

CITY OF LAREDO

CITY COUNCIL MEETING

A-2010-R-03

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

FEBRUARY 1, 2010

5:30 P.M.



DISABILITY ACCESS STATEMENT



Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact Gustavo Guevara, City Secretary at (956) 791-7308 at least two working days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at City Hall, 1100 Victoria Ave.

Out of consideration for all attendees of the City Council meetings, please turn off all cellular phones and pagers, or place on inaudible signal. Thank you for your consideration.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. MINUTES

Approval of the minutes of January 19, 2010

V. COMMUNICATIONS AND RECOGNITIONS

Recognitions

- a. Recognizing the St. Peter's Memorial School Kindergarten Basketball Team for winning the Boys & Girls Club City Championship.
- b. Recognizing the following soldiers for their commitment in serving our country in the United States Army Reserve and making us Laredo Proud:

Sgt. Eduardo Elizardo
Sgt. Anibal Alfaro
Sgt. Javier Garza
Sgt. Natalie Hernández
Sgt. Faustino Rodriguez
Spc. Gustavo Yanez Owens

Citizen comments

Citizens are required to fill out a witness card and identify themselves at the microphone. Comments should be relevant to City business and delivered in a professional manner. No derogatory remarks will be permitted. There is a time limit of three minutes per speaker.

VI. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

- a. Appointment by Council Member Jose A. Valdez, Jr. of Mr. Jose Oscar Pantoja to the Para Transit Advisory Committee.

VII. PUBLIC HEARINGS

1. **Public hearing and introductory ordinance** creating a civil service commission for city employees (except employees who are subject to a collective bargaining agreement); providing for the appointment of members to the commission; setting forth its purposes, powers and functions; providing a classified service for city employees and for exceptions; abolishing at-will employment; providing for severability; providing for the manner in which this ordinance can be amended and providing an effective date.
2. **Public hearing** held for purposes of Section 147(f) of the Internal Revenue Code of 1986 on the proposed issuance by the City of Laredo, Texas Combination Tax and Airport Revenue Certificates of Obligation, Series 2010B and the Airport Project to be financed with such certificates.
3. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a tire shop on Lots 1 & 2, Block 355, Eastern Division, located at 2901 & 2903 Springfield Avenue.

Staff supports the application and the Planning and Zoning Commission has recommended approval of the Conditional Use Permit. District IV

4. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for an oriental food, liquor, and beer store, and professional offices, on Lot 4, Block 666, Eastern Division, located at 1219 Bustamante Street.

Staff supports the application and the Planning and Zoning Commission has recommended approval of the Conditional Use Permit with the addition of the following provision: alcohol sales are prohibited. District IV

5. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 5, 6, and 7, Block 1, San Isidro Business Park, located at 402, 406, and 410 Crossroads Street, from B-4 (Highway Commercial District) to M-1 (Light Manufacturing District).

Staff supports the application and the Planning and Zoning Commission has recommended approval of the zone change. District VI

6. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning .72 acres, as further described by metes and bounds in attached Exhibit "A," located west of F.M. 1472 and north of Pico Road, from AG (Agricultural District) to B-3 (Community Business District). Staff supports the zone change and the Planning and Zoning Commission has recommended approval of the zone change. District VII

(Recess)
(Press Availability)

VIII. INTRODUCTORY ORDINANCES

7. Amending City of Laredo Ordinance No. 96-186 to provide an exception for Laredo Convention & Visitors Bureau Advisory Committee members to allow for excused absences.
8. Designating as a one-way westbound the 2400 and 2500 blocks of E. Elm Street, between N. Martin Avenue and N. Texas Avenue, as a one-way southbound the 3300 and 3400 block of N. Texas Avenue, between E. Montgomery Street and E. Elm Street, and as a one-way northbound the 3300 and 3400 block of N. Martin Avenue, between E. Montgomery Street and E. Elm Street, during the peak hours of 7:30 a.m. to 8:30 a.m., and 2:30 p.m. to 3:30 p.m., Monday through Friday, during school days, providing for the installation of appropriate signage to indicate one-way traffic and providing for publication and effective date. **(Approved by Operations Committee)**

