



LAREDO & WEBB COUNTY

AREA METROPOLITAN PLANNING ORGANIZATION

POLICY COMMITTEE

MEETING MINUTES

JUNE 21ST, 2021

LIVE WEB LINK: <http://laredotx.swagit.com/live>
PUBLIC ACCESS CHANNEL: Spectrum TV channel 1300

I. CHAIRPERSON TO CALL MEETING TO ORDER

Mayor Saenz called the meeting to order at 1:32 p.m.

II. CHAIRPERSON TO CALL ROLL

Graciela Briones, LWCAMPO Staff, called roll and verified a quorum existed.

Judge Tijerina made a motion to excuse members not able to participate in the meeting.

Second: Dr. Martinez
For: 6
Against: 0
Abstain: 0

Motion carried unanimously

Regular members present:

Honorable Pete Saenz, Mayor and LWCAMPO Chairperson
Honorable Tano E. Tijerina, Webb County Judge
Honorable Ruben Gutierrez, Jr., City Councilmember District V
Honorable Dr. Marte A. Martinez, City Councilmember, District VI (joined virtually)
Honorable Vanessa Perez, City Councilmember District VII (joined virtually)
David M. Salazar, Jr., P.E., TxDOT District Engineer
Humberto "Tito" Gonzalez, P.E., Private Sector

Regular members not present:

Honorable John Galo, Webb County Commissioner, Pct. 3
Honorable Jesse Gonzalez, Webb County Commissioner, Pct. 1

Ex-Officio members not present:

Honorable Judith Zaffirini, State Senator, District 21
Honorable Richard Raymond, State Representative, District 42
Honorable Tracy O. King, State Representative, District 80

Staff present:

Juan Mendive, LWCAMPO Staff
Graciela Briones, LWCAMPO Staff
Julio Niño, LWCAMPO Staff
Angie Quijano, LWCAMPO Staff

Guests:

Robert A. Eads, City Manager's Office
Riazul Mia, City Manager's Office
Orlando Navarro, City of Laredo Planning Department
Vanessa Guerra, City of Laredo Planning Department
Ramon Chavez, City Engineering Department
Danny Magee, City Traffic Safety Department
Luis Perez Garcia, Webb County Engineering
Guillermo Cuellar, Webb County Engineering
Sara Garza, TxDOT
Roberto Rodriguez, TxDOT
Eduardo Bernal, Transit, El Metro
Jed Brown, Regional Mobility Authority (RMA)
Melisa Montemayor, HNTB, Inc.
Antonio Rodriguez, HNTB, Inc.

III. CITIZEN COMMENTS

Speakers are required to fill out witness cards, which must be submitted to MPO Staff no later than 15 minutes after the start of the meeting. Speakers shall identify themselves at the microphone. Comments are limited to three (3) minutes per speaker. No more than three (3) persons will be allowed to speak on any side of an issue. Should there be more than three (3) people who wish to speak on a specific issue, they should select not more than three (3) representatives to speak on their behalf. The presiding officer may further limit public on the interest of order or time. Speakers may not transfer their minutes to any other speaker. Comments should be relevant to City business and delivered in a professional manner. No derogatory remarks shall be permitted.

There were no citizen comments.

IV. ITEMS REQUIRING POLICY COMMITTEE ACTION:

A. Approval of the minutes for the virtual meeting held on May 17th, 2021.

Dr. Martinez made a motion to approve the minutes for the meeting held on May 17th, 2021.

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

Motion carried unanimously

B. Receive public testimony and approve Resolution No. MPO 2021-06, adopting the proposed amendment(s) of the MPO Bylaws:

- 1. Article II, Section 2.3 Membership, Terms and Administration, shall be amended to allow a permanent Director for the MPO separate from the City of Laredo Planning Director who is appointed by the City Manager and confirmed by City Council.**

After reading the item and having no objections, the chairman opened the public hearing.

Judge Tijerina made a motion to approve Resolution No. MPO 2021-06, adopting the proposed amendment(s) of the MPO Bylaws.

