

CITY OF LAREDO

CITY COUNCIL MEETING

A-2010-R-09

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

MAY 3, 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. COMMUNICATIONS AND RECOGNITIONS

Communiqués

- a. Invitation by Pastor Lucy De Leon, Bubble Home Project Board of Directors, regarding the Bubble Home Fest scheduled for Saturday, May 15, 2010 at Lifedowns.

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.

V. APPOINTMENTS TO COMMISSIONS, BOARDS AND COMMITTEES

- a. Appointment by Council Member Cynthia Liendo Espinoza of Mr. Victor Mora to the Transportation and Traffic Safety Committee.
- b. Appointment by Council Member Cynthia Liendo Espinoza to Convention and Visitors Bureau Advisory Committee.

VI. PUBLIC HEARINGS

1. **Public hearing and introductory ordinance** amending Ordinance #2010-O-033 accepting additional grant funds in the amount of \$110,000.00 from

the Homeland Security Grant Program, Texas Division of Emergency Management and to amend the City of Laredo's General Fund budget in the same amount. These additional funds are 100% funded and will be divided equally for the addition of text services to the ASTRO 25 System Master Switch and equipment for the Police Department's Bomb Squad unit. The Homeland Security Grant will now total \$1,290,350.69. **(Approved by Finance & Operations Committees)**

2. **Public hearing and introductory ordinance** amending Ordinance #2009-O-123 accepting a supplemental grant in the amount of \$24,891.00 from the Texas Automobile Theft Prevention Authority and to amend the City of Laredo's FY2009-2010 annual budget in the amount of \$24,891.00. This supplemental grant of \$24,891.00 is 100% funded at no cost to the City. The 2009-2010 Texas Burglary and Automobile Theft Prevention Authority grant funding for the Laredo Autotheft Force will now total \$458,405.00. The funding period for this grant is from September 1, 2009 through August 31, 2010. **(Approved by Operations Committee)**

(Recess)

(Press Availability)

VII. INTRODUCTORY ORDINANCES

3. Authorizing the City Manager to execute a Foreign Trade Zone Operator Agreement with United States Bonded and FTZ Warehouse, LLC, as Zone Site Operator located at 13806 North Unitec Drive within the Unitec Industrial Park-Foreign Trade Zone Site No. 6; effective June 1, 2010 and ending September 30, 2014; providing for activation, administration, annual and transaction fees to be paid to the City. **(Approved by Operations Committee)**

VIII. FINAL READING OF ORDINANCES

4. **2010-O-046** Amending Section 23-3 of Chapter 23 (Parks and Recreation) of the Code of Ordinances of the City of Laredo to allow for a \$5 increase in the annual membership fee for public recreation centers for all participants (from a present fee of \$5.00 to \$10.00); a \$25.00 fee for participation in two-week summer programs with a \$200.00 fee for non-residents; and, providing for an effective date. **(As Amended)**

2010-O-047 Amending the City of Laredo FY 2010 Airport Construction Budget to recognize additional revenues from a grant received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-063-2010 in the amount of \$145,629.00 to conduct a Wildlife Hazard Study and Assessment at the Laredo International Airport and appropriating said grant revenue and local match to the appropriate expenditure accounts and authorizing the City Manager to implement said budget amendment. The City's local match of five (5%) percent in the amount of \$7,665.00 is available in the Airport Construction Fund.

2010-O-048 Amending the City of Laredo FY 2010 Airport Construction Budget to recognize additional revenues from a grant received from the Federal Aviation Administration Airport Improvement Program being Grant Project No. 3-48-0136-062-2010 in the amount of \$4,000,000.00 for noise mitigation under FAR PART 150 Noise Abatement Program at the Laredo International Airport and appropriating said grant revenue and local match to the appropriate expenditure accounts and authorizing the City Manager to implement said budget amendment. The City's local match of five (5%) percent in the amount of \$210,526.00 is available in the Airport Construction Fund.