IX. FINAL READING OF ORDINANCES

9. **2009-O-230** Authorizing the City Manager to execute a lease assignment from Josefa Lago de Sarabia, as Lessee, of that lease agreement approved by Ordinance No. 91-O-266 and as amended by Ordinance No. 2000-O-210 and Ordinance No. 2005-O-138 for Hangar No. 162 consisting of approximately 13,114 square feet and situated on an approximate 42,038 square foot tract located at the Laredo International Airport to Altair Aviation, LLC., as assignee. The current monthly rental is \$4,407.14 and annually adjusted by changes in CPI, providing for effective date.

2010-O-010 Authorizing the issuance of \$2,300,000 in aggregate principal amount of City Of Laredo, Texas Combination Tax And Airport Revenue Certificates Of Obligation, Series 2010B, for paying all or a portion of the city's contractual obligations incurred for the purpose of constructing and

equipping a federal inspection station at the city's municipal airport and for the payment of legal, fiscal, and engineering fees in connection with such projects; authorizing the execution of an investment letter, making provisions for the security thereof; authorizing amendment to the city's budget to appropriate such proceeds for purposes authorized herein; and ordaining other matters relating to the subject.

2010-O-012 Ratifying the City Manager's acceptance of an Energy Efficiency and Conservation Block Grant (EECBG) under the American Recovery and Reinvestment Act (ARRA) by the United States Department of Energy in the amount of \$2,083,600.00 with no matching funds, and amending the City of Laredo's FY 2009-2010 Annual Budget for the Environmental Services Department by appropriating the said grant revenue to the appropriate expenditure accounts. These funds will be used towards solar and wind energy projects as well as energy efficiency retrofit projects. A percentage of monies will also be used towards establishing a Revolving Loan Fund (RLF) to provide interest free loans for residential energy efficiency projects.

2010-O-013 Amending the City of Laredo Special Police FY 2009-2010 annual budget by authorizing the City Manager to accept, execute and appropriate revenues and expenditures in the amount of \$298,400.00 from the State of Texas for the purpose of funding the Recovery Act Edward Byrne Memorial JAG or Justice Assistance Grant for the period of October 1, 2009 through September 30, 2010. This grant will be 100% funded at no cost to the City and will be used for equipment and supplies for police operations.

2010-O-014 Amending Chapter 11 electricity of the Code of Ordinance of the City of Laredo by:

Amending Sections:

11-1 Definitions;

11-2 of the Laredo Code of Ordinance by adoption, with modification and amendments, the 2008 edition of the national Electrical Code of the National Fire Protection Association, Inc.;

11-4 Electrical Inspector;

11-7 Appeals;

11-22 Registration and examination required;

11-23 Application for registration; qualifications;

11-24 Fees for registration;

11-26 Display of Certificate;

11-43 Same to whom issued;

11-44 Same-fees basis by increasing basic fees from \$20.00 to \$25.00 and reinspection fees from \$10.00 to \$50.00, 11-45 same-display; and

Deleting Sections:

11-6 Same City department, school districts;

11-25 Bond;
11-27 License and bond required to engage master electricians;
11-64 Miscellaneous specifications; and providing a saving clause;
providing a severability clauses;

And providing an effective date.

