

CITY OF LAREDO

CITY COUNCIL MEETING

A-2010-R-12

CITY COUNCIL CHAMBERS

1110 HOUSTON STREET

LAREDO, TEXAS 78040

JUNE 21, 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 May 17, 2010 & June 7, 2010

V. COMMUNICATIONS AND RECOGNITIONS

Recognitions

- a. Recognizing Officer Albert Tijerina, City of Laredo Police Department, for his heroic CPR response to a four (4) year old found unconscious in a swimming pool on Wednesday, June 9, 2010.
- b. Recognizing John Bondoc, III, a six (6) year old kindergarten student from St. Peter's Memorial School, who won first place in the national art contest sponsored by Holy Cross Family Ministries in its recent annual art contest during Catholic Schools Week.

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. PUBLIC HEARINGS

1. **Public hearing and introductory ordinance** authorizing the addition of a collection fee in the amount of 30% to debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a court serving the municipality and amounts in cases in which the accused has failed to appear as provided for by Article 103.0031, Texas Code of Criminal Procedure and providing for publication and effective date.
2. **Public hearing and Introductory ordinance** amending the City of Laredo's *Land Development Code* to reflect the creation of an Arts and Entertainment Zoning District by: Amending Article IV, Section 24.62.1(a) Land Use Zoning District Establishment; amending Section 24.62.2 Zoning District Purpose; amending Section 24.63.2 Permitted Land Uses; amending Section 24.65 Supplementary Zoning District Regulations; amending Section 24.77 Dimensional Standards; amending Section 24.78 Off-Street Parking & Loading Requirements; amending Appendix "A", Definitions; and providing for publication and effective date.
3. **Public hearing and Introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for the storage of flammable and explosive products on Lot 9, Block 1, Fesco Business Park, Unit One, located at 4801 Fesco Boulevard; providing for publication and effective date.

Staff supports the application and the Planning & Zoning Commission recommended approval of the Special Use Permit. District II

4. **Public hearing and Introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 8, Block 536, Eastern Division, located at 902 & 904 E. Locust Street, from B-1 SUZD (Limited Commercial District – Special Use Zoning District) to B-1 (Limited Commercial District); providing for publication and effective date.

Staff supports the application and the Planning & Zoning Commission recommended approval of the zone change. District IV

5. **Public hearing and Introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 6.2 acres, as further described by metes and bounds in attached Exhibit "A", located at 9600 McPherson Road, from R-O (Residential/Office District) to B-3 (Community Business District); providing for publication and effective date.

Staff supports the application and the Planning & Zoning Commission 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 6.2965 acres, as further

described by metes and bounds in attached Exhibit "A", located at 510 E. Del Mar Boulevard, from R-1 (Single-Family Residential District) to B-1 (Limited Commercial District); providing for publication and effective date.

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

7. **Public hearing and Introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 5, Block 190, Western Division, located at 1114 San Francisco Avenue, from R-3 (Mixed Residential District) to B-3 (Community Business District); providing for publication and effective date.

Staff does not support the application and the Planning & Zoning Commission recommended denial of the zone change. District VIII

8. **Public hearing and Introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for electronic displays on Lots 1, 2, 8, 9 and 10, Block 281, Western Division, located at 1 South Main Avenue; providing for publication and effective date.

Staff supports the application and the Planning & Zoning Commission recommended approval of the Special Use Permit. District VIII

(Recess)
(Press Availability)

VII. INTRODUCTORY ORDINANCES

9. Authorizing the City Manager to execute a first amendment to ground lease (Flores Street) by and between the City of Laredo, a Municipal corporation (landlord), and New Cingular Wireless PCS, LLC, (tenant), formerly known as or a successor-in-interest to Texas/Illinois Cellular Limited Partnership, by its general partner, Southwestern Bell Wireless, Inc., dated July 19, 1999 and attached hereto; to allow landlord to modify landlord's lease area location described in exhibit A with area location as described in exhibit A-1; to modify the base rent from \$14,740.00 to \$16,939.96 yearly; and to allow tenant to modify the notice section therefore; all other terms and conditions remain.
10. Authorizing the City Manager to execute a Promissory Note and a Contract for Loan Guarantee Assistance to provide for the refinancing of the City of Laredo's Section 108 Loan balance of \$765,000.00 in the July 21, 2010 Public Offering which will generate an estimated savings in interest of \$296,709.00 through the remainder of the loan. The savings could vary slightly depending on the actual rates. The existing Section 108 Loan in the original amount of \$1.7 million supported the restoration and conversion of the Hamilton Hotel to elderly housing. **(Approved by Operations & Finance Committees)**