Second: Cm. Perez

No action was taken. This motion was later rescinded.

Cm. Gutierrez expressed concerns with verbiage about the permanent director.

Juan Mendive, Interim MPO Director, briefly explained that the intention for this modification was to have a permanent Director for the MPO separate or different from the Planning Director as it used to be. He also recapped previous discussions with the Policy Committee about the recommendation of making the MPO a more independent organization and, being the first step the amendment of the Bylaws. A comment period was opened at the meeting held in May and now the item was presented before the committee for final consideration. During the time of the comment period, it was brought to staff's attention the existence of an agreement in place between TxDOT, the City of Laredo as fiscal agent and LWCAMPO signed in 2018 that doesn't expire until

2024, and which specified that was the fiscal agent the one that has the sole authority to hire or terminate the MPO Director.

Mr. Mendive further mentioned that the reason why the agreement reads as such was because the MPO Director had always been the Planning Director. He also stated that Technical committee recommended the approval of the Bylaws pending the required changes to the MPO agreement.

Robert Eads, City Manager, stated that he could see the situation in two different pieces. One where action had been taken by the MPO Policy committee to unlock that MPO to Planning Director. And, the other one where it was stated that there was an active agreement with TxDOT which will expire in 2024. He further mentioned that according to such document, which has not been amended yet, it was the City Manager who appoints the MPO Director. Therefore, if he would be asked for his recommendation for the MPO Director, he would recommend Mr. Juan Mendive.

Mayor Saenz asked Mr. Mendive if he was willing to accept the position.

Mr. Mendive agreed and stated he had been carrying the duties of the Interim Director position since the Committee appointed him.

Humberto "Tito" Gonzalez, TxDOT suggested to bring agenda items up to discuss them all together as they all related to the same topic.

Judge Tijerina stated there was a motion and second that needed the vote to take action.

Sara Garza, TxDOT, stated that after reviewing the current Planning agreement, in order to make any changes to the document, the MPO, TxDOT and the City of Laredo as fiscal agent would have to first meet and agree on the decisions for the proposed changes. She also stated that no further changes could be made until the agreement was amended.

Mr. Mendive stated that also as per the agreement in place, and as long as the City of Laredo continues to be the fiscal agent, if an MPO director was selected, it would still be a City employee and that position would be paid with MPO funds.

Judge Tijerina expressed his concerns by saying that for transparency purposes, there needed to be a certain item written for that particular appointment. He further asked if City Manager appointed, who would terminate the MPO Director?

Mr. Eads responded it would also be the City Manager.

Mr. Mendive added that it is part of the Article V. F. in the agreement.

Judge Tijerina stated that in his opinion, the Policy board should have the authority to hire or to terminate the MPO Director. He stated he was not in agreement with the fact that the Policy board was limited to only change certain things.

David Salazar, TxDOT, joined the meeting at 1:48 p.m.

Ms. Garza stated that the contract could be amended but all parties involved would need to come to an agreement first in a separate meeting.

Cm. Dr. Martinez reaffirmed that no changes should be made until this document was amended.

Judge Tijerina made a motion to **rescind** his motion.

Second: Cm. Perez

Judge Tijerina made a motion to **table** the item.

Second: Dr. Martinez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

Cm. Dr. Martinez made a motion to **bring up** item IV-I.

Second: Judge Tijerina
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

I. Discussion with possible action on the appointment of a permanent MPO Director, and any other matters incident thereto.

Mr. Eads stated that he recognized the appointment of the Policy Committee for the Interim Director but until the agreement changed, the terms had to be followed and therefore, the City Manager had the authority to hire or fire the MPO Director.

Mayor Saenz stated the goal was to change the Bylaws to provide autonomy to the MPO and the City of Laredo to remain as fiscal agent with the responsibility to pay salaries of staff, and the Policy Committee to hire, fire and supervise staff.

Cm. Dr. Martinez inquired about the HR (Human Resources) aspect regarding the hiring process.

Mayor Saenz stated that an MOU (Memorandum of Understanding) would have to be developed to include the conditions for the organizations.