2010-O-015 Amending Chapter 14, garbage, trash and refuse, Article II, rates for garbage and refuse collection and landfill operations, Section 14-9, rates of the City of Laredo code of ordinances to change Section (E) to decrease the monthly garbage collection fee for commercial establishments located in the downtown central business district to forty-nine dollars (\$49.00), sixty-three dollars (\$63.00), one hundred twelve dollars (\$112.00), and one hundred fifty four dollars (\$154.00) depending on square footage of the establishment. These fees will remain in effect through September 30, 2010 at which time monthly garbage collection fees for commercial establishments located in the downtown central business district will increase to fifty-nine dollars and fifty cents (\$59.50), seventy-six dollars and fifty cents (\$76.50), one hundred thirty-six dollars (\$136.00), and one hundred eighty-seven dollars (\$187.00) depending on square footage of the establishment. These fees will remain in effect through September 30, 2011 at which time monthly garbage collection fees for commercial establishments located in the downtown central business district will increase to seventy dollars (\$70.00), ninety dollars (\$90.00), one hundred sixty dollars (\$160.00), and two hundred twenty dollars (\$220.00) depending on square footage of the establishment.

2010-O-016 Ratifying the City Manager's acceptance of a grant under the Transportation Energy Efficiency Alternative Fuels and Technology stimulus grant program of the Texas Comptroller of Public Accounts under the American Recovery and Reinvestment Act (ARRA) funded through the United States Department of Energy (DOE) in the amount of \$924,000.00 with \$380,000.00 matching funds from City's El Metro fund, and amending the City of Laredo's FY 2009-2010 annual budget for the Transit System-Capital Grants Department by appropriating the said grant revenue to the appropriate expenditure accounts. These funds will be used towards upgrading the City's CNG fuel station at Public Works to fuel El Metro buses.

X. RESOLUTIONS

10. **2010-R-05** Authorizing the City Manager to sign all purchase agreements or earnest money contracts for the acquisition or resale of foreclosed properties pursuant to the Texas Department of Housing and Community Affairs, 2008 Texas Neighborhood Stabilization Program utilizing funds made available by the U.S. Department of Housing and Urban Development (HUD). The purpose of the program is to acquire,

rehabilitate, and subsequently resell foreclosed properties that might otherwise become sources of abandonment and blight, as well as facilitate direct homebuyer assistance to create affordable housing opportunities. NSP funds are provided through a loan reimbursement.

XI. MOTIONS

11. Authorizing the City Manager to execute an extension to the Extended Warranty Agreement between the City of Laredo and Schindler Elevator Corporation for the maintenance of the elevator and escalators located at Bridge I. This Extended Warranty Agreement will be for one (1) year effective February 1, 2010 through January 31, 2011 and will not exceed \$31,992.00. Funding is available in the FY09-10 Bridge Fund. **(Approved by Operations Committee)**
12. Authorizing the City Manager to execute a Renewal Agreement of a Professional Services Contract with W. D. Schock Company, Inc., originally executed on March 27, 2008, for the rendering of certain administrative and management services for the Airport Residential Sound Reduction Program, as part of the overall City of Laredo International Airport Noise Compatibility Program. Said contract renewal is for the continuation of the approved Residential Sound Reduction Program by implementing Phase VI for engineering, design, construction oversight and closeout activities for twenty-nine (29) homes that shall not exceed \$586,321.00. Funding is available in the FAA Grant #58, Professional Services/Architectural Fees Account. **(Approved by Operations & Finance Committees)**
13. Authorizing the City Manager to approve the Emergency Medical Technician Education Partnership agreement (“Agreement”) that will serve as the instructional partnership between the City of Laredo and Laredo Independent School District (LISD) to offer emergency medical technician education courses to LISD Career and Technical Education (CTE) students. **(Approved by Operations Committee)**
14. Authorizing the City Manager to grant a public fireworks display permit for the Washington’s Birthday Celebration Association for February 21, 2010. The Washington’s Birthday Celebration Association will be having a fireworks display show at Life Downs. The technician for the fireworks display will be Melrose Pyrotechnics, Incorporated. **(Approved by Operations Committee)**
15. Consideration to exercise the renewal option for annual contract FY09-013 to Nick Benavides, Laredo, Texas, in the total amount of \$66,512.00 for providing monthly mowing and maintenance of the Manadas Creek areas. The term of the contract is for a period of twelve (12) months. The contract includes the collection of trash, debris, rubbish and other material along the creek from San Isidro from Loop 20 South to McPherson, plus additional