VIII. FINAL READING OF ORDINANCES

11. **2010-O-074** Recognizing the following organizations and expressing gratitude for their contribution to the City’s Keep Laredo Beautiful Program, authorizing City Manager to accept said contributions and amending the FY 2009-2010 Keep Laredo Beautiful Annual Operating Budget by appropriating the said revenues and expenditures:

Gateway Rotary Club Grant	\$5,400.00
Associated Publishing	\$3,600.00
Keep Texas Beautiful	\$3,000.00
White Directory Publisher	\$2,250.00
Gateway Rotary Club	\$2,000.00
HEB Food Stores	\$1,500.00
Hearst Services	\$1,400.00
Earth Day booth fees	\$1,350.00
Council Contributions	\$1,200.00
Topaz Power	\$1,000.00
TAMIU Co-op	\$ 333.34
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TOTAL	\$18,033.34

(As Amended)

2010-O-075 Authorizing the acceptance of \$2,250.00 as a contribution from Mall Del Norte for co-op promotional marketing funds for the purpose of shopping destination promotion and amending the City of Laredo FY2010 Convention & Visitors Bureau Budget by appropriating the contribution of said funds for CVB Marketing Division expenses.

2010-O-076 Amending Division 3 (Rates and Charges), Article III, (Water) of Chapter 31 (Utilities) of the City of Laredo Code of Ordinances, specifically section 31-138 which provides for water rate charges, by implementing a meter-size based minimum charge structure over a five (5) year period for all customer classes; by increasing the residential and commercial/multi-family minimum charges and volumetric rates each year from October 2010 to 2014 at the levels indicated in the rate tables provided within this ordinance. These increases will automatically go into effect on October 1, 2010 and for each subsequent year thereafter through October 2014 unless the City Council meets to revise this; providing for an annual minimum charge and volumetric rate adjustment of 2% for all customer classes beginning in October 2015 and continuing unless the City Council elects to revise; and, providing for publication and an effective date.

2010-O-077 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lots 17 through 23, Block 8, Lots 1 through 14, Block 9 and Lots 30 through 39, Block 2, La Joya Subdivision Phase 2, located south of Obsidian Boulevard and east of Pearl Stone Road, from R-1A (Single Family Reduced Area District) to R-1-MH (Single-Family Manufactured Housing District); providing for publication and effective date. Staff does not

support the application and the Planning & Zoning Commission recommends approval of the zone change. District I

2010-O-078 Authorizing the City Manager to execute a first amendment to ground lease (Flores Street) by and between the City of Laredo, a Municipal corporation (landlord), and New Cingular Wireless PCS, LLC, (tenant), formerly known as or a successor-in-interest to Texas/Illinois Cellular Limited Partnership, by its general partner, Southwestern Bell Wireless, Inc., dated July 19, 1999 and attached hereto; to allow landlord to modify landlord's lease area location described in exhibit A with area location as described in exhibit A-1; to modify the base rent from \$14,740.00 to \$16,939.96 yearly; and to allow tenant to modify the notice section therefore; all other terms and conditions remain.

2010-O-079 Authorizing the City Manager to enter into a lease agreement by and between the Laredo Transit Management, Inc., (Lessor) and the City of Laredo Police Department (Lessee) for the lease of 1,732 sq. ft. of building space located on the second floor west wing of the Laredo Transit Center, 1301 Farragut Street, at the rate of sixty one cents (.61 cent) per sq. ft., for a total monthly sum of \$1,056.52 for a term of three (3) years commencing on July 1, 2010.