2010-O-049 Authorizing the City Manager to amend and appropriate the City of Laredo's Special Police FY2009-2010 annual budget in the amount of \$499,840.00 to fund the Laredo Recovery Act for Border Security and Trafficking Project. Funding for this project is available from the State of Texas Recovery Act Edward Byrne Memorial JAG or Justice Assistance Grant for the period of April 1, 2010 through March 31, 2011. This grant will 100% funded at no cost to the City and will used to pay overtime and purchase computer software for the Police Border Security & Trafficking Project Operations.

2010-O-050 Amending Chapter 24, Article VI, of the *Laredo Land Development Code*, section 24.93.6: special permit procedures: electronic displays, in order to remove the requirement that displays be located on the premises of an outdoor arena, stadium, or theater; providing for publication and effective date.

2010-O-051 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 9.5 acres, as further described by metes and bounds in attached Exhibit "A", located on the east side of Ejido Road, south of Wormser Road, from R-1A (Single Family Reduced Area District) to R-2 (Multi-Family Residential District); Providing for publication and effective date. The Planning & Zoning Commission recommended approval of the zone change. District I

2010-O-052 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 7.17 acres, as further described by metes and bounds in attached Exhibit "A", located north of Cielito Lindo Boulevard and west of Slowriver Court, from R-1A (Single Family Reduced Area District) to R-1-MH (Single-Family Manufactured Housing District); Providing for publication and effective date. Staff supports the application and the Planning & Zoning Commission recommended approval of the zone change. District I

2010-O-053 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 1.77 acres, located at 5620 E. Saunders Street, from B-3 (Community Business District) to B-4 (Highway Commercial District); Providing for publication and effective date. Staff supports the application and the Planning & Zoning Commission recommends approval of the zone change. District V

2010-O-054 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 2.11 acres, as further described by metes and bounds in attached Exhibit "A", located on the northwest corner of McPherson Road and Fenwick Drive, from B-1 (Limited Commercial District) to B-3 (Community Business District); Providing for publication and effective date. Staff supports the application and the Planning and Zoning Commission recommends approval of the zone change. District VI

2010-O-055 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for a flea market on Blocks 1, 2, and 3, Laredo Truck Stop Subdivision, located at 5305 Santa Maria Avenue; Providing for publication and effective date. Staff supports the application and the Planning & Zoning Commission recommends approval of the Special Use Permit. District VII

2010-O-056 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a forklift repair business on the south 2/3 of Lot 2, Block 552, Western Division, located at 1716 Shea Street; Providing for publication and effective date. Staff does not support the application and the Planning and Zoning Commission has recommended approval of the Conditional Use Permit. District VIII **(As Amended)**

2010-O-057 Designating as a one-way southbound the 2000 and 2100 blocks of S. Milmo Avenue, between Chesnut Street and San Luis Street, and as a one-way westbound the 2300 and 2400 blocks of San Luis Street, between S. Jarvis Avenue and S. Milmo Avenue, during the peak hours of 7:30 a.m. to 8:30 a.m., and 2:30 p.m. to 4:15 p.m., Monday through Friday, during school days, providing for the installation of appropriate signs to indicate one-way traffic and providing for publication and effective date.

2010-O-058 Designating as a one-way eastbound the 2900 block of Norton Street between S. New York Avenue and S. Canada Avenue, as a one-way eastbound the 2900 block of Tinaja Street, between S. New York Avenue and S. Canada Avenue, as a one-way westbound the 2900 block of Thurman Street, between S. New York Avenue and S. Canada Avenue, as a one-way westbound the 2900 block of Palo Blanco Street, between S. New York Avenue and S. Canada Avenue, as a one-way northbound the 2900 block of Canada Street, between North Street and Thurman Street, as a one-way southbound the 2700 block of Canada Street, between Tinaja Street and Palo Blanco Street, during the peak hours of 7:30 a.m. to 8:30 a.m., and 2:30 p.m. to 4:15 p.m., Monday through Friday, during school days, providing for the installation of appropriate signs to indicate one-way traffic and providing for publication and effective date.