Mr. Mendive stated that those terms would have to be stipulated in the agreement. The City will provide certain assistance such as HR, IT services, etc. as well as the Policy Committee role would be established.

Judge Tijerina asked how other independent MPOs do this process.

Mr. Mendive responded that a good example will be the MPO for the City of El Paso. El Paso MPO Director is appointed by the Policy Committee and the bylaws state that the staff are city employees but the Director is hired and supervised by the Policy Committee. He further said that depending on the MPO's we were looking at, their agreements have small variations but are based on a contract provided by TPP. Also, Mr. Mendive mentioned that it was difficult for an MPO to become completely stand alone because the funds the MPO receives was on a reimbursement basis. Therefore, the MPO would still need a fiscal agent.

David Salazar, TxDOT District Engineer, stated that some MPO's like the ones from Abilene, Midland, Odessa and San Angelo have their respective independent MPO Directors and are City employees who do not answer directly to the City Manager but to the Committee. Mr. Salazar further mentioned that there was also an agenda item that could help in the transition process.

Cm. Vanessa Perez stated that at the last Policy Committee meeting it was discussed that the MPO should be a separate entity and if that was the intention, she would support to move in that direction.

Ms. Garza stated all MPOs need a fiscal agent even though they stand alone.

Humberto Gonzalez, TxDOT, stated that this might be a little confusing and wanted to clarify that the planning agreement that was in place spelled out the responsibilities of the MPO Director and the fiscal agent; the MPO Bylaws were the only place where it was stated that the City Planning Director was also going to be the MPO Director. He further said that the motion that was made at the last MPO meeting was to separate those two individuals and their responsibilities so that the MPO Director position could be independent. He further commented that the intent was always just to be able to

separate those positions but there was still the need for the financial agent to oversee the program.

Mayor Saenz expressed his concern for the need of an Interim Director as the program cannot continue without someone at the head of the program. Therefore, an appointment had to take place.

Mr. Eads went ahead and appointed Juan Mendive as the Interim MPO Director.

Judge Tijerina made a motion to **affirm** Mr. Eads appointment of Mr. Juan Mendive.

Second: Cm. Gutierrez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

Judge Tijerina made a motion to **bring up** item IV-F.

Second: Dr. Martinez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

F. Discussion with possible action to allow staff to initiate a request for an MPO process review by the Texas A&M Transportation Institute (TTI).

Judge Tijerina made a motion to **approve** the item.

Second: Dr. Martinez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

C. Discussion with possible action on the approval of Resolution No. MPO 2021-07 reaffirming support for adjusted statewide pavement and bridge condition (PM2) targets.

Mr. Mendive gave a brief presentation on the proposed item.

Dr. Martinez made a motion to **approve** Resolution No. MPO 2021-07, reaffirming support for adjusted statewide pavement and bridge condition (PM2) targets.

Second: Cm. Gutierrez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

D. Receive public testimony and initiate a twenty-day public review and comment period for the draft FY 2022 Unified Planning Work Program (UPWP).

Judge Tijerina made a motion to **open** the public hearing and **initiate** a twenty-day public review and comment period for the draft FY 2022 Unified Planning Work Program (UPWP).

Second: Dr. Martinez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

E. Discussion and possible action to direct the Interim MPO Director to issue a Request For Qualifications (RFQ) for an independent accounting firm to conduct an audit of the MPO, including but not limited to, determining that the MPO's Federal Aid expenditures comply with Federal Planning Program requirements, determining that expenditures are allowable, necessary, reasonable, allocable and in accordance and compliance with Federal requirements, determining that proper approval was given for expenditures, that there is adequate documentation to support the MPO's expenditures, determine that there are sufficient controls in place to prevent fraud or misappropriation of Federal funds and any other matters incident thereto.

Judge Tijerina stated that he requested to put the item on the agenda.

Mr. Mendive stated that the item was discussed at the Technical committee. He stated that since the City was the fiscal agent, the audit would be on the City and TxDOT. He also mentioned that the Technical committee recommended the item to be tabled subject to the possibility of TxDOT to perform said audit first before the MPO committee goes out for RFQ's for an independent auditor.