2010-O-080 Authorizing the City Manager to execute all necessary documents to grant a perpetual Utility/Access Easement for the installation of utilities that were displaced during the construction of the Canal Drainage Improvement Project. The Utility/Access Easement consists of 788 sq. ft. situated in Survey 799, Abstract 239, Laredo Town tract, City of Laredo, Webb County, Texas, being out of two (2) tracts owned by the City of Laredo:

Tract "A" – 170 sq. ft. out of Tract "A" recorded in Volume 2740, Page 233 of Official Public Records of Webb County, Texas; and,

Tract "B" – 781 sq. ft. out of Tract "B" as recorded in Volume 2799, Page 577, of Official Public Records of Webb County, Texas; and, more particularly described on attached, Exhibits A and B.

2010-O-081 Authorizing the City Manager to execute an amendment to the lease agreement approved by Ordinance No. 2010-O-041 dated April 19, 2010 by changing the LESSEE's name from L.A. Ventures Del, Inc. to L.A. Ventures Terminal, Ltd., also to extend the lease term to 40-years from December 1, 2041 to November 30, 2050 for an approximate 3.135 acres (136,560.60 square feet) constituting Tract 6 of Block 1 and approximately 3.135 acres (136,560 square feet) constituting Tract 7 of Block 1 of the subdivision plat of the Laredo International Airport Terminal Subdivision at the Laredo International Airport. The annual rental obligation effective on December 1, 2041 shall be adjusted based on a fair market rent appraisal of the leased premises (land and improvements) and such revised rental shall be adjusted annually thereafter by changes in the Consumer Price Index

(CPI). All other terms and conditions remain unchanged and in effect; providing for an effective date.

2010-O-082 Amending Article I, (IN GENERAL) of Chapter 31 (UTILITIES) of the City of Laredo Code of Ordinances, specifically adding section 31-7 RESERVE ACCOUNTS which provides for establishing various reserve accounts for the City's combined waterworks and sewer system; creating an Operation Maintenance Reserve with a total initial deposit of \$5,398,222.00, of which \$3,232,810.00 shall be allocated to the water system, and \$2,165,411.00 shall be allocated to the sewer system; creating an Emergency Reserve with a total initial deposit of \$4,661,401.00 allocated to the water system and \$2,662,013.00 allocated to the sewer system; creating a Repair and Replacement Reserve with initial deposits of \$1,558,197.00 allocated to the water system and \$1,277,724.00 allocated to the sewer system; and providing for an effective date.

IX. RESOLUTIONS

12. **2010-R-054** Authorizing the City Manager to enter into and execute a Memorandum of Understanding, attached hereto as Exhibit A, between the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Laredo Police Department for the purpose of establishing a task force known as ATF Laredo Task Force.
13. **2010-R-055** Authorizing the City Manager to submit a grant application to the Federal Aviation Administration in the estimated amount of \$300,000.00 and to accept said grant, if offered, for the purpose of contracting for professional services to prepare an Airport Geographic Information System "AGIS" survey for the Laredo International Airport. The City's local match in the amount of \$15,789.47 (5%) is available through the Airport's Construction Fund. **(Approved by Operations & Finance Committees)**
14. **2010-R-056** Authorizing the City Manager to submit a grant application in the estimated amount of \$500,000.00 to the Office of Community Oriented Policing Services to fund the Child Sexual Predator (Prevention) Program (CSPP) for the period of October 1, 2010 through September 30, 2012. Funding will be used to enhance the Laredo Police Department's Investigative Division by paying salaries, fringe benefits, training, purchasing computer equipment and/or advanced technology that will be incorporated to investigate these crimes. This grant is 100% funded by the Office of Community Oriented Policing Service for the two (2) year period. **(Approved by Operations & Finance Committees)**
15. **2010-R-057** Authorizing the City Manager to execute Advanced Funding Agreement (AFA) Amendment no. 2, for CSJ-0922-33-116, and AFA Amendment no. 1, for CSJ#'s 0922-33-130, 0922-33-131, and 0922-33-132, with the Texas Department of Transportation reducing total funds allocated by \$400,000.00 intended for CSJ# 0922-33-138, known as the Laredo International Airport Industrial Park Streets Improvements Project. **(Approved by Operations & Finance Committees)**

