston, and Corpus Christi, noting that incidents happened in those cities as a result of natural disasters. Therefore, this is not a fair comparison; Laredo is not going through a commonplace water quality occurrence. He reminded Council that many of the Laredoans affected by the boil water notice are poor, elderly, veterans, and other people who do not have ready access to bottled water for safe consumption.

Dr. Gonzalez informed Council that City staff have received donations of bottled water from HEB for schools and communities in the boil water notice. The City will soon coordinate efforts to get water to the most vulnerable populations in the affected area.

Cm. Torres noted that he spoke personally to the Co-Interim City Managers asking to purchase bottled waters for the community. He was told that there was no need to purchase because HEB has given the City free water. The City attempted multiple times to purchase more water, which were denied because HEB was willing to continue donating the water. He noted that HEB showed their generosity by donating water, but he wanted to be clear that the City would still have provided water for its community if HEB had not done so. Council was proactive in providing water to the community.

Steve Landin, Laredo Fire Chief and Emergency Management Coordinator, explained that when he was involved in this issue, he called the State Operator and was given HEB's contact information for water. He spoke with the Co-Interim City Managers and was given permission to proceed. He agreed with Cm. Torres that Council was willing from the very beginning to pay for water for their constituents, but HEB has been very generous in providing water free of charge.

Mrs. Cabello expressed her gratitude for HEB for their generosity as well as to

TCEQ for their assistance.

Dr. Martinez noted that within a day of this notice going out to the public, there was hysteria in some parts of the city. He asked if this situation would have qualified as an emergency. Chief Landin confirmed that it did qualify as such, but he was told to standby by management and was not inserted into the situation as the Emergency Management Coordinator. Dr. Martinez asked, going forward, when the City should inject the Emergency Management Coordinator into the situation to prevent hysteria. Chief Landin suggested that the coordination needs to be structured with one head that directs the entire process, including press releases and communication to the media. Dr. Martinez agreed, noting his opinion that the City did not do a good job handling this matter.

Chief Landin reminded Council that the Co-Interim City Managers serve as heads; it is detrimental when nine City Council Members call in and inject their own thoughts and distract from Dr. Gonzalez's and Mr. Mia's expertise as well as Chief Landin's own duties as Emergency Management Coordinator. He encouraged Council to let the City staff coordinate with each other so that one united message goes to media outlets rather than nine messages.

David Cardwell noted that four people who signed up to speak have already had to leave after two and a half hours of discussion. After observing Council and City staff laughing before a press conference, he noted that Council owes the public an apology for their actions. The Environmental Protection Agency (EPA) has said that any matter involving public drinking water involves them, asking if anyone from the City officially notified the EPA about this matter. Mr. J. Garza noted that TCEQ has full delegated authority from EPA to act on these matters.

Dr. Gonzalez noted that the City is the local authority, and he personally informed the Commissioner of Health. Mr. Cardwell asked if a natural disaster caused Laredo's boil water notice. Since the water debacle occurred, he knew that it could have a current and lingering negative impact on public health and the local economy. He noted his expectation of Council to restore the public's trust in Council by bringing quality drinking water back to the City and to place more emphasis on an investigation on this issue than the January 8, 2018, investigation of the AEP electric outage in North Laredo. Water is a basic necessity for life, and the Council should be more aggressive with the water quality issue. On January 8, Council noted that customers spend a lot of money on electricity and expect a high quality of service, to which he noted that utility customers spend a lot of money as well and expect good quality water. He reminded Council that this is not the time for political grandstanding; at the January 8 meeting, Cm. Rodriguez voiced his opinion that it was not necessary to fine AEP for the electrical outage and that the citizens of South Laredo have been experiencing water line breaks for over 10 years. He commended Cm. Rodriguez for standing up for the citizens of South Laredo and the community as a whole. He asked for a motion that instructs the Co-Interim City Managers to request TCEQ to conduct a full and thorough investigation into the boil water matter in the City of Laredo and that the final report be published to the City's website; he also requested that those responsible for neglecting their duties to provide quality drinking water to the citizens of Laredo be held accountable.

Chelo Montalvo informed Council that she is unwell and has a doctor, and many

people are getting sick, which is getting worse from the water. She asked why the City is providing water to the colonias and what the cost is of that. Mr. Mia explained that the City provides water to the colonias because there was an interlocal agreement with the City and County to help these residents. Those residents pay the same water rate as those who live in the City limits. Dr. Gonzalez assured Council that staff continually monitors the community for over 130 communicable diseases, including water-borne or food-borne diseases. To-date, staff has not found any respiratory or gastrointestinal illness related to water-borne contaminants or food-borne contaminants. Any food-borne illnesses that staff has found was related to the handling, storage, or preparation of the food itself. He reminded Council that the City is in common cold and flu season, which is early this year. Flu symptoms may often mimic water-borne illnesses but is not a water-borne illness. He encouraged the community to contact the Health Department if they think their water supply is a source of water-borne illnesses.