450 feet west of McPherson. Funding is available in the Environmental Services Department budget. **(Approved by Operations & Finance Committees)**

16. Consideration to authorize the purchase of one (1) cab and chassis truck mounted with a paint striping machine from the sole bidder, Rush Truck Center of Laredo, Texas, in the total amount of \$ 259,425.00 through the BuyBoard's Cooperative Purchasing Program's contract pricing. The truck mounted painting machine will be assigned to the Traffic Safety Department. Funding is available from 2007 Certificates of Obligation bond proceeds. **(Approved by Operations & Finance Committees)**
17. Consideration to renew contract FY 08-033 to the following vendors:
 1. Kinloch Equipment & Supply, Pasadena, Texas, in the amount of \$40,000.00
 2. Industrial Disposal Supply, San Antonio, Texas, in the amount of \$50,000.00
 3. Nueces Power Equipment, Laredo, Texas, in the amount of \$40,000.00.

The contracts are for the purchase of original equipment manufacturer (OEM) parts and service for the City's Elgin and Tymco Street sweeper and Case equipment. This contract establishes discount percentage pricing for the purchase of needed repairs and replacement parts and services which are secured on an as needed basis. Funding is available in the Fleet Management budget. **(Approved by Operations & Finance Committees)**

18. Consideration to amend contract FY09-057 currently awarded to MG Landscaping, Laredo, Texas in the amount of \$38,750.00 for providing lawn and landscaping repairs resulting from waterline breaks for the Utilities Department. Due to an increase in repairs, the proposed amendment would increase the current contract to \$68,750.00 in order to provide funding for the remainder of the contract term. Funding is available in the department's budget. **(Approved by Operations & Finance Committees)**
19. Authorizing the City Manager to award and execute all contract documents in the amount of \$60,850.00 to South Texas Laboratory, Inc., Laredo, Texas, for laboratory quality testing for construction of the North Laredo 3 MGD Wastewater Treatment Plant. Funds are available in 2008 Utilities Bond. **(Approved by Operations & Finance Committees)**
20. Approving Amendment #1 with Seca Engineering, L.L.C to the Professional Engineering and Surveying Services contract in the amount of \$7,500.00 to design and prepare plans and specifications for proposed Wastewater Collection and Water Distribution Improvements Project along Chicago Street and San Bernardo Ave. and related infrastructure improvements as part of the Markley Lane/Santa Maria Avenue. Drainage Improvements

Phase II, the total contract amount is \$ 47,800.00 Funding is available in the 2009 Utility Water Bond and the 2008 Utility Sewer Bond. **(Approved by Operations Committee)**