16. **2010-R-058** Authorizing the City Manager to execute Advanced Funding Agreement (Amendment no. 1) with the Texas Department of Transportation for the Airport Industrial Streets Project, further identified as CSJ# 0922-33-138, in order to allocate an additional \$660,217.20 in funds to the project. Funds are available in the Capital Grants Fund. **(Approved by Operations & Finance Committees)**

X. MOTIONS

17. Consideration to award contract number FY10-058 to the following lowest responsible bidders:
 1. W. W. Grainger, Northbrook, Illinois in the estimated amount of \$198,194.50;
 2. General Electric Company, Louisville, Kentucky in the estimated amount of \$48,075.00; and
 3. Lacks Valley Stores, Ltd, Laredo, Texas in an amount of \$91,300.00.

This contract is for the purchase of assorted appliances (gas ranges, refrigerators, window air condition units, and wall furnaces) needed for the Weatherization Assistance Program. These appliances will be purchased on an as needed basis. Funding is available in the Community Development A.R.R.A Fund – Weatherization grant. **(As amended and approved by Operations & Finance Committees)**

18. Consideration to exercise the renewal option for annual contract 09-063 awarded to Holguin Cleaners, Laredo, Texas, in the estimated annual amount of \$54,000.00 for dry cleaning services for uniform Police Officers. The City must provide dry cleaning services as a condition of the Collective Bargaining Agreement. The term of these agreements shall be for one (1) year. Funding is available in the Police Department budget. **(Approved by Operations & Finance Committees)**
19. Consideration to renew contract FY09-034 currently awarded to Executive Office Supply, Laredo, Texas, and Patria Office Supply, Laredo, Texas, in the estimated amount of \$400,000.00 for the purchase of general office supplies. The terms of this contract allow for an additional one (1) year renewal option. Funding is available in the office supply line item budgets for all the respective departments. **(Approved by Operations & Finance Committees)**
20. Consideration to renew contract FY09-056 awarded to HD Supply Waterworks, San Antonio, Texas, in the amount of \$463,739.05, for the purchase of 1 ½ “ to 6” turbine and compound cold water meters for the Utilities Department. This contract will allow the Department to purchase meters on an as needed basis. Funding for the purchase of these meters is

available in Utilities Department Budget. **(Approved by Operations & Finance Committees)**

21. Consideration for approval to reject the bids received for the City of Laredo Health Department Clinical Renovation—Phase II since the bids were over the budget allotted; and approval to re-configure the bid specifications and re-bid the project.
22. Consideration for approval of change order no. 2 a decrease of \$145,830.97 for the balance of quantities actually constructed in place, approval of nine (9) calendar days of liquidated damages (nine (9) calendar days @ \$3,000.00 = \$27,000.00), approving and accepting the Laredo International Airport Runway 17R/35L Reconstruction as complete, approval of release of retainage and approval of final payment in the amount of \$587,592.48 to Price Construction, Ltd., Big Spring, Texas. Final construction contract amount is \$10,167,205.24. Funding is available in the Improvements other than Buildings. **(Approved by Operations & Finance Committees)**
23. Award of construction contract to the lowest bidder Zertuche Construction, LLC., Laredo, Texas, in the amount of \$560,000.00 for the North Central Park Trailhead Facility with a construction contract time of one hundred twenty (120) calendar 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 2008 and 2009 Certificates of Obligation. **(Approved by Operations & Finance Committees)**
24. Consideration for approval of the Shiloh Drive Extension Project approximately 1,200 L.F. as substantially complete and approval of change order no. 3 an increase of \$217,190.35 for the construction of a detention pond and drainage channel north of the box culverts and to add ninety (90) calendar days to the construction contract time; partial release of retainage and other completed work in the amount of \$59,886.91 to Martinez Paving Co. Inc., Laredo, Texas. Final construction contract amount is \$1,582,709.20. Funding is available in the Shiloh Drive Extension Project. **(Approved by Operations & Finance Committees)**
25. Authorizing the City Manager to grant a public fireworks display permit for the July 4th, 2010, Independence Day Celebration. The City of Laredo Parks & Leisure Services Department and the Laredo Broncos will be having a fireworks display show at Veterans Field located at 2200 Santa Maria at 9:15 p.m. The technician for the display will be Atlas Enterprises Incorporated.
26. Authorizing the City Manager to grant a public fireworks display permit for the July 4th, 2010, Independence Day Celebration at the Laredo Country Club located at 1415 Country Club Drive at 9:15 p.m. The technician for the display will be Atlas Enterprises Incorporated.