2010-O-059 Setting the maximum speed limit on that 1.3 mile section of Loop 20 approaching SH 359, within the City limits of Laredo, Webb County, Texas, as 45 mph, from mile point 12.158 and ending on mile point 12.854 as defined in the Texas Department of Transportation Control

Section Map 0086-14-025, to be in effect during the construction of the Loop 20/359 interchange providing for the installation of appropriate signs to indicate new speed changes in the designated areas and providing for publication, and effective date.

2010-O-060 Authorizing the City Manager to enter into a lease agreement by and between the Laredo Transit Management, Inc., and the City of Laredo Department of Community Development for the lease of 6,628 sq. ft. of building space, second and third floors (East) and 1,016 sq. ft. of building space on 2nd floor (West) wing for a total monthly sum of \$5,289.65 at the Laredo Transit Center located at 1301 Farragut Street for a term of three (3) years commencing on February 1, 2010. This action is contingent upon the continued availability of funding.

2010-O-061 Authorizing the City Manager to execute a lease agreement with Laredo Equities, LLC for the use of Veteran's Field. The lease term is for one (1) season beginning on May 1, 2010 and ending September 1, 2010 at a lease rate of \$43,000.00 per season, (\$1,000.00 per game) plus \$1,000.00 per playoff game. Laredo Equities will also be responsible for 100% of utility costs and maintenance and maintenance crews for Veterans Field during the term of the lease as outlined in the lease agreement terms.

IX. RESOLUTIONS

5. **2010-R-030** Authorizing the City Manager to submit a grant application in the estimated amount of \$500,000.00 to the Texas Automobile Burglary and Theft Prevention Authority to fund the Laredo Auto Theft Task Force for the period of September 1, 2010 through August 31, 2011. This grant pays salaries, fringe benefits, equipment and supplies for the LPD personnel and Webb County personnel to combat auto theft in the City of Laredo and Webb County. **(Approved by Finance & Operations Committees)**
6. **2010-R-031** Authorizing the City Manager to submit a grant application to the State Energy Conservation Office (SECO) in the amount of \$250,000.00 with \$50,000.00 in matching funds, for a total of \$300,000.00. Funds will be used to fund a small scale photovoltaic (PV) solar cell panel array system at the Environmental Services Department. This will fund an alternative energy pilot project. **(Approved by Finance & Operations Committees)**
7. **2010-R-032** Authorizing the City Manager to submit a grant application in the estimated amount of \$150,000.00 to the State of Texas Comptroller of Public Accounts for the purpose of funding the Tobacco Compliance Program for the period of September 1, 2010 through August 31, 2011. Funding will be used to execute random unannounced inspections to assure retailers are in compliance with tobacco laws. **(Approved by Finance & Operations Committees)**
8. **2010-R-033** Authorizing the City Manager to accept a grant from the U.S. Department of Justice in the amount of \$10,503.00 fund the Bulletproof Vest Partnership (BVP) program. The BVP program will fund \$10,503.00

and the City of Laredo will designate \$10,503.00 in matching funds for a total program budget of \$21,006.00. Funding will be used to replace bulletproof vests that exceed the recommended life expectancy. Funding is available in the City of Laredo Special Police Programs Transfer-In. **(Approved by Operations Committee)**