21. Award of a construction contract to the lowest bidder Qromex Construction Granite Shoals, Texas, in the amount of \$167,196.50 for 1750 linear feet of the 12" water line replacement along Flecha Lane with a construction time of 85 working days; and authorizing the City Manager to execute all related contract documents contingent upon receipt of insurance and bond documents. Funding is available in the 2009 Utility Bond-Line Rehabilitation Account No. 557-4186-538-0359. **(Approved by Operations & Finance Committees)**
22. Consideration for acceptance, final payment and release of retainage in the amount of \$8,516.34 to Whitestone Construction, Ltd., for the construction of 1,096 feet of an 8 inch wastewater line from the Cortez Lift Station located at 1911 Cortez to a 42 inch line located at India and Aldama and the elimination of the Lift Station. Funding was provided under the 2004 Utility Bond. **(Approved by Operations Committee)**
23. Authorizing the City Manager to execute a construction contract to a second (2nd) lowest bidder Reim Construction Inc., Laredo, Texas, in the amount of \$480,653.50 for the construction of the 12" diameter Water Line Replacement at Unitec Industrial Center, Phase 2 & 3. The construction time is sixty (60) working days. Funding is available in the 2009 Utility Bond. **(Approved by Operations & Finance Committee)**
24. Consideration to ratify the City Manager's approval of an emergency purchase authorization to Ellis & Ellis, Inc., Laredo, TX in the estimated amount of \$70,367.50 for emergency repairs on a sewer pipe crossing State Hwy 83 on Cleveland St. The pipe line has severe deterioration and has clogged three times and is in danger of collapsing. TxDOT has approved to bore through and install a steel casing crossing State Hwy 83. Funding is available in the 2008 Utility Bond proceeds. **(Approved by Operations & Finance Committees)**
25. Consider the ratification of change order no. 4 a decrease of \$51,687.46 for the balance of quantities actually constructed in place, approval of eight (8) calendar days of liquidated damages (eight (8) calendar days @ \$3,000.00 = \$24,000.00), approving and accepting the Laredo International Airport General Aviation Apron Reconstruction Phase IV as complete, approval of release of retainage and approval of final payment in the amount of \$159,288.84 to Price Construction, Ltd., Big Spring, Texas. Final construction contract amount is \$3,641,776.84. Funding is available in the Airport Construction Fund Grant No. 57. **(Approved by Operations & Finance Committees)**

26. Consideration for approval of amendment no. 1 an increase of \$43,850.03 to the professional services contract with URS Corporation, Dallas, Texas, for the Laredo International Airport General Aviation Apron Reconstruction Phase 6 to add to the scope of work the reconstruction of approximately 10,000 square yards of the existing General Aviation Apron which represents an increase of 50% from 20,000 square yards to over 30,000 square yards. Current engineering contract amount is \$171,327.47. Funding is available in the Airport Construction Fund FAA Grant No. 53. **(Approved by Operations Committee)**
27. Consideration for approval and acceptance of the Laredo International Airport Runway 14-32 Reconstruction as complete, approval of release of retainage and approval of final payment in the amount of \$145,264.84 to Price Construction, Ltd., Big Spring, Texas. Final construction contract amount is \$2,905,296.78. Funding is available in the Airport Construction Fund - FAA Grant No. 53. **(Approved by Operations & Finance Committees)**
28. Consideration for approval of amendment no. 1 an increase of \$195,581.54 to the professional services contract with URS Corporation, Dallas, Texas, for the Laredo International Airport Airfield Electrical Vault Improvements and Runway 17R-35L Lighting and Signage Improvements to add the construction phase of the project and the Resident Project Representative. Current engineering contract amount is \$412,436.65. Funding is available in the Airport Construction Fund FAA Grant No. 57. **(Approved by Operations & Finance Committees)**
29. Consideration to renew contract FY08-040 currently awarded to Holt Co. of Texas, Laredo, Texas, in the estimated amount of \$200,000.00 for the purchase of original equipment manufacturer (OEM) parts and service for the City's Caterpillar equipment fleet. This contract establishes discount percentage pricing for the purchase of needed repairs and replacement parts and services which are secured on an as needed basis. Funding is available in the Fleet Management budget. **(Approved by Operations & Finance Committees)**
30. Award of construction contract to the lowest bidder Rhino Builders, Ltd., Laredo, Texas, in the amount of \$66,490.00 for the Eistetter Park Restroom Facility approximately 343 sq.ft. with a construction contract time of eighty (80) working days; and authorizing the City Manager to execute all related contract documents contingent upon receipt and approval of insurance and bond documents. Funding is available in the Community Development 34th Action Year. **(Approved by Operations & Finance Committees)**
31. Consideration for approval of the City of Laredo Landfill Cells 13 and 14 as complete and approval of change order no. 1 a decrease of \$238,920.26 for the balance of quantities actually constructed in place, release of retainage,

and approval of final payment in the amount of \$158,193.63 to L.D. Kemp Excavating, Inc., Fort Worth, Texas. Final construction contract amount is \$1,564,399.28. Funding is available in the Solid Waste Fund. **(Approved by Operations & Finance Committee)**