27. Referring the City of Laredo Comprehensive Plan to the Planning and Zoning Commission and requiring that a report from the Planning and Zoning Commission with any recommendations be brought back before the City Council before the adoption of the budget; in accordance with Article IX, Section 9.03 of the Charter of the City of Laredo.
28. Authorizing the award of a contract in the amount of \$90,000.00 to ARCADIS for the development of the Bus Rapid Transit Feasibility Study. Funding for the project is available through the Metropolitan Planning Organization (MPO) account using Federal Planning Grant (PL 112) funds. **(Approved by Operations & Finance Committees)**
29. Authorizing the award of a contract in the amount of \$90,000.00 to Alliance Transportation Group, Inc., for the development of the Del Mar Corridor Study. Funding for the project is available through the Metropolitan Planning Organization (MPO) account using Federal Planning Grant (PL 112) funds. **(Approved by Operations & Finance Committees)**
30. Approving monthly adjustments to the tax roll. The amounts to be adjusted for the month of May 2010, represent a decrease of \$23,677.97. These adjustments are determined by the Webb County Appraisal District and by court orders.
31. Consideration to authorize the City Manager to enter into a consulting agreement with Foresight Golf, LLC, Boerne, TX for the development of the municipal golf course, compensation will be at a rate of \$7,500.00 a month for only those months when services have been rendered, term is from the effective date of the agreement until the golf course is opened for public play, and not to exceed twenty four (24) months. **(As amended and approved by Operations & Finance Committees)**

XI. GENERAL COUNCIL DISCUSSIONS AND PRESENTATIONS

32.

A. Request by Mayor Raul G. Salinas

1. Update regarding the City's of Laredo Hurricane Preparedness Program, with possible action.
2. Presentation with possible action on the Virtual Wall project.

B. Request by Council Member Michael Landeck

1. Discussion with possible action on issues related to life insurance for the Transit employees.
2. Discussion with possible action regarding renovations to the Benavidez Softball Complex in preparation for the upcoming tournaments.

C. Request by Council Member Gene Belmares

1. Discussion with possible action on appropriating Discretionary funding for sidewalks on the northeast corner of Sandy Lane and International Boulevard.
2. Discussion with possible action on connecting Plantation east to Shiloh at Backwoods and addressing the drainage issues in that area.
3. Presentation with possible action Building Department enforcement efforts on unlicensed plumbers and electricians.

D. Request by Council Member Jose A. Valdez, Jr.

1. Discussion with possible action regarding City of Laredo's Fire/EMS Contract with Webb County.
2. Discussion with possible action to determine needed improvements at all fire stations and to establish a priority list.

XII. STAFF REPORTS

33. Discussion with possible action on the allocation from Council Members' proposed 2010 Certificates of Obligation bond sale to the Fire Administration Building Account.
34. Discussion with possible action regarding the acceptance and consideration of the Laredo Main Street Program's application for Third Party - Hotel/Motel funding supporting the annual Jamboozie Festival.
35. A progress report presented by Mr. Roger Creery, Executive Director of Laredo Development Foundation.

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. RECESS AS THE LAREDO CITY COUNCIL AND CONVENE AS THE LAREDO MUNICIPAL HOUSING CORPORATION

36. Consideration to award contract number FY10-055 to low bidder Sunbelt Air Conditioning & Refrigeration, Laredo, Texas, in the total amount of \$102,500.00 for a turnkey project to provide all labor and materials to remove and install thirty eight (38) complete air conditioning systems at an

apartment complex located at 3220 Frost Street. Funding is available in the Noise Abatement Program Funds. **(Approved by Operations & Finance Committees)**

XV. ADJOURN AS THE LAREDO MASS MUNICIPAL HOUSING COPORATION 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, June 16, 2010 at 6:45 p.m.

Gustavo Guevara, Jr.
City Secretary