9. **2010-R-034** Accepting a grant in the amount of \$20,000.00 from the Texas Department of Transportation for enforcement of Vehicle Occupant Protection during the *Click it or Ticket Campaign*. The grant is for overtime salaries, including fringe benefits and is funded 100% by the Texas Department of Transportation. **(Approved by Operations Committee)**
10. **2010-R-035** Authorizing the City Manager to amend the contract with the Texas Department of State Health Services and accept additional funds in the amount of \$13,535.00 for the Health Department's Maternal and Well Child Services Grant for the term of September 1, 2009 through August 31, 2010. **(Approved by Operations Committee)**
11. **2010-R-037** Authorizing the City Manager to enter into and execute a finance/ownership lease with Philpott Motors, Nederland, Texas and Ford Motor Credit Company—Municipal Finance, for the acquisition of fifty (50) police pursuit vehicles for the Police Department in the total principal amount of \$1,330,000.00; and authorizing the finance/ownership lease transaction including a \$500,000.00 initial payment. Funding for the lease purchase payments and the down payment is available in the Police Trust Fund budget. **(Approved by Finance & Operations Committees)**
12. **2010-R-039** A resolution of the City Council of the City of Laredo, Texas relating to the submission of a pass-through finance application by Webb County, Texas for the improvements of Loop 20/Spur 400.

X. MOTIONS

13. Authorizing the City Manager to enter into a professional services contract with Washman LLC, Brookston, Indiana, in association with David R. Runyan, Ashland, Alabama not to exceed the amount of \$153,294.00 to prepare a Wild Life Hazard Study and Assessment at the Laredo International Airport. The Federal Aviation Administration will fund 95% of the cost of this study with funds received from Grant Project No. 3-48-0136-063-2010. The City's local match in the amount of \$7,664.70 (5%) is available in the Airport Construction Fund Grant No. 63. **(Approved by Finance & Operations Committees)**
14. Consideration for approval to award a professional services contract to Hickey Pena Architects, Laredo, Texas, for an amount not to exceed \$211,290.00 for design and preparation of plans and specifications for the Construction of a Federal Inspection Station (FIS) at the Laredo International Airport for the purpose of U.S. Customs and Border Protection (CBP) clearing private and cargo aircraft. Design work is to be

approximately six (6) months. Funding is available in the Airport Construction Fund. **(Approved by Finance & Operations Committees)**

15. Authorizing the City Manager to execute a contract for consultant services with Foreign-Trade Xperts of Laredo, Texas to assist the City of Laredo with the expansion of trade opportunities with Latin American countries in an amount not to exceed \$49,000.00 plus eligible travel reimbursable expenses under the contract. The term of this contract is for six (6) months commencing April 15, 2010 and ending October 15, 2010. Funding is available equally from both the Airport Fund and Bridge Fund salary savings. **(As amended and approved by Finance & Operations Committee)**

16. Consideration for acceptance, final payment, release of the remaining retainage in the amount of \$15,870.97 and approval of final change order in the amount of \$129,692.20 to Price Construction, Ltd.; Big Spring, Texas for the Chacon Creek Wastewater Interceptor Phase II. The change order is for the extra length of casing and the rock encountered on the 30" bore under Loop 20, the extra gravel cost, the pavement work and increases and decreases to match actual constructed quantities encountered along the 21" and 24" sanitary sewer lines at different depths; the acceptance, final change order and release of retainage are subject to approval of Texas Water Development Board. The contract time for the change order was extended by 150 calendar days. The new contract amount is \$3,954,958.20 and the new contract time is 665 Calendar Days. Funding is available in the 1998-A Sewer Bond issue and \$107,589.00 from the EPA Grant. **(Approved by Finance & Operations Committees)**

17. Consideration to renew contract FY10-002 to Rafter P. Transport Inc., New Braunfels, Texas, in the amount of \$300,000.00 for providing hauling and disposal services of wastewater bio-solids from the Southside Wastewater Treatment Plant. This service supplements the department's equipment capabilities and helps control wastewater bio-solids overflow during the rainy season. The bid price is based on a per load rate. Funding is available in the Utilities Department—Wastewater Division budget. **(Approved by Finance & Operations Committees)**