Jose Diez de Leon reminded Council that the community is scared; he has two elderly parents at home, one of whom is fighting an infection with an uncertain source. Over 10 years ago, his father asked Council to find a secondary water source because if the Rio Grande is contaminated, then the residents of Laredo will need help; in 2019, the secondary water source is still not secured. He encouraged Council to act now and not wait until Laredo is in the throes of a serious disaster. Dr. Martinez reminded Mr. de Leon that if the City secures a secondary water source, that water would still need to go through the same distribution system. In this particular instance, a secondary water source would not have changed the outcome because the problem was in the distribution system. He added that the City has gone out for a comprehensive water plan that addresses Mr. de Leon's concerns, which is a separate issue from the boil water notice issue. Council has invested in the City's infrastructure and gone out for a water plan; this process cannot be completed overnight, but Council is taking action to correct the mistakes of previous Councils.

Mr. Mia clarified that the water is not polluted; it needs to be boiled because it has low chlorine.

Ricardo Quijano noted that the Austin boil water notice issued to its utility customers was released by the city without instruction from TCEQ. It was a result of catastrophic flooding. He reiterated that Mr. Mia does not have TCEQ licenses as a Department Director. Mr. Eads countered that the Utilities Director is not required to hold a TCEQ license; that is required of the plant operator or manager. Those are named officials who are required to be licensed, and the City's plant operators/managers are properly licensed. Mr. Mia added that he has a professional engineering license, which few Utilities Directors have. He reiterated that the plant superintendents are required to have TCEQ licenses, and they do. As members of Administration, neither Michael Rodgers, he, or other administrative staff are required to have TCEQ licenses.

Mr. Quijano noted why, if the plant superintendents are the ones who are required to have licenses, they are not present to answer questions before Council. Mayor Saenz countered that they are present.

Carlos Blanco, Jr., voiced his opinion that the information presented was too

technical for the residents of Laredo to have their concerns addressed, which center around bacteria and boil water notices. He expressed that he expects Council to take all necessary legal means to remedy this problem and make sure that it never happens again. Dr. Martinez countered that a presentation differentiated between the different types of coliform bacteria to educate the public on the matters at hand and relieve them of any concerns about bacteria in the water supply.

Mr. Blanco suggested that Council meetings be broadcast over FM radio or over television that is not only accessible through a cable subscription. Everyone should have free access to hear or view the Council meetings.

Lakshmana "Vish" Viswanath voiced his severe disappointment in this discussion, noting that this may be the last time that he attends a Council meeting. A few citizens come to Council meetings with concerns and looking for answers. These people will stop coming to Council and will instead go to the FBI, Office of the Attorney General, Secretary of State, Texas Ethics Commission, and other agencies. He reported that in 2017, there was chloroform in the City's water supply; reports were filed and can be found on TCEQ's website. He asked when Tony Moreno began preparing Utilities reports over water sampling.

Tony Moreno, Water Treatment Superintendent, reported that he has been an employee of the City for 20 years and have submitted monthly reports to TCEQ the entire time.

Mr. Vish reported that one report submitted by Mr. Moreno was received by the TCEQ office one year after it was completed. If Council is meant to represent their community, then they must work with the community.

Mary Perez asked if conducting an investigation as to the cause of this incident will give an actual specific cause or just possibilities that may have contributed to the boil water notice. Mr. Eads noted that the answers should better the water system so that this problem does not occur again. Staff is looking for concrete answers as to the cause of this issue rather than general ideas.

Motion to direct staff to move forward with contracting an investigative firm to investigate the cause of the boil water notice incident with the report identifying, if possible or applicable, any negligence or malfeasance of parties responsible for the boil water notice incident and direct staff to seek an independent contractor for a plan of action for remedying future water supply issues and to further direct staff to bring options to the next Council meeting for offering a utility bill credit to citizens affected by the boil water notice, as amended.

Moved: Cm. Balli

Second: Dr. Marte Martinez

For: 7

Against: 0

Abstain: 0

Motion to turn over the resulting report to the Texas Rangers if any illegal activity is determined and to instruction the City Attorney's Office to work with the Texas Rangers if applicable.

Moved: Cm. Torres

Second: Cm. Vielma

For: 7

Against: 0

Abstain: 0

VI. EXECUTIVE SESSION

None.

VII. ADJOURNMENT

Motion to adjourn.

Moved: Dr. Marte Martinez

Second: Cm. Torres

For: 7

Against: 0

Abstain: 0