32. Consideration to authorize the City Manager to enter into contract with FirstCall Network, Inc., Baton Rouge, Louisiana, for emergency notification services; and authorizing the City Manager to sign all contract documents. The term of this contract shall be for one (1) year in the amount of \$24,200.00, with an option to renew for two (2) additional years at the same guaranteed rate. This option pricing includes 50,000 minutes per year with roll over of unused minutes from year to year, and additional minute blocks in the amount of 10,000 minutes at a cost of \$550.00 per block. Funding is available in the General Fund. **(Approved by Operations Committee)**
33. Consideration to adopt the 2010 Federal Legislative Agenda. **(Approved by Operations Committee, Finance Committee requested that this item be discussed at the Council Meeting)**

XII. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

34.

A. Request by Mayor Raul G. Salinas

1. Presentation by representatives of the Division for Blind Services, Department of Assistive and Rehabilitative Services (DARS), State of Texas to discuss the agency's services that assist persons who are blind or visually impaired to gain or retain employment. This will allow the community to be informed of these services and allow the agency to work in partnership with the business community to identify employment opportunities for their consumers.
2. Discussion with possible action on establishing a ban on text messaging while driving.

B. Request by Mayor Pro-Tempore Mike Garza

1. Discussion with possible action on the status on El Portal Project.
2. Discussion with possible action on supporting the Laredo Pony League and all the upcoming tournaments for 2010. **(Co-Sponsored by Mayor Raul G. Salinas)**
3. Discussion and presentation on revenue and actual crossings for all ports of entry in the State of Texas.

C. Request by Council Member Johnny Rendon

1. Discussion with possible action on placement of speed cushions located on Gallagher Street using discretionary funds.
2. Discussion with possible action to provide bus stops, pick-up/drop-off areas located at Mall Del Norte.
3. Status report on the signal light at the intersection of Loop 20 and Lakeside Subdivision.
4. Status report on the Bartlett Avenue Extension Project.

D. Request by Council Member Gene Belmares

1. Presentation by Laredo Police Officers on creating a police officer memorial located at Police Department Headquarters, with possible action.
2. Discussion with possible action on amending the City of Laredo's tree ordinance prohibiting certain trees under power lines in City right of ways.
3. Discussion with possible action on acquiring equipment for ham radio interoperability and resolving local ham radio issues.
4. Discussion with possible action on the 2nd Annual North Central Park Kite Festival and 100 Acre Woods Part II.

XIII. STAFF REPORTS

35. Presentation regarding the request for funding from Junior Bucks Hockey Team, with possible action.

XIV. EXECUTIVE SESSION

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

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

36. **Public hearing and introductory ordinance** authorizing the City Manager to execute a budget amendment appropriating operating funds from the

Federal Transit Administration Grant No. TX 900-X848 from fiscal year 2008-2009 in the amount of \$1,151,292.00 to be used for operating expenses in fiscal year 2009-2010, by increasing the federal contribution and decreasing the sales tax match in the El Metro Fund and increasing the reserve appropriation in the transit sales tax fund by the said amount. **(Approved by Operations & Finance Committees)**

37. Award of construction contract to the lowest qualified bidder Zertuche Construction, Laredo, Texas, in the amount of \$30,682.80 for the El Metro 14 Bus Shelter Slabs and Sidewalks along US Hwy. 83 and Loop 20 with a construction contract time of sixty (60) working days; and authorizing the City Manager to execute all related contract documents contingent upon receipt and approval of insurance and bond documents. Funding is available in the Transit New Freedom 2008 Grant. **(Approved by Operations Committee)**

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

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Wednesday, January 27, 2010 at 6:30 p.m.

Gustavo Guevara, Jr.
City Secretary