Mr. Salazar stated the audit would be handled internally from TxDOT's Transportation Planning and Programming (TPP) division and was something that could be handled directly by TxDOT.

Judge Tijerina made a motion to **allow** TxDOT to conduct an audit of the MPO.

Second: Cm. Gutierrez
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

G. Discussion and possible action on providing a letter of support to the City of Laredo and El Metro Transit for the USDOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application for the new North Transit Hub.

Dr. Martinez made a motion to **approve** the letter of support to the City of Laredo and El Metro Transit for the USDOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application for the new North Transit Hub.

Second: Judge Tijerina
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

H. Discussion with possible action on changing the regularly scheduled meeting dates of the MPO Policy Committee currently held on the 3rd Monday of each month.

Cm. Perez stated she had requested the item be put on the agenda. She stated it was difficult to have MPO meetings on the same day as City Council. She stated she would want the Policy committee to agree and move the meetings to another day.

Dr. Martinez recommended to poll all the members so that they all can come to an agreement of when they want the meetings to take place.

Cm. Perez made a motion to **poll** the committee members in order to decide what day would work best to have the MPO meetings.

Second: Judge Tijerina
For: 7
Against: 0
Abstain: 0

Motion carried unanimously

J. Discussion with possible action on the Hachar-Reuthinger road project.

Guillermo Cuellar, Webb County Engineering, stated Webb County had received files requested the consultant and were delivered to TxDOT for review. He stated said files were also being reviewed by the County. He stated additional files were requested by the consultant.

Humberto Gonzalez, TxDOT, stated TxDOT had done a thorough review of all the files that were received last month. He stated as soon as TxDOT received the remaining files, that would complete the task from the County. He also TxDOT had their engineering consultant on board that was working on the plans for the project and also had the consultant on board that has started the remaining environmental work to get that cleared as well.

V. REPORT(S) AND PRESENTATIONS (No action required).

A. Status report by the Regional Mobility Authority (RMA).

Jed Brown representing the RMA provided a status report via e-mail which read as followed:

1. Killam Industrial Blvd. Turn Lanes – 100% Design completed and submitted to TxDOT on 5/14/20. Project has been submitted with the IH 69W/ FM 1472 Project to Division for review and final comments. Letting of the project is planned for August 2020. Construction is anticipated for November 2020.
2. Los Presidentes (Cuatro Vientos to Concord Hills) – Design is ongoing. 95% Design submittal is anticipated for June 2020. The Acceleration/ Deceleration Lanes for Cuatro Vientos 30% Design submittal was received in May 2020. Comments to be released in June 2020. Anticipated letting of the project is scheduled for August/ September 2020.
3. Vallecillo Road – WCCL RMA has completed preliminary surveying on the proposed project alignment.
4. WCCL RMA is developing an agenda for the next Board Meeting. The Board meeting is tentatively scheduled for June/ July 2020.

VI. DIRECTOR'S COMMENTS

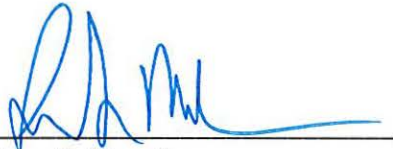
Mr. Mendive thanked the committee and MPO staff for all their assistance. He also thanked city management and the planning department for all their support and cooperation.

VII. ADJOURNMENT

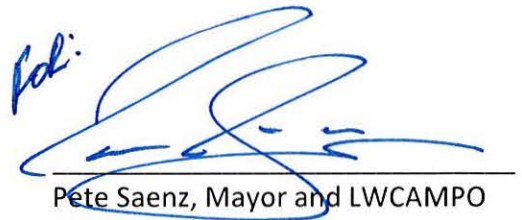
Dr. Martinez made a motion to adjourn the meeting at 2:32 p.m.

Second: Judge Tijerina
For: 7
Against: 0

Motion carried unanimously



Juan S. Mendive
Interim MPO Director



Pete Saenz, Mayor and LWCAMPO
Chairperson