18. Consideration to award annual supply contract number FY10-042 to the low bidder, HD Supply Wasteworks, San Antonio, Texas, in the estimated amount of \$182,165.25, for the purchase of fire hydrants for the City of Laredo's Utilities Department. This is an annual supply contract that allows for the purchase of fire hydrants on an as needed basis. Funding is available in the Utilities Department Fund. **(Approved by Finance & Operations Committees)**

19. Consideration to renew contract FY09-045 to Envirodyne Laboratories, Houston, Texas, in the estimated annual amount of \$130,000.00, for providing laboratory analytical services for water and wastewater samples in accordance to Environmental Protection Agency (EPA) approved standard methods. Funding is available in the Utilities Department budget,

Water Pollution Control Division. **(Approved by Finance & Operations Committees)**

20. Consideration to authorize a purchase contract with Hagemeyer North America, N. Charleston, SC through the U.S. Communities Government Purchasing Alliance Cooperative Purchasing Program, in the amount of \$110,975.00 for the purchase of an additional bomb disposal robot and accessories for the Police Department. Funding is available utilizing proceeds from Homeland Security Grant SHSP-LEAP 2009-SS-T9-0064 in General Fund. **(Approved by Finance & Operations Committees)**
21. Consideration to exercise renewal option for annual contract FY09-048 to:
 1. Leyendecker Materials, Laredo, Texas, in the estimated amount of \$250,000.00, for the purchase of asphalt, cold laid material (F.O.B. Plant), and the purchase of black base (F.O.B. Plant); and
 2. Brothers Materials, Laredo, Texas, in the estimated amount of \$90,000.00, for the purchase of black base (Site Delivered).

This contract is for the purchase of materials required for all City maintenance, paving and construction projects. The term of this contract is for a one (1) year period and is subject to the availability of funds. All materials are purchased on an as needed basis utilizing the Public Works Department and construction projects budgets. **(Approved by Finance & Operations Committees)**

22. Consideration to award contract FY10-030 to the following bidders to provide automotive body repair services:
 1. Omega Carriers LLC, Laredo, Texas, for passenger cars, light, medium and heavy duty trucks;
 2. Paul Young Auto Group, Laredo, Texas, for passenger cars and light duty trucks; and
 3. Lozano Body Shop, Laredo, Texas, for passenger cars, light, medium and heavy duty trucks.

All automotive body repairs services will be secured on an as needed basis. The estimated contract amount is \$150,000.00. Staff is recommending that these contracts be awarded to these three (3) qualified vendors and to allow staff to secure repair estimates from all three vendors to get the best pricing for the needed repairs. Funding is available in the Fleet Maintenance budget. **(As amended and approved by Finance & Operations Committees)**

23. Awarding a contract, not exceed \$75,000.00 to Texas Energy Engineering Services, Inc., (TEESI) and authorizing the City Manager to execute said engineering services contract. Contract will provide for assessment and

engineering for the retrofitting/upgrade of the Health Department's Heating Ventilation, and Air Conditioning (HVAC) system. This project will also focus on increasing the energy efficiency of the HVAC system. Funding is available through the Energy Efficiency and Conservation Block Grant (EECBG). **(Approved by Finance & Operations Committees)**

24. Refund of property tax in the amount of \$1,243.94 to the following taxpayers;
 1. A refund in the amount of \$589.23 payable to Hilario Cavazos Jr., due to an overpayment. Account #902-00010-100.
 2. A refund in the amount of \$654.71 payable to Frank Hill Jr. due to an overpayment Account #900-90441-006.
25. Consideration to award a contract for a Tennis Professional, in an amount of \$63,000.00 for a twenty-four (24) month period commencing on the 4th day of May 2010 and terminating on the 3rd day of May 2012. The contract will be with Raul Miguel Ramos, individually and D.B.A. Tennis Professional, to provide professional tennis lessons at the Market Street Tennis Courts. Funding is available in the Parks Budget, Recreation Division. **(Approved by Finance & Operations Committees)**
26. Approval to appoint Dr. Maurice Click to continue to serve as the Health Department's Health Authority under Section 121.033 of the Texas Health and Safety Code, for the period of April 1, 2010, through March 31, 2012, and authorizing the City Manager to enter into a contract with Dr. Click for professional services in the amount not to exceed \$12,720.00 per year. Funding is available in the Health Department fund in the Office of Public Health Practice (OPHP) for this grant year. The contract is subject to availability of future funding from the Texas Department of State Health Services. **(Approved by Operations Committee)**

XI. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

27.

A. Request by Mayor Raul G. Salinas

1. **2010-R-036** A resolution by the City Council of the City of Laredo joining forces with the Rio Grande International Study Center in its plea for a moratorium and intervention to totally oppose and prevent water from being transported, exported, or pumped from the Pecos River and Rio Grande watersheds and calling upon federal, state, cities, and counties along the border that are also impacted by this proposed action to join the City of Laredo's efforts to oppose the extraction of water from the Pecos River and Rio Grande watersheds. **(Approved by Operations Committee)**

2. Presentation by the Healthy Eating Active Living (H.E.A.L.) Laredo Committee.
 3. Discussion with possible action to construct an area of access for pick and drop off for elderly clients at the Azteca Community Center to address safety concerns. **(Co-Sponsored by Council Member Cynthia Liendo Espinoza)**
- B. Request by Mayor Pro-Tempore Mike Garza**
1. Discussion with possible action regarding House Bill 1937 that enables homeowners to finance solar panels through property tax bills.
 2. Discussion regarding the inclusion of the proposed City Charter amendments for the Monday, May 10, 2010 Workshop.
- C. Request by Council Member Hector “Tito” Garcia**
1. Discussion with possible action regarding congestion concerns at exit of Vista Nueva Subdivision located on Loop 20 and Maria Luisa Drive.
- D. Request by Council Member Dr. Michael Landeck**
1. Discussion with possible action regarding alleged indecent dancing in publicly exposed locations. Possible presentation by Pastor Rincon. **(Co-sponsored by Mayor Tempore Mike Garza)**
- E. Request by Council Member Juan Narvaez**
1. Discussion with possible action to utilize \$350,000.00 from the 2009 C.O.—Clark/Meadow Project for the Buenos Aires Community Center.
 2. Discussion with possible action to install speed humps and speed cushions by Milton Elementary School and speed cushions by Alma Pierce Elementary School as part of the ongoing pilot project.
- F. Request by Council Member Johnny Rendon**
1. Discussion with possible action regarding funding for improvements located between Base #1 and Base #2 near the Airport. **(Co-sponsored by Council Member Gene Belmares, Council Member Cynthia Liendo Espinoza, & Council Member Juan Narvaez)**
- G. Request by Council Member Gene Belmares**
1. Discussion on Summer 2010 City of Laredo water production and distribution, with possible action.

2. Discussion with possible action to install speed cushions as part of the pilot project on Live Oak and Winrock Drive and the extension on Northstar Drive.
3. Discussion with possible action on accepting a donation of land for a neighborhood park located in Khaledi Heights.

H. **Request by Council Member Jose A. Valdez, Jr.**

1. Discussion with possible action regarding the status of the Northwest Recreation Center.
2. Discussion with possible action regarding the Anna Street Baseball Park.

I. **Request by Council Member Cynthia Liendo Espinoza**

1. Discussion with possible action on drafting a resolution opposing the SB 1070 Arizona Immigration Law. **(Co-Sponsored by Mayor Raul G. Salinas)**

XII. STAFF REPORTS

28. Discussion with possible action to consider Police Officer Arturo Benavides' final request for an extension of Injury Leave with pay in accordance with 143.073 (b) of the Texas Local Government Code. Officer Benavides has returned to full duty status.
29. Presentation on the Sister Cities Festival by Gustavo Guevara, City Secretary.

XIII. 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.

XIV. 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, April 28, 2010 at 6:30 p.m.

Gustavo Guevara, Jr.
City